

**CONCEPTS AND ROLES**

The Lassen County Office of Education recognizes that prudent financial decisions are crucial to the County Office's ability to provide a high-quality education for students. County Office of Education should adopt a responsible budget with spending priorities which reflect the County's vision and goals. The County Office shall advocate and seek community, state or federal support for additional financing.

The County Board expects sound fiscal management from the administration. The County Superintendent of Schools or designee shall prepare the detailed annual budget and present it to the County Board for review and adoption. He/she shall administer the adopted budget in accordance with Board policies and accepted business procedures.

The County Superintendent or designee shall make all required financial reports, recommend auditor(s) to the Board, recommend financial plans for meeting program needs, and keep the Board fully informed about the district's fiscal and noninstructional operations.

The County Office of Education shall make every effort to ensure that the County Office provides healthy school environments and maintains high standards of safety in the operation of facilities, equipment and services. The County Superintendent or designee shall establish a risk management program that promotes safety and protects County Office resources.

**Roles**

1. Role of the County Office of Education

The County Board:

- a. Approves and adopts the annual budget.
- b. Provides for an annual audit of funds of the County Office of Education as required by law, including those funds under the supervision of the Lassen County Office of Education.
- c. Seeks to promote by state and federal legislation adequate financial support of the public schools.
- d. Considers those reports required by law of business transactions of the County Office and of the periodical financial reports showing the condition of the office.

2. Role of the County Superintendent

With the staff, the County Superintendent:

- a. Prepares the annual budget and interprets it for the County Board.

**CONCEPTS AND ROLES** (continued)

- b. Administers the budget after it is adopted and keeps expenditures within its limits.
- c. Provides all possible economies that do not endanger the educational program and its results.
- d. Supervises the general business procedures of the office to secure the proper accounting of funds, supplies and equipment
- e. Seeks to secure materials and supplies best suited to the educational needs of the County Office.
- f. Approves all contracts to be entered into by the office or any person on behalf of the office and acts as authorized agent of the County Office in contracts between the County Office and other governmental agencies.
- g. Is responsible for recommending an adequate program of insurance in all phases of operation with regard to those prescribed by law.
- h. Makes proper reports to the County Board, keeping the County Board fully advised as to the financial status of the County Office and all the implication of the financial aspects of administration.

The County Board desires the County Superintendent to shape, with the staff, the financial program in accord with a previously declared intention of the County Board to offer the best attainable program of educational services.

The County Board wishes to give close scrutiny and due consideration to each and every financial operation of the office so that it may fully discharge its legal responsibilities.

*Legal Reference: (see next page)*

**CONCEPTS AND ROLES** (continued)

*Legal Reference:*

EDUCATION CODE

*1042 County Boards authority*

*1200 - 1205 County Superintendent of Schools Salary and Expenses*

*1240 - 1240.2 Duties, responsibilities and general powers, County Superintendent*

*1241.5 - Audits, school districts*

*1252 Compensation Insurance*

*1297 Workers Compensation*

*1330 Unemployment Insurance*

*1340 - Payroll-related payments; procedures*

*1602 -1606 County School Service Fund*

*1620 - 1630 County of Education Budget approval*

*1090 - 1096 Salaries and expenses County Board*

*35035 Powers and duties of superintendent*

*35160 Authority of governing boards*

*35160.1 Broad authority of school district*

*35161 Powers and duties of governing boards*

**BUDGET ADOPTION AND REVISION**

The County Board of Education recognizes its critical responsibility for adopting a sound budget each fiscal year, which is aligned with and reflects the Lassen County Office of Education (LCOE) vision, goals, priorities, local control and accountability plan (LCAP), and other comprehensive plans. The LCOE budget shall guide decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the LCOE.

It is the responsibility of the County Superintendent of Schools or designee to develop a budget to be adopted within the time limits set by law. The budget shall show a complete plan and itemized statement of all proposed expenditures in each fund of the LCOE, and the estimated cash balances and estimated revenues of the LCOE for the current budget year and for the next two fiscal years. The budget shall include a comparison of expenditures, cash balances, and revenues estimated for the budget year with the unaudited actual amounts of the expenditures, cash balances, and revenues for the prior fiscal year.

The budget shall be developed in accordance with standards and criteria adopted by the State Board of Education. (Education Code 33127, 33129; 5 CCR 15467-15479)

In reviewing a proposed budget, the County Board may consider past, current, and future fiscal obligations of the LCOE, stability of funding sources, the LCAP, enrollment trends, anticipated increases and/or decreases in the cost of services and supplies, use of one-time resources, and any other factors necessary to ensure that the budget is a realistic plan for LCOE revenues and expenditures.

The LCOE budget shall include a general fund reserve for economic uncertainty that meets or exceeds the requirements of 5 CCR 15474.

**Adoption of County School Service Fund Budget**

The County Board expects the County Superintendent or designee to present the proposed county school service fund budget to the County Board early enough in the fiscal year to allow the County Board sufficient time to meet the requirement to adopt the budget by July 1. The budget shall include the expenditures identified in the LCAP and any updates to the LCAP that will be effective for the budget year. (Education Code 1622)

The County Board shall hold a public hearing on the proposed budget at the same meeting as the public hearing on the LCOE's LCAP and Local Control Funding Formula (LCFF) budget overview for parents/guardians. An agenda for this hearing shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. During the hearing, any taxpayer directly affected by the budget may speak to the proposed budget or any item in the budget. (Education Code 1620, 52064.1)

**BUDGET ADOPTION AND REVISION**

At a public meeting held after the date of the public hearing, but on or before July 1 of each year, the County Board shall adopt a county school service fund budget for the budget year. The County Board shall adopt the budget following its adoption of the LCAP, or annual update to the LCAP, and the LCFE budget overview for parents/guardians. (Education Code 1622, 52064.1)

The County Board shall file the adopted budget with the Superintendent of Public Instruction (SPI). (Education Code 1622)

If the SPI disapproves the county school service fund budget, the County Board and County Superintendent shall review and respond to the SPI's recommendations at a regularly-scheduled County Board meeting on or before October 8. That response shall include the proposed actions to be taken, if any, as a result of those recommendations. (Education Code 1622)

No later than 45 days after the Governor signs the annual Budget Act, it is the responsibility of the County Superintendent to make available for public review any revisions made to the budget to reflect the funding made available by the Budget Act. (Education Code 1622)

**Transfer of Funds**

The County Board recognizes that the County Superintendent or designee may spend funds appropriated in the budget within major object budget categories without County Board approval and may make transfers of appropriated funds between major object budget categories to meet necessary expenses. Any transfer of funds between major object budget categories shall be included in timely financial reports to the County Board.

**Financial Reports**

The County Board shall review interim budget reports presented by the County Superintendent twice annually. The First Interim Report shall cover the financial and budgetary status of the LCOE for the period ending October 31. The Second Interim Report shall cover the period ending January 31. Both reports shall be reviewed by the County Board no later than 45 days after the close of the period being reported. (Education Code 1240)

**Budget Revision**

As defined in the California School Accounting Manual, a budget revision means a net increase or decrease to the budget. Any revision to the budget in excess of \$25,000, whether a net increase or decrease in the amount of funds appropriated, shall be incorporated into the next interim financial report or other County Board report and presented to the County Board for discussion and approval at a regularly-scheduled public meeting of the County Board. (Education Code 1280)

**BUDGET ADOPTION AND REVISION**

Any budget revision of \$25,000 or less may be included in timely financial reports to the County Board but shall not be subject to County Board approval.

A consultant's contract for \$25,000 or more may constitute a budget revision requiring County Board approval if the contract causes a net increase or decrease to the total budget. (Education Code 1280, 1281)

**Unappropriated Fund Balance**

The budget may contain amounts known as the unappropriated fund balance. These funds shall be available for appropriation by a majority vote of the County Board.

**Increases of Salary or Retirement Benefits to Employees by County Superintendent**

The County Superintendent shall bring to the County Board at a regularly scheduled County Board meeting for discussion purposes only any proposed salary increase or bonus for any LCOE employee that is \$10,000 or more. The County Superintendent shall also bring to the County Board at a regularly scheduled meeting for discussion and approval any proposed increase to the retirement benefits of any LCOE employee. (Education Code 1302)

*Legal Reference: (see next page)*

**BUDGET ADOPTION AND REVISION**

*Legal Reference:*

*EDUCATION CODE*

*1040 Duties of boards*

*1042 Additional powers*

*1240 General duties; reports*

*1280 Revisions to annual budget*

*1281 Hiring of consultants*

*1302 Increases of salary or retirement benefits or bonus to employees*

*1620-1630 County office of education budget approval*

*33127 Development of standards and criteria for local budgets and expenditures*

*33128 Standards and criteria*

*33129 Standards and criteria; use by local agencies*

*42120 Budget completion*

*52064.1 Local control funding formula budget overview for parents*

*GOVERNMENT CODE*

*7900-7914 Expenditure limitations*

*CODE OF REGULATIONS, TITLE 5*

*15467-15479 Criteria and standards for county office of education budget*

*Management Resources:*

*CSBA PUBLICATIONS*

*Professional Governance Standards for County Boards, October 2014*

*CALIFORNIA COUNTY BOARDS OF EDUCATION PUBLICATIONS*

*County Board Member Handbook: A Guide to Effective Governance, 2015*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*California School Accounting Manual*

*WEB SITES*

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

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

*California County Boards of Education: <http://www.theccbce.org>*

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

*California Department of Finance: <http://www.dof.ca.gov>*

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

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

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

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

Policy

adopted: 2/14/07

Revised: 6/30/21

**LASSEN COUNTY OFFICE OF EDUCATION**

Susanville, California

**TRANSFER OF FUNDS**

**Temporary Transfer Between Funds**

Within limits, the Lassen County Board of Education may authorize monies held in any fund to be temporarily transferred from one or more funds to another fund for use in the payment of obligations. (Education Code 42603)

**Temporary Transfer of Funds**

Whenever, prior to receipt of income, a school district or the County School fund determines that it does not have sufficient funds to meet current expenses of maintenance, the County Board of Supervisors shall, upon receipt of a resolution adopted by a school district governing board or the County Board, cause to be made a temporary transfer from any available funds to the school district or County School Service Fund not to exceed 85% of the anticipated tax income for the year.

The funds so transferred shall be transferred back to the fund from which they were taken before other obligations are paid.

**Loans to Local School Districts**

The County Superintendent and the County Board recognize that Lassen County School Districts (Districts) periodically face fiscal challenges that may require them to seek a short-term loan in order to meet their fiscal obligations.

It is the intent of the County Superintendent and County Board to consider requests for short-term loans from Districts as specified in Education Code Sections 42621 and 42622:

42621 “The County Superintendent of Schools of each county, with the approval of the County Board of Education, may make temporary transfers to any school district which does not have sufficient money to its credit to meet current operating expenses from the county school services fund, in such amounts and at such times as he deems necessary. Such transfers shall not exceed 85 percent of the amount of money accruing to the school district at the time of transfer. The amounts so transferred shall be repaid to the county school service fund prior to June 30 of the current year from any funds subsequently received by the school district.”

42622 “The County Superintendent of Schools, with the approval of the County Board of Education, may make an apportionment to a school district from the county school service fund conditional upon the repayment to the fund during the next succeeding fiscal year of the amount apportioned to the district and shall, during the next succeeding fiscal year, transfer the amount of such apportionment from the general fund of the district to the county school service fund.”

Before any loan is made to a District, the County Superintendent must provide his/her recommendation on whether such a loan is appropriate and whether making such a loan will negatively impact the county school services fund from meeting its fiscal obligations.



**TRANSFER OF FUNDS (Cont.)**

Before any loan is made, the District will have completed an appropriate fiscal analysis and have supplied the County Superintendent and the County Chief Business Officer (County CBO) with appropriate documents, as listed in the accompanying regulations, supporting the loan request.

It is the policy of the County Board that any loan will be interest-free for a period of no more than four months from the time funds are transferred. Any loan amounts not repaid within four months shall be repaid with interest equivalent to the average percentage paid by the county treasurer for the same time period. All funds must be repaid by the District by June 30 of the year the loan is made as specified in Education Code Section 42621, or the County Superintendent will transfer the funds from the general fund of the District during the next fiscal year.

*Legal Reference:*EDUCATION CODE*78 Definition governing board**1600 et seq. County school service fund**1620-1625 Single budget for county school service fund, etc., especially**1621 re: undistributed reserve**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**42621-42622 Loans to Districts**42840-42843 Special reserve fund**52616.4 Expenditures from adult education fund*

Policy

adopted: 2/14/07

Revised: 3/12/08; 10/13/10; 6/30/21

**LASSEN COUNTY OFFICE OF EDUCATION**

Susanville, California

**TRANSFER OF FUNDS**

Transfers may be made from the designated fund balance or the unappropriated fund balance to any expenditure classification or between expenditure classifications by the Lassen County Office of Education and reported to the County Board of Education during the presentations of the first and second interim reports.

**Temporary Transfers Between Classifications**

The County Office may authorize that monies held in any fund or account may be temporarily transferred by the County Superintendent of Schools from one or more of these accounts to another fund or account to be used for the payment of obligations of the County Office, with limitations as set by Education Code 42603. The transfer shall be accounted for as temporary borrowing and shall not be available for appropriation or be considered income to the borrowing fund or account. (Education Code 42603)

**Annual Statement of Receipts and Expenditures**

On or before September 20 each year, the County Superintendent shall prepare and file with the Superintendent of Public Instruction an annual statement of all receipts and expenditures of the County Office in a format prescribed by the Superintendent of Public Instruction.

**Special Reserve Funds**

Upon resolution of the County Board, a special reserve fund may be established for such purpose(s) as specified in the resolution. As necessary, the County Board may amend the resolution to specify additional purposes or to withdraw any previously designated purpose. (Education Code 42841)

**State School Building Funds**

The County Board shall transfer to the state school building fund all funds which are required to be expended for the project for which the apportionment was made. (Education Code 16095)

**Loans to Local School Districts**

The following steps will guide the process for a School District's loan/line of credit request:

1. The District Superintendent and the District Chief Business Officer (District CBO) determine that the District has a projected cash flow problem and/or other temporary, emergency loan need that cannot be covered with current/projected District funds.

**TRANSFER OF FUNDS** (continued)

2. The District Superintendent and/or District CBO first seeks either a Tax and Revenue Anticipation Note (TRANs) or a loan from the County Treasurer as specified in Education Code Section 42620.
3. If neither of the above options is suitable, the District Superintendent and/or District CBO contacts the County Superintendent to determine if the County Office may be in a fiscal condition to consider a loan request from the District.
4. If funds may be available, the District Board takes action to request a temporary loan from the County Board.
5. The District Superintendent and District CBO submit the loan request in writing, including the purpose for the loan, the amount, when the loan would be needed, and when the loan would be repaid.
6. Within two weeks of the District's request, the County Superintendent and County CBO will review the request and request appropriate documentation, which may include any or all of the following:
  - a. Cash Flow Analysis
  - b. Latest Interim Report
  - c. Available Reserves
  - d. Short-Term/Long-Term Debt Commitments
  - e. Most Recent Budget Assumptions
  - f. Projected General Fund Encroachments
  - g. Estimated Need (one-time, monthly, or periodic line of credit) and Proposed Calendar of Cash Transfers
  - h. Revenue Enhancements
  - i. Expenditure Reduction Plan
  - j. Completion of FCMAT Fiscal Health Risk Analysis
  - k. Proposed Repayment Plan
  - l. Past and Current Fiscal Practices
7. Once any additional requested information is provided by the District, the County Superintendent/County CBO will discuss the loan request with the District Superintendent/District CBO.
8. The loan request is revised as needed.
9. The County Superintendent adds the District loan request to the County Board agenda. A special meeting can be called, if needed, at the discretion of the County Superintendent and the County Board President.
10. The County Superintendent makes a recommendation, based upon the above and the District's ability to repay, to the County Board of Education.

**Business and Noninstructional Operations**

AR 3110(c)

**TRANSFER OF FUNDS** (continued)

11. The County Board of Education takes action to approve, disapprove, or table the District loan request, pending more information.

**Business and Noninstructional Operations**

E 3110(a)

**TRANSFER OF FUNDS**

LASSEN COUNTY BOARD OF EDUCATION  
Loan Policy/Criteria Checklist & Flowchart

- District Superintendent/District CBO reviews cash flow, need, and alternate district revenue sources.
- District Superintendent considers the options of either seeking a TRAns or a loan from the County Treasurer as specified in Education Code section 42620.
- If neither a TRAns nor a loan from the County Treasurer are viable options, the District Superintendent submits a written request and rationale for loan, including purpose, amount, and time factors.
- County Superintendent/CBO reviews documentation and requests, as appropriate and as needed, the following:
  - \_\_\_\_\_ Cash Flow Analysis
  - \_\_\_\_\_ Latest Interim Report
  - \_\_\_\_\_ Reserves Available
  - \_\_\_\_\_ Short-Term/Long-Term Debt Commitments
  - \_\_\_\_\_ Budget Assumptions
  - \_\_\_\_\_ Projected General Fund Encroachments
  - \_\_\_\_\_ Estimated Need (monthly or one-time), and Proposed Calendar of Cash Transfers
  - \_\_\_\_\_ Revenue Enhancements
  - \_\_\_\_\_ Expenditure Reduction Plan
  - \_\_\_\_\_ Completion of the FCMAT Fiscal Health Risk Analysis
  - \_\_\_\_\_ Proposed Repayment Plan
  - \_\_\_\_\_ Past and Current Fiscal Practices
- County Superintendent/CBO discuss the information, need, request, and other options with District Superintendent/District Business Manager.
- Request is revised as needed.
- County Superintendent adds loan request to the County Board agenda.
- County Superintendent makes a recommendation, based on the above and the District's ability to repay, to the County Board of Education.
- County Board of Education takes action to approve, disapprove, or table loan request, pending immediate need and/or more information.

**DEFERRED MAINTENANCE FUNDS**

In order to help meet the Lassen County Office of Education's facility maintenance needs, the Lassen County Board of Education and the County Superintendent of Schools shall discuss proposals and plans for expenditures of deferred maintenance facility funds at a regularly scheduled public hearing.

In any year that the County Office does not set aside one-half of one percent of its current-year revenue limit average daily attendance for deferred maintenance, the County Superintendent or designee shall submit a report, by March 1, to the Legislature, with copies to the Superintendent of Public Instruction, the State Board of Education, the Department of Finance, and the State Allocation County Board.

The report shall include all of the following:

1. A schedule of the complete school facilities deferred maintenance needs of the County Office for the current year, including a schedule of costs per school site and total costs
2. A detailed description of the County Office's spending priorities for the current year, and an explanation of why those priorities, or any other considerations, have prevented the County Office from setting aside sufficient local funds so as to permit it to fully fund its deferred maintenance program and, if eligible, to participate in the state deferred maintenance funding program as set forth in Education Code 17584
3. An explanation of how the County Board plans to meet its current-year facilities deferred maintenance needs without setting aside the funds set forth in Education Code 17584

Copies of the report shall be made available at each school site and shall be provided to the public upon request.

*Legal Reference: (see next page)*

**DEFERRED MAINTENANCE FUNDS** (continued)

*Legal Reference:*

EDUCATION CODE

*17565-17591 Property maintenance and control, especially:*

*17584 Deferred maintenance*

*17584.1 Deferred maintenance reports*

*Management Resources:*

WEB SITES

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

**LOTTERY FUNDS**

The County Superintendent of Schools shall establish funding priorities and approve all allocations within the parameters established by law.

The County Superintendent shall maintain procedures for the accurate accounting and management of all lottery funds. These procedures shall include the establishment of a separate account for the receipt and distribution of lottery funds.

"Instructional materials" means all materials that are designed for use by students and their teachers as a learning resource to help students to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials and tests. (Education Code 60010)

Lottery funds shall not be used to acquire real estate, build school facilities, finance research, or serve any other noninstructional purpose, such as those related to school maintenance, business and administrative operations.

The County Superintendent or designee shall establish a separate account for the receipt and distribution of lottery funds that shall be clearly identified as a lottery education account. (Government Code 8880.5)

*Legal Reference: (see next page)*



**LOTTERY FUNDS** (continued)

*Legal Reference:*

EDUCATION CODE

14600 *Legislative findings and declarations: state control of lottery funds*

14700-14701 *Use of lottery funds*

60010 *Definitions*

60119 *Hearings, steps to ensure availability of textbooks and instructional materials*

GOVERNMENT CODE

8880-8880.5 *California state lottery: general provisions*

*Management Resources:*

CDE COMMUNICATIONS

2001.05.10 *Proposition 20 - Allocation of Lottery Funds for Instructional Materials*

WEB SITES

CDE: <http://www.cde.ca.gov>

**FEDERAL FUNDS**

When the Lassen County Office of Education is eligible for federal assistance under the provisions of Public Laws, application for said assistance may be submitted, so long as acceptance of the funds does not include conditions contrary to County Office policy.

The County Superintendent of Schools will execute assurances of compliance, and any other legally required documents set forth as conditions for the receipt of federal funds.

**FEES AND CHARGES**

Sale of school supplies within a school is not consistent with the purpose and function of the public school system in the State of California.

The Lassen County Office of Education will make every effort to provide all instructional equipment, book and materials needed to maintain the desired instructional program so that teachers, students, parents/guardians, parent-teacher organization or school fund-raising activities are not needed to provide such items.

*Legal Reference: (see next page)*

## FEES AND CHARGES (continued)

### Legal Reference:

#### EDUCATION CODE

8263 Child care eligibility  
8760-8773 Outdoor science and conservation programs  
17551 Property fabricated by students  
19910-19911 Offenses against libraries  
32033 Eye protective devices  
32221 Insurance for athletic team member  
32390 Fingerprinting program  
35330-35332 Excursions and field trips  
35335 School camp programs  
38080-38085 Cafeteria establishment and use  
38119 Lease of personal property; caps and gowns  
38120 Use of school band equipment on excursions to foreign countries  
39807.5 Payment of transportation costs  
39837 Transportation of students to places of summer employment  
48050 Residents of adjoining states  
48052 Tuition for foreign residents  
48904 Liability of parent or guardian  
49066 Grades, effect of physical education class apparel  
49091.14 Prospectus of school curriculum  
51810-51815 Community service classes  
52612 Tuition for adult classes  
52613 Nonimmigrant aliens  
60410 Students in classes for adults

#### GOVERNMENT CODE

6253 Request for copy; fee

#### VEHICLE CODE

21113 Public grounds (parking)

#### CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

#### CODE OF REGULATIONS, TITLE 5

350 Fees not permitted

#### UNITED STATES CODE, TITLE 8

1184 Foreign Students

#### COURT DECISIONS

Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513

Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251

Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739

Hartzell v. Connell (1984) 35 Cal. 3d 899

CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

### Management Resources:

#### CDE MANAGEMENT ADVISORIES

1030.97 Fiscal Management Advisory 97-02: Fees Deposits and Other Charges

#### WEB SITES

CDE: <http://www.cde.ca.gov>

**FEES AND CHARGES**

The Lassen County Office of Education shall charge only those specifically authorized by law. (5 CCR 350)

The following fees and charges are permissible if approved by the Lassen County Board of Education:

1. Expenses of students' participation in a field trip or excursion to another state, the District of Columbia or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds (Education Code 35330)
2. Rental or lease of personal property needed for district purposes, such as caps and gowns used by seniors in graduation ceremonies (Education Code 38119)
3. Fees for community service classes (Education Code 51815)
4. Actual costs of duplication for copies of public records (Government Code 6253)
5. Actual costs of duplication for reproduction of the prospectus of school curriculum (Education Code 49091.14)
6. Fines or reimbursements for lost or damaged County property or damage to library property (Education Code 19910-19911, 48904)
7. Tuition for out-of-state and out-of-country residents (Education Code 48050, 48052, 52613; 8 USC 1184)
8. Child care and development services (Education Code 8263)

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES**

The County Superintendent recognizes his/her fiscal responsibility to maximize the use of LCOE equipment, supplies, instructional materials, and other personal property while providing up-to-date resources that facilitate student learning and effective LCOE operations. When the County Superintendent or designee declares any LCOE-owned personal property unusable, obsolete, or no longer needed, the County Superintendent shall determine the estimated value of the property and shall decide whether the property will be donated, sold, or otherwise disposed of as prescribed by law and administrative regulation.

If the County Superintendent determines that the property, whether one or more items, does not exceed \$2,500 in value, the property may be sold without advertising for bids. (Education Code 17546)

If the County Superintendent determines that that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the County Superintendent or may be disposed of in the local public dump. (Education Code 17546)

Instructional materials shall be considered obsolete or unusable by the LCOE if they have been replaced by more recent editions or new materials selected by the Board, are not aligned with the LCOE's academic standards or course of study, and have no foreseeable value in other instructional areas. Such materials may be sold or donated if they continue to serve educational purposes that would benefit others outside the LCOE. Instructional materials are not appropriate for sale or donation if they meet any of the following criteria:

1. Contain information rendered inaccurate or incomplete by new research or technologies
2. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy
3. Are damaged beyond use or repair

The Superintendent or designee shall establish procedures to be used whenever the LCOE sells equipment or supplies originally acquired under a federal grant or subgrant. Such procedures shall be designed to ensure the highest possible return. (2 CFR 200.313)

*Legal Reference: (see next page)*

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES**

*Legal Reference:*

*EDUCATION CODE*

*17540-17542 Sale or lease of personal property by one district to another*

*17545-17555 Sale of personal property*

*35168 Inventory, including record of time and mode of disposal*

*60510-60530 Sale, donation, or disposal of instructional materials*

*GOVERNMENT CODE*

*25505 District property; disposition; proceeds*

*CODE OF REGULATIONS, TITLE 5*

*3944 Consolidated categorical programs, district title to equipment*

*3946 Disposal of equipment purchased with state and federal consolidated application funds*

*UNITED STATES CODE, TITLE 40*

*549 Surplus property*

*CODE OF FEDERAL REGULATIONS, TITLE 2*

*200.0-200.521 Federal uniform grant guidance*

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*California School Accounting Manual*

*Standards for Evaluating Instructional Materials for Social Content, 2013*

*WEB SITES*

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

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

Policy

adopted: 2/14/07

Revised: 6/30/21

**LASSEN COUNTY OFFICE OF EDUCATION**

Susanville, California

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES**

**Instructional Materials**

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the Lassen County Office of Education (LCOE). Alternatively, such materials may be donated to: (Education Code 60510)

1. A school district, county free library, or other state institution
2. A United States public agency or institution
3. A nonprofit charitable organization
4. Children or adults in California or foreign countries for the purpose of increasing the general literacy of the people

Any organization, agency, or institution receiving obsolete instructional materials donated by the LCOE shall certify to the County Board of Education that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60511)

At least 60 days before selling or donating surplus or undistributed obsolete instructional materials, the County Superintendent or designee shall notify the public of the LCOE's intention to do so through a public service announcement on a local television station, in a local newspaper, or by other means that will most effectively reach the entities described above.

Surplus or undistributed obsolete instructional materials, which are unusable or which cannot be distributed as specified above, may be disposed of by either of the following: (Education Code 60530)

1. Mutilated as not to be salable as instructional materials and sold for scrap or for use in the manufacture of paper pulp or other substances at the highest obtainable price
2. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the LCOE has given notice to all persons who have filed a request for such notice

**Equipment/Supplies Acquired with Federal Funds**

When the LCOE has a need to replace equipment originally purchased with funds from a federal grant or subgrant, it may, subject to the approval of the agency that awarded the grant, trade in the original equipment or sell the property and use the proceeds to offset the cost of the replacement property. (2 CFR 200.313)



**SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES**

When any original or replacement equipment or supplies acquired under a federal grant or subgrant are no longer needed for the original project or program or for other federally-supported activities, the LCOE may retain or sell such items, or, if the item has a current fair market value of less than \$5,000, may otherwise dispose of the item in a manner approved by the County Superintendent. Whenever the LCOE sells equipment or supplies that have a current fair market value of \$5,000 or more, it shall provide an amount to the federal agency equal to the agency's share of the current market value of the equipment or the proceeds from the sale of the equipment or supplies. (2 CFR 200.313, 200.314)

In the event that the LCOE is provided equipment that is federally owned, the LCOE shall request disposition instructions from the federal agency when it no longer needs the equipment. (2 CFR 200.313)

**Other Personal Property**

The LCOE may sell other surplus or obsolete County Office-owned personal property through any of the following methods:

1. The County Superintendent or designee may advertise for bids by posting a notice in at least three public places in the County for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the County and, if possible, publishing at the County Office. The LCOE shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545, 17548)

Property for which no qualified bid has been received may be sold, without further advertising, by the County Superintendent or designee. (Education Code 17546)

2. The property may be sold by means of a public auction conducted by LCOE employees, employees of other public agencies, or by contract with a private auction firm. (Education Code 17545)
3. The LCOE may sell the property without advertising for bids under any of the following conditions:
  - a. The County Superintendent determines that the property does not exceed \$2,500 in value. (Education Code 17546)
  - b. The LCOE sells the property to agencies of the federal, state, or local government, to any school district, or to any agency eligible under the federal surplus property law and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540; 40 USC 549)

**SALE AND DISPOSAL OF BOOKS, EQUIPMENT, AND SUPPLIES**

- c. The LCOE sells or leases the property to agencies of the federal, state, or local government or to any school district, and the price and terms of the sale or lease are approved by the County Superintendent of Schools. (Education Code 17542)

Money received from the sale of surplus personal property shall be either deposited in the LCOE reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

**SALE, LEASE, RENTAL OF COUNTY OFFICE-OWNED REAL PROPERTY**

The Lassen County Board of Education shall dispose of County Office property whenever it is apparent the County Office will have no further use for it. If property currently unused will be needed at some future time, the County Board may lease it to a governmental or private agency or individual. (Education Code 17453, 17455-17484)

When required by law, the County Board shall appoint a County Office advisory committee to advise the County Board in the development of policies and procedures governing the use or disposition of schools or school building space which is not needed for school purposes. (Education Code 17388)

Before offering to sell or lease surplus real property to any other parties, the County Office may offer it to designated child care providers for child care and development purposes.

The sale, lease or rental of County Office property for child care purposes shall be especially encouraged for programs that are properly licensed, provide adequate insurance coverage, are financially self-supporting and maintain a safe environment through good management and supervision.

When surplus property is not sold or leased to child care providers, the County Board shall offer to sell or lease it, with an option to buy, in accordance with the priorities set forth in Education Code 17464 and 17230 and in Government Code 54222.

Any lease or sale made by the County Board will conform in all particulars to the provisions of law.

*Legal Reference:*

EDUCATION CODE

*8469.5 Use of school facilities or grounds for school age child care*

*17022 Approval of new facilities*

*17219 Acquisition of property not utilized as school site; nonuse payments; exemptions*

*17230 Surplus property*

*17385 Conveyances to and from school districts*

*17387-17391 Advisory committees for use of excess school facilities*

*17406 Right of district to lease property under lease providing for construction of building*

*17453 Lease of surplus district property*

*17455-17484 Sale or lease of real property*

*17515-17526 Joint occupancy*

*17527-17535 Joint use of district facilities*

*38134 Groups which may use school facilities without charge; charges for use by other groups*

GOVERNMENT CODE

*54222 Offer to sell or lease property*

**SALE, LEASE, RENTAL OF COUNTY OFFICE-OWNED REAL PROPERTY**

The Lassen County Office of Education advisory committee on use or disposition of surplus school buildings or space shall consist of seven to 11 members representative of the following: (Education Code 17389)

1. The County Office's ethnic, age group and socioeconomic composition
2. The business community, such as store owners, managers or supervisors
3. Landowners or renters, with preference to representatives of neighborhood associations
4. Teachers
5. Administrators
6. Parents of students
7. Persons with expertise in environmental impact, legal contracts, building codes, land use planning, local zoning, and other local land use restrictions

This committee shall: (Education Code 17390)

1. Review projected school enrollment and other data to determine the amount of surplus space and real property
2. Establish and circulate throughout the attendance area a priority list for use of surplus space and real property that will be acceptable to the community
3. Hold hearings, with community input, on acceptable uses of space and real property, including the sale or lease of surplus real property for child care development purposes
4. Make a final determination of limits of tolerance of use of space and real property
5. Send the County Board its recommendations regarding uses of surplus space and real property

**Sale, Lease or Rental for Child Care Purposes**

Any surplus real property sold or leased to designated child care providers for child care and development purposes shall comply with legally specified outdoor activity space requirements for child care facilities. The provisions of Education Code 17458 shall apply to any such sale or lease.

**SALE, LEASE, RENTAL OF COUNTY OFFICE-OWNED REAL PROPERTY**  
(continued)

The use of County Office facilities or grounds for extended day care services shall be granted only in accordance with the provisions of Education Code 38134. (Education Code 8469.5)

**GIFTS, GRANTS AND BEQUESTS**

Any gift presented to the Lassen County Office of Education should be accompanied by a letter with suitable statement from the donor for official action and recognition by the County Superintendent of Schools.

To be acceptable, a gift must satisfy the following criteria:

1. Have a purpose consistent with those of the County Office.
2. Be offered by a donor acceptable to the County Board and County Superintendent.
3. Will not add to staff load.
4. Will not begin a program which the County Office will be unwilling to take over when the gifts or grant funds are exhausted.
5. Would not bring undesirable or hidden costs to the County Office.
6. Will not place restrictions on the County program.
7. Will not be inappropriate or harmful to the best education of students.
8. Will not imply endorsement of any business or product.
9. Will not be in conflict with any provision of the Education Code or Public Law.

A letter of acceptance and appreciation signed by the County Superintendent shall be sent to the donor.

*Legal Reference:*

EDUCATION CODE

*1834 Acquisition of materials and apparatus*

*35162 Power to sue, be sued, hold and convey property*

*41030 School district may invest surplus monies from bequest or gifts*

*41031 Special fund or account in county treasury*

*41032 Authority of school board to accept gift or bequest; investments; gift of land requirements*

*41035 Advisory committee*

*41036 Function of advisory committee*

*41037 Rules and regulations*

**EXPENDITURES/EXPENDING AUTHORITY**

The County Superintendent of Schools or designee may purchase supplies, materials, equipment and services up to the amounts specified in Public Contract Code 20111, beyond which a competitive bidding process is required.

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

**Expenditures**

It is the policy of the Lassen County Office of Education that the administration strictly observe the letter and spirit of the law relating to purchases by the County Office and to the control of its finances and property.

Within the framework of applicable laws, purchases and use of materials and manpower shall be accomplished in accordance with good business practice with the primary purpose of meeting the functions of the County Office.

*Legal Reference:*

EDUCATION CODE

*1200-1204 Superintendent of Schools, Expenses*

*1275 Purchase of school supplies*

*1500-1510 Expenses*

*1600-1606 County Schools Services Fund*

*17604 Delegation of powers to agents; liability of agents*

*17605 Delegation of authority to purchase supplies and equipment*

*32435 Prohibited use of public funds*

*35010 Control of district; prescription and enforcement of rules*

*35035 Powers and duties of superintendent*

*35272 Educational and athletic materials*

*38083 Purchase of perishable foodstuffs and seasonal commodities*

*41010 Accounting system*

*41014 Requirement of budgetary accounting*

PUBLIC CONTRACT CODE

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

**PURCHASING PROCEDURES**

The Lassen County Superintendent of Schools or Chief Business Official shall maintain effective purchasing procedures in order to ensure that maximum value is received for money spent by the County Office and that records are kept in accordance with law.

**Purchasing Procedures**

The procurement function is one of the major business responsibilities of Lassen County Office of Education.

The Business Department shall be responsible for maintaining proper records for purchases and Accounts Payable for the County Office.

The Departments within the County Office will conduct purchase transactions with prior approval. In addition, Departments shall be familiar with and perform all purchasing activities within the limitations prescribed by law, legal opinions, and in accordance with County Office policies and follow the four fundamental functions of the purchasing department as follows:

1. Buy the proper product for the purpose required.
2. Have the product available when needed.
3. Buy the proper amount of the product.
4. Pay the proper price.

**Purchasing Guides**

It is the policy of the County Office to support the concepts set forth in the Purchasing Code of Ethics (California Association of School Business Officials Handbook of Public School Purchasing):

1. To purchase without prejudice seeking to obtain the maximum benefit for each tax dollar expended.
2. To avoid unfair practices.
3. To strive constantly for improvement of our purchasing methods and of the materials we buy.
4. To conduct business with fairness and dignity avoiding any conflict of interest.
5. To remember that we act as a representative of the County Office and to govern those actions accordingly.



**PURCHASING PROCEDURES (continued)**

*Legal Reference:*

EDUCATION CODE

1275 *Purchase of school supplies delegation of authority*

17604 *Delegation of powers to agents; approval or ratification of contracts by governing board*

17605 *Delegation of authority to purchase supplies and equipment*

35250 *Duty to keep certain records and reports*

GOVERNMENT CODE

4331 *Preference to supplies manufactured or produced in state*

PUBLIC CONTRACT CODE

3410 *U.S. produce and processed foods*

12168 *Preference for recycled paper products*

12210 *Purchase of recycled products*

**PURCHASING PROCEDURES**

**Requisitions**

Requisitions shall be required for any purchase, regardless of the amount. Requisitions shall originate from the personnel directly responsible for their use, authorized by the immediate supervisor, and approved by the County Superintendent if over \$1,500. Department Supervisors or the Chief Business Official should indicate the budget classification for the expense.

**Purchase Orders**

Purchase Orders shall originate with either a requisition or formal contract exceeding \$150 between a buyer and seller involving the transfer of property, equipment, or supplies. This practice shall not apply to credit card purchases.

Purchase Orders shall be signed by the County Superintendent or the Assistant Superintendent of Educational Services/Human Resources.

Each purchase order will be issued a number from a master file maintained by Accounts Payable.

Purchase Order payments may be in excess of the previously-approved Purchase Order amount when the excess amount falls within 10%. (This includes freight and taxes.) When the total amount of the purchase order exceeds these parameters, further authorized approval is needed by the County Superintendent or Assistant Superintendent of Educational Services/Human Resources.

Any purchase of supplies, equipment, etc., made by staff members without the proper authority will **NOT** be paid for by the county.

**Open Purchase Orders**

Under the strictest surveillance, Open Purchase Orders may be issued. The conditions for such issues are as follows:

1. Names of persons authorized to purchase or pick up merchandise will be listed and provided to vendors.
2. A notice to the chosen vendor will accompany the initial Purchase Order stating that only invoices with authorized signatures will be paid and that only dollar amounts up to that shown on the purchase order will be paid.

## **PURCHASING PROCEDURES** (continued)

3. Request to increase the amount of the Open Purchase Order must be initiated by the supervisor and signed by the County Superintendent or designee and will become part of the official Purchase Order files.
4. Open Purchase Orders are good for one year and expire on June 30<sup>th</sup>

### **Credit Card Purchases**

County Office credit cards are intended to complement existing purchasing processes. The use of credit cards is not intended to bypass appropriate purchasing procedures or business practices.

All transactions requiring a credit card shall have prior approval from the direct supervisor and shall be documented utilizing the Credit Card Purchases Form. If the credit card is being used for travel, a Conference Request Form must be completed in advance. If the transaction is over \$1,500, County Superintendent approval is required.

All purchases of any kind must have itemized receipts.

### **Receiving Goods**

The person signing for receipt of goods, whether it is delivered by commercial freight, parcel service, or U.S. Mail, and whether it is to the county office building, directly to a department, or some outlying location, must ascertain that the number of packages received is the same as listed on the bill of lading or other mailing receipts.

### **Damaged Goods**

After determining that items are accounted for, packages should be inspected for punctures, crushing or other appearances of possible damage. If such evidence is found a notation must be made on the bill of lading or receipt and signed and dated.

### **Receiving Reports**

When the bill of lading and merchandise arrives at the appropriate department certain steps should be followed:

1. If there is freight damage notify the delivering agency immediately, preferably by phone.
2. If a discrepancy is found within the package as compared to the amount received, notify the vendor immediately by phone.

**PURCHASING PROCEDURES** (continued)

3. Some solutions could be to return the merchandise and/or invoice for replacement and correction; adjust invoice with vendor approval; partial payment for partial shipment or credit memo and re-invoice.
4. After determining that freight received, bill of lading, and packing slip are all correct, the receiving report, which is a part of the Purchase Order form, should be signed by the department person receiving the goods, authorizing payment, and return to the business department for paying as soon as possible.

**BIDS**

The Lassen County Office of Education shall purchase equipment, supplies and services using competitive bidding when required by law and in accordance with statutory requirements for bidding and bidding procedures. In those circumstances where the law does not require competitive bidding, the County Superintendent of Schools may request that a contract be competitively bid.

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

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

To assist the County Office in determining whether bidders are responsible, the County Superintendent may require prequalification procedures as allowed by law and specified in administrative regulation.

*Legal Reference: (see next page)*

**BIDS** (continued)

*Legal Reference:*

EDUCATION CODE

1276 *Data processing systems*  
17595 *Purchases through Department of General Services*  
38083 *Purchase of perishable foodstuffs and seasonable commodities*  
38110 *Purchase of supplies through county superintendent*  
38111 *Purchases by district governing board*  
38112 *Purchases of necessary supplies*  
39802 *Transportation bids and contracts for services*

GOVERNMENT CODE

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

PUBLIC CONTRACT CODE

2001-2001 *Responsive bidders*  
3400 *Bids, specifications by brand or trade name not permitted*  
3410 *United States produce and processed foods*  
6610 *Bid visits*  
12161 *Definitions, recycled paper products*  
12168 *Preference for purchase of recycled paper products*  
12169 *Bidders to specify percentage of recycled paper product*  
12200 *Definitions, recycled goods, materials and supplies*  
12210 *Purchase of recycled products preferred*  
12213 *Specification by bidder of recycled content*  
20103.8 *Award of contracts*  
20107 *Bidder's security*  
20111-20118.4 *School districts*  
20189 *Bidder's security, earthquake relief*  
22002 *Definition of public project*  
22030-22045 *Alternative procedures for public projects (UPCCAA)*  
22050 *Alternative emergency procedures*

COURT DECISIONS  
*Konica Business Machines v. Regents of the University of California*, (1988) 206 Cal.App.3d 449  
*City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court*, (1972) 7 Cal.3d 861

*Management Resources:*

WEB SITES

CSBA: [www.csba.org](http://www.csba.org)  
California Association of School Business Officials: [www.casbo.org](http://www.casbo.org)

**BIDS**

**Advertised Bids**

Lassen County Office of Education purchasing of equipment, supplies, and services shall be based on a competitive bidding process unless otherwise authorized by law. Whenever letting contracts exceeding \$15,000 for services or \$21,000 for material or supplies, the County Superintendent of Schools or designee shall call for bids by advertising in a local newspaper at least once a week for two weeks. Unless otherwise authorized by law, contracts shall be let to the lowest bidder who shall give such security as the Lassen County Board of Education requires, or else all bids shall be rejected. (Public Contracts Code 20111, 20112)

Unsuccessful bidders shall have their security check or bond returned within 60 days of the time the award is made.

To ensure that good value is received for funds expended, the County Superintendent or designee shall seek bids from those businesses that are able to offer the best prices in terms of quality, delivery and services. All advertised bids are actually opened in public at the prescribed time and must contain clear and complete information.

Under no condition shall bids be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)

When two or more identical bids are received, the County Board may determine by lot which bid shall be accepted (Public Contract Code 20117)

Any subsequent change or alteration of a contract shall be governed by the provision of Public Contract Code 20118.4.

After being opened, all advertised bids shall be made available for review by all interested parties.

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

The amount by which contracts shall be competitively bid shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction.

Competitive bids shall be sought through advertisement for contracts exceeding \$62,400 for the following: (Public Contract Code 20111; Government Code 53060)

1. The purchase of equipment, material or supplies to be furnished, sold or leased to the County
2. Repairs, including maintenance that is not a public project

**BIDS** (continued)

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

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

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

No work, project, service or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

**Instructions and Procedures for Advertised Bids**

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

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

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

1. All bidders, including bidders for printing contracts, shall specify the minimum, if not exact, percentage of recycled product in the paper products offered, and both the postconsumer and secondary waste content. (Public Contract Code 12169, 12213)



**BIDS** (continued)

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

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

3. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
4. When two or more identical lowest or highest bids are received, the County Superintendent or designee may determine by lot which bid shall be accepted. (Public Contract Code 20117)
5. If the County Office requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, depending on the availability of funds, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a, below, will be used: (Public Contract Code 20103.8)
  - a. The lowest bid shall be the lowest bid price on the base contract without consideration of the prices on the additive or deductive items.
  - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
  - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items taken in order from a specifically identified list of those items, depending on available funds as identified in the solicitation.

**BIDS** (continued)

- d. The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders from being revealed to the public entity before the ranking of all bidders from lowest to highest has been determined.
6. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
7. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, County Board policy, and administrative regulation.

**Bids Not Required**

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

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

1. The purchasing department shall periodically estimate requirements of standards items or classes of items and make quantity purchases, thereby effecting economies. Whenever storage facilities or other conditions make it impractical to receive all of any item at one time, the total quantities bid can also be accepted with deliveries to be made.
2. Bid instructions and specifications should be clear and complete, setting forth all necessary conditions conducive to competitive bidding.
3. The purchasing department shall seek bids from those sources able to offer the best prices, consistent with quality, delivery and service.
4. The bids shall be opened in public at the prescribed time and place and tabulated for study. Whether or not bid opening occurs exactly at time advertised, no bids may be accepted after said advertised time.

**BIDS** (continued)

5. After the bid have been opened and tabulated, they will be available for those interested to copy or study. They shall not, however, be removed from the purchasing office.

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

**Sole Sourcing**

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

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

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

**Prequalification Procedure**

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

**BIDS** (continued)

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

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

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

**Protests by Bidders**

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

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

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

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

**CONTRACTS**

All contracts between the Lassen County Office of Education and outside agencies shall conform to standards required by law and shall be prepared under the direction of the County Superintendent of Schools or designee.

All contracts, where appropriate, shall be submitted to the County Office legal advisor for review and approval.

The County Office shall not enter into any contract with a person, agency, or organization if it has knowledge that such person, agency or organization discriminates on the basis of race, color, creed, sex, religion, ancestry, national origin, age or non job-related handicap or disability, either in employment practices or in the provision of benefits of services to student or employees.

The County Superintendent or designee may enter into contracts on behalf of the County Office. Said contracts shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors.

The County Office shall not enter into a contract that prohibits a school employee from disparaging the goods or services of the contracting party. (Education Code 35182.5)

**Contracts for Non-Nutritious Foods or Beverages**

Effective July 1, 2007, the County Office of Education shall not enter into or renew a contract for the sale of foods that do not meet the nutritional standards specified in Education Code 49431 or 49431.2 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises. (Education Code 49431, 49431.2)

In accordance with the dates specified in law, the County Office of Education shall not enter into or renew a contract for the sale of beverages that do not meet the nutritional standards in Education Code 49431.5 unless the contract specifies that such sales will occur later than one-half hour after the end of the school day and/or off school premises.

Before the County Office enters into or renews a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages or non-nutritious food as defined in law, the County Superintendent shall ensure that the district has sufficient internal controls in place to protect the integrity of public funds and to ensure that funds raised as a result of this contract benefit public education.

## CONTRACTS (continued)

The County Board/County Superintendent shall not enter into or renew a contract that grants exclusive or nonexclusive advertising or sale of carbonated beverages, non-nutritious beverages or non-nutritious food until parents/guardians, students and members of the public have had an opportunity to comment on the contract at a public hearing held during a regularly scheduled board meeting. The County Board/County Superintendent shall clearly, and in a manner recognizable to the general public, identify in the agenda the contract to be discussed at the meeting. (Education Code 35182.5)

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

14505 Provisions required in contracts for audits

17595-17606 Contracts

35182.5 Contract prohibitions

45103.5 Contracts for management consulting service related to food service

#### CODE OF CIVIL PROCEDURE

685.010 Rate of interest

#### GOVERNMENT CODE

12990 Nondiscrimination and compliance employment programs

53260 Contract provision re maximum cash settlement

53262 Ratification of contracts with administrative officers

#### LABOR CODE

1775 Penalties for violations

1810-1813 Working hours

#### PUBLIC CONTRACT CODE

4100-4114 Subletting and subcontracting fair practices

7104 Contracts for excavations; discovery of hazardous waste

7106 Noncollusion affidavit

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

20104.50 Construction Progress Payments

22300 Performance retentions

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

### *Management Resources:*

#### CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

#### WEB SITES

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

CASBO: <http://www.casbo.org>

**PAYMENT FOR GOODS AND SERVICES**

**Reimbursement of Expenditures**

The Lassen County Board of Education authorizes the County Superintendent of Schools to develop and implement a management procedure to provide for reimbursement to the County Office for personal expenses incurred by members of the County Board/staff and agents of the Lassen County Office of Education. Such personal expenses may occur for registration for conferences/workshops for spouses and/or guests; meals for such individuals at various authorized events; airplane fare for spouses/guests while going to authorized event; personal telephone calls; and other personal expenses that may occur.

The management procedure shall include a method of documentation. The County Office shall bill the individual in a timely fashion for reimbursement of such expenses. Reimbursement shall be credited to the appropriate accounts from which the expenditures occurred.

**Rewards of Special Recognition**

Education Code 1042 provides that the County Board may adopt rules and regulations governing the administration of the County Office of the County Superintendent of Schools; and

The County Board desires to foster and instill the knowledge, understandings and skills necessary to develop in students a sense of social responsibility; and

The County Board desires to provide the County Superintendent with authority to provide rewards to students and to recognize the special circumstances of employee and associates by sending greeting cards and other appropriate recognition items for special occasions.

The County Superintendent shall designate the employees authorized to expend funds for these purposes and such expenses for rewards and special recognition duly authorized shall be paid from County Office funds.

The County Board determines that these activities are in accordance with Education Code 1042 purpose as follows:

- Inspires students to set individual and group goals
- Encourages individual participation and group cooperation in class activities
- Increase student self-esteem
- Improves employee morale

## **PAYMENT FOR GOODS AND SERVICES (continued)**

- Expresses appreciation and understanding in a timely manner.

### *Legal Reference:*

#### EDUCATION CODE

*1240 et seq. Duties, responsibilities and general powers of county superintendents of schools*

*1275 Delegation of purchasing authority to county purchasing agent*

*1500 Expenses payable out of county school service fund*

*1510 Expenses payable out of county general fund*

*1600 et seq. County school service fund, especially*

*1602 Use of county school service fund by county superintendent of schools*

*42630-42651 General provisions - orders, requisitions and warrants*

*42800-42806 Revolving cash fund*

*42810 Alternative revolving fund*

*42820 Prepayment funds*

#### CODE OF CIVIL PROCEDURE

*685.010 Rate of interest*

#### GOVERNMENT CODE

*5500 Definitions (facsimile signatures)*

*5501 Filing and certification of manual signature*

*5503 Unlawful use of facsimile signatures or seals*

#### PUBLIC CONTRACT CODE

*7107 Retention proceeds; withholding; disbursement*

*20104.50 Construction progress payments*



**RELATIONS WITH VENDORS**

No County Office employee or Lassen County Board of Education member shall accept personal gifts, commissions or expense-paid trips from individuals or companies selling equipment, materials or services required in the operation of County Office programs. Gifts include any gift purchased specifically for an employee which is not generally offered to other buyers.

This policy does not prohibit employees from accepting promotional or advertising items such as calendars, desk pads, notebooks and other office gadgets which are offered by business concerns free to all as part of their public relations programs.

County Office employees who work for or serve as consultants for potential vendors shall not participate in evaluating any equipment, materials or services of that vendor or its competitors.

This policy does not prohibit the acceptance of materials and/or services which are of use and benefit to the County Office.

*Legal Reference:*

EDUCATION CODE

60071 *Prohibited offers to influence adoption or purchase of instructional materials*

60072 *Acceptance of consideration or inducements by school official*

60073 *Penalties for violation of article*

60074 *Supplying sample copies*

60075 *Receiving sample copies*

60076 *Inapplicability of article; royalties or other compensation of school official for writing or preparing instructional materials; claim of district to royalty*

**CLAIMS AND ACTIONS AGAINST THE COUNTY OFFICE**

Any and all claims for money or damages against the County Office shall be presented to and acted upon in accordance with County Board policy and administrative regulation.

Compliance with this policy and accompanying administrative regulation is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with County Office policies and procedures and the claims procedures set forth in the Government Code.

The Lassen County Board of Education delegates to the County Superintendent of Schools the authority to allow, compromise, or settle claims of \$50,000 or less. (Government Code 935.4)

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages.

**Roster of Public Agencies**

The County Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. Any changes to such information shall be filed within 10 days after the change in facts. (Government Code 53051)

This information shall include the name of the County Office, the mailing address of the County Board, and the names and addresses of the County Board presiding officer, the County Board clerk or secretary and other members of the County Board. (Government Code 53051)

*Legal Reference:*

EDUCATION CODE

35200 *Liability for debts and contracts*

35202 *Claims against districts; applicability of Government Code*

GOVERNMENT CODE

800 *Cost in civil actions*

810-996.6 *Claims and actions against public entities*

53051 *Information filed with secretary of state and county clerk*

PENAL CODE

72 *Fraudulent claims*

COURT DECISIONS

CSEA v. Azusa Unified School District, (1984) 152 Cal.App.3d 580

**CLAIMS AND ACTIONS AGAINST THE COUNTY OFFICE**

**Time Limitations**

The following time limitations apply to claims against the County Office:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property or growing crops shall be presented to the Lassen County Board of Education not later than six months after the accrual of the cause of action. (Government Code 905, 911.2)
2. Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six months after the accrual of the cause of action. (Government Code 905, 911.2, 935)
3. Claims for money or damages as authorized in Government Code 905 and not included in item #1 above, including claims for damages to real property, shall be filed not later than one year after the accrual of the cause of action. (Government Code 905, 911.2)

**Late Claims**

Any person presenting a claim under item #1 or #2 above later than six months after the accrual of the cause of action shall present, along with the claim, an application to file a late claim. Such claim and application to file a late claim shall be filed not later than one year after the accrual of the cause of action. (Government Code 911.4)

If a claim under item #1 or #2 is filed late and is not accompanied by an application to file a late claim, the County Board or County Superintendent of Schools shall, within 45 days, give written notice that the claim was not filed timely and that it is being returned without further action.

The County Board or County Superintendent shall grant or deny the application to file a late claim within 45 days after it is presented. This 45-day period may be extended by written agreement of the claimant and the County Board or County Superintendent provided that such agreement is made before the expiration of the 45-day period. (Government Code 911.6)

The County Board or County Superintendent shall grant the application to file a late claim under any one of the following circumstances: (Government Code 911.6)

1. The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the County Office was not prejudiced in its defense of the claim by the failure to present the claim within the time limit.

## **CLAIMS AND ACTIONS AGAINST THE COUNTY OFFICE (continued)**

2. The person who sustained the alleged injury, damage or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim.
4. The person who sustained the alleged injury, damage or loss died before the expiration of the time specified for the presentation of the claim.

If the application to present a late claim is denied, the claimant shall be given notice in the form set forth in Government Code 911.3. (Government Code 911.3)

If the County Board or County Superintendent does not take action on the application to file a late claim within 45 days, the application shall be deemed to have been denied on the 45th day unless such time period has been extended, in which case it shall be denied on the last day of the period specified in the extension agreement. (Government Code 911.6)

### **Delivery and Form of Claim**

A claim, any amendment thereto, or an application to present a late claim shall be deemed presented and received when delivered to the office of the County Superintendent or deposited in a post office, subpost office, substation, or mail chute or other like facility maintained by the U.S. Government, in a sealed envelope properly addressed to the County Office with postage paid. (Government Code 915, 915.2)

Claims shall be submitted on the district claim form. The Board or Superintendent may return a claim not using the district's claim form and the claim may be resubmitted using the district's form. (Government Code 910.4)

### **Notice of Claim Insufficiency**

The County Superintendent shall review all claims for sufficiency of information.

If the claim is found insufficient or found not to satisfy the form requirements under Government Code 910.4, the County Board or County Superintendent may, within 20 days of receipt of the claim, either personally deliver or mail to the claimant, at the address stated in the claim or application, a notice stating with particularity the defects or omission in the claim. (Government Code 910.8, 915.4)

The County Superintendent or County Board shall not act upon the claim until at least 15 days after such notice is given. (Government Code 910.8)

## **CLAIMS AND ACTIONS AGAINST THE COUNTY OFFICE (continued)**

### **Amendments to Claim**

Claims may be amended within the time limits provided under the section entitled “Time Limitations” above or prior to final action by the County Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim. (Government Code 910.6)

### **Action on Claim**

Within 45 days after the presentation or amendment of a claim, the County Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the 45-day period. If the 45-day period has expired, the time limit may be extended if legal action has not been commenced or barred by legal limitations. (Government Code 912.4)

The County Board may act on the claim in one of the following ways: (Government Code 912.6)

1. If the County Board finds that the claim is not a proper charge against the County Office, the claim shall be rejected.
2. If the County Board finds that the claim is a proper charge against the County Office and is for an amount justly due, the claim shall be allowed.
3. If the County Board finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the County Board shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of the district or the amount justly due is disputed, the County Board may reject or compromise the claim.

If the County Board allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the County Board may require the claimant to accept it in settlement of the entire claim. (Government Code 912.6)

The County Superintendent or designee shall transmit to the claimant written notice of action taken or inaction which is deemed rejection. The notice shall be in the form set forth in Government Code 913 and shall either be personally delivered or mailed to the address stated in the claim or application. (Government Code 913, 915.4)

CLAIMS AND ACTIONS AGAINST THE COUNTY OFFICE

CLAIM FORM AGAINST LASSEN COUNTY OFFICE OF EDUCATION
Government Code Sections 910 and 910.2

Name of Claimant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ (day) \_\_\_\_\_ (evening) \_\_\_\_\_

Date the injury/damage occurred: \_\_\_\_\_

Place the injury/damage occurred: \_\_\_\_\_

Describe how and under what circumstances the injury/damage occurred: \_\_\_\_\_

What particular action by the district and/or its employees caused the alleged damage or injury: (List employee name(s), if known): \_\_\_\_\_

State the amount of the claim if it is less than \$10,000: \$ \_\_\_\_\_

Include the estimated amount of any prospective injury, damage or loss insofar as it may be known at the time this claim is presented and list the basis for the computation of the amount claimed: \_\_\_\_\_

If the dollar amount is more than \$10,000, no dollar amount shall be stated but please indicate whether the claim is a limited civil claim (total dollar amount less than \$25,000):

Limited Civil Case: Yes \_\_\_\_\_ No \_\_\_\_\_

Names, addresses and phone numbers of any witnesses, doctors, and hospitals: \_\_\_\_\_

Warning: It is unlawful to knowingly present or cause to be presented any false or fraudulent claim for payment of a loss or injury. Penal Code 72 provides that a person who files such a claim may be guilty of a felony punishable by imprisonment and by a fine not exceeding \$10,000.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**CLAIMS AND ACTIONS AGAINST THE COUNTY OFFICE**

**NOTICE OF FAILURE TO USE COUNTY OFFICE'S CLAIM FORM  
Government Code Section 910.4**

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

The claim you presented to the County Superintendent or designee on [date] is being returned because it was not presented on the County Office's claim form as required by Government Code Section 910.4 and in accordance with County Board policy and administrative regulation. Because the claim was not presented on the County Office's form, no action was taken on the claim.

You may resubmit your claim using the County Office's claim form, which may be obtained at the County Office. Note that your claim must still comply with the time limits in the Government Code specified for filing of such claims. For further information, call [phone number].

**CLAIMS AND ACTIONS AGAINST THE COUNTY OFFICE**

**NOTICE OF INSUFFICIENCY  
Government Code Section 910.8**

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

The claim presented by you on [date] fails to comply substantially with the requirements of Government Code Sections 910 and 910.2 or with the requirements of the district's claim form provided under Government Code Section 910.4. Specifically, your claim is insufficient because of the following defects or omissions:

Therefore, the claim is being returned to you without further action or consideration. If you wish to pursue this further, you should consult the Government Code or legal counsel.

The Lassen County Board of Education will not take any action on the claim for a period of fifteen (15) days from the date of this notice.

Dated: \_\_\_\_\_

\_\_\_\_\_

Signature

\_\_\_\_\_

Typed Title of Officer



**CLAIMS AND ACTIONS AGAINST THE COUNTY OFFICE**

**NOTICE OF FAILURE TO FILE IN A TIMELY MANNER  
Government Code Section 911.3**

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

The claim you presented to the County Superintendent or designee on [date] is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

Your only recourse at this time is to apply without delay to [district name] for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

**CLAIMS AND ACTIONS AGAINST COUNTY OFFICE**

**DENIAL OF APPLICATION TO FILE A LATE CLAIM  
Government Code Section 911.8**

TO: [Claimant]  
[Address]

RE: Claim Filed [date]

Your application to file a late claim presented on [date] has been denied. The Lassen County Board of Education has determined that your claim does not satisfy one of the four conditions listed in Government Code Section 911.6.

**WARNING**

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 945.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

**CLAIMS AND ACTIONS AGAINST THE COUNTY OFFICE**

**NOTICE OF ACTION TAKEN ON CLAIM  
Government Code Section 913**

Dear \_\_\_\_\_:

Notice is hereby given that the claim you presented to the [district name] on [date] was [rejected, allowed, allowed in the amount of \$ \_\_\_\_\_ and rejected to the balance, rejected by operation of law or other appropriate language, whichever is applicable] on [date of action or rejection by operation of law].

**WARNING**

Subject to certain exceptions, you have only six (6) months from the date this letter was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Title of Officer

**TRAVEL EXPENSES**

This policy shall be administered uniformly to employees, County Board members, and official representatives of the Lassen County Board of Education.

The Lassen County Office of Education shall pay for all actual and necessary expenses, including travel, incurred by any employee or County Board member performing authorized services for the County. Funds expended shall not exceed those budgeted for these purposes.

The County Board, under the provisions of Education Code 44033, delegates authorization to the County Superintendent of Schools to approve requests for travel, meetings, and conferences.

All reimbursement for travel and expenses must be approved by the immediate supervisor and are subject to approval of the County Superintendent. All travel shall have prior approval by the County Superintendent or designee.

An employee or County Board member must incur the expense. An employee or official cannot be reimbursed for expenses for spouses and/or friends, such as lodging and meals for attendance at conferences, conventions, or workshops with the employee or County Board member, even though the attendance by the spouse and/or friend may be of benefit or in the best interest of the County Office.

**Travel Reimbursement**

Expense claims must be for actual and necessary expenses. Claims for actual and necessary expenses shall be allowed and paid in accordance with the following rules:

1. All expense reimbursements shall be properly itemized, and accompanied by the necessary vouchers and approved by the duly-authorized officer.
2. Employees shall claim mileage from their primary office location. This includes staff residing outside of Lassen County or Susanville.
3. Receipts or vouchers shall be submitted for all public transportation. Exceptions would be bridge and/or road tolls or public transportation such as BART, Regional Transit, etc.
4. Claims for hotel accommodations and conference registration fees shall be accompanied by vouchers and shall show dates for which charges are made. In the event a spouse is in attendance, the reimbursement shall not exceed the rate for single occupancy lodging.

**TRAVEL EXPENSES** (continued)

5. No more than the actual fare on any air or rail transportation service in accordance with the latest tariffs at the time the trip was made shall be allowed. Special rates and round-trip rates shall be used whenever possible.
6. Mileage for privately-owned automobiles will be allowed when a County Car is not available. If a staff member chooses to use his/her private vehicle, reimbursement shall be at a lesser rate established by the County Superintendent. Ferry, bridge, and toll charges may be claimed in addition to mileage allowances.
7. For budgeting purposes, it is expected that claims for reimbursement be submitted within a reasonable time. Claims for conference expenses are to be submitted immediately upon return from each conference attended. Mileage reimbursement for itinerant and other staff shall be submitted monthly along with the staff member's timeslip.
8. Monthly Mileage Reimbursement – Itinerant Employees: Each itinerant employee will be assigned a "primary office location." Daily mileage for personal vehicles must be calculated after subtracting round-trip mileage from home to the primary office location (please see corresponding Exhibit).
9. Reimbursement requests must be submitted for review and approval no later than 60 days after the expense is incurred. Claims for reimbursement submitted later than 60 days will not be paid. It is the employee's responsibility to monitor the 60-day timeline.

*Legal Reference:*

EDUCATION CODE

1081 Travel expense

1091 Travel expense to attend board meeting

1200-1205 County Superintendent of Schools Salary and Expenses

44016 Travel expense

44032 Travel expense payment

44033 Automobile allowance

44802 Student teacher's travel expense

Policy

adopted: 2/14/07

Revised: 5/9/12

Revised: 2/12/20

**TRAVEL EXPENSES**

For monthly mileage reimbursement for itinerant employees, each employee will be assigned a “primary office location.” Mileage reimbursements shall be calculated after deducting round-trip mileage from home to the designated primary office location for each employee as shown in the following examples:

Example #1

Residence is located 8 miles from LCOE Office- primary work location is LCOE office  
Travel in personal vehicle – Home to LHS and LHS to LCOE

Home to LHS:	2 miles
LHS to LCOE:	<u>5 miles</u>
	7 miles
	<u>- 8 miles</u> (Home to LCOE)
	0 mile reimbursement

Example #2

Residence is located 8 miles from LCOE Office- primary work location is LCOE office  
Travel in personal vehicle – Home to Westwood and Westwood to Home

Home to Westwood:	36 miles
Westwood to Home:	<u>36 miles</u>
	72 miles
	<u>-16 miles</u> (Home to LCOE/LCOE to Home)
	56 miles reimbursement

**MANAGEMENT OF COUNTY OFFICE ASSETS/ACCOUNTS**

The Lassen County Superintendent of Schools or designee shall establish and maintain accurate, efficient financial management systems to meet the County Office's fiscal obligations, produce useful information for financial reports, and safeguard the County Office's resources. He/she shall ensure that the County Office's accounting system provides ongoing internal controls and meets generally accepted accounting standards.

**Capital Assets**

The Lassen County Office of Education recognizes the importance of accurately identifying and valuing County Office assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. County Office assets with a useful life of more than one year and an initial acquisition cost of \$5,000 or more for equipment and \$25,000 or more for facilities and improvement of facilities shall be considered capital assets. The County Superintendent or designee shall determine the estimated useful life of each capital asset and shall calculate and report the estimated loss of value, or depreciation, during each accounting period for all capital assets.

**Money in School Buildings**

Money collected by County Office employees shall be handled with good and prudent business procedures.

All money collected shall be receipted and accounted for and directed without delay to the business office for safekeeping in the safe and timely deposit in the County Treasury.

In no case shall money be left overnight in schools or departments except in safes or locked fireproof file cabinets provided for safekeeping of valuables, and even then no more than \$500.

Deposits will be made by the business office to the County Treasury, at minimum, once a week. Individual checks or total receipts exceeding \$10,000 will be deposited in the County Treasury no later than the end of the working day following the date of receipt by the business office.

*Legal Reference: (see next page)*

## MANAGEMENT OF COUNTY OFFICE ASSETS/ACCOUNTS (continued)

### *Legal Reference:*

#### EDUCATION CODE

1241.5 Audit by county superintendent

14500-14508 Financial and compliance audits

35035 Powers and duties of superintendent

35250 Duty to keep certain records and reports

41010-41023 Accounting regulations, budget controls and audits

42600-42604 Control of expenditures

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

#### GOVERNMENT CODE

53995-53997 Obligation of contract

### *Management Resources:*

#### CSBA PUBLICATIONS

*Maximizing School Board Leadership: Finance, 1996*

#### GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

#### WEB SITES

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

CDE, School Fiscal Services: <http://www.cde.ca.gov/fiscal>

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

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

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

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

Policy

adopted: 2/14/07

Revised: 10/14/09

**LASSEN COUNTY OFFICE OF EDUCATION**  
Susanville, California



**MANAGEMENT OF COUNTY OFFICE ASSETS/ACCOUNTS**

**Accounts**

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

The County Superintendent of Schools or designee shall ensure that funds are encumbered in the County Office accounting records immediately after an expenditure is committed for subsequent payment.

**INVESTING**

The Lassen County Superintendent of Schools or designee may invest as permitted by law all or part of the special reserve fund of the County Office or any surplus monies not required for immediate County Office operations. Such investments shall be limited to securities specified in Government Code 16430, 53601 and 53635.

The Lassen County Board of Education recognizes that the County Superintendent or designee has fiduciary responsibility and is subject to prudent investor standards for all investment decisions. As such, County Office investments must be made with skill, prudence and diligence, with the primary objective of safeguarding the program administrator of the funds and with the secondary objective of meeting the County Office's liquidity needs. In order to enhance investment return, the County Office's third investment objective shall be to generate an investment yield that attains or exceeds a market-average rate of return through economic cycles.

The County Board recognizes the importance of overseeing investments made with County Office funds, including investments by the county treasurer. In addition, the County Superintendent or designee shall keep the County Board informed about policies that guide the investment of these funds.

The County Superintendent or designee shall annually provide to the County Board and any County Office investment oversight committee a statement of the County Office's investment policy or, if all County Office surplus funds are invested with the county treasurer, the county's investment policy.

At a public meeting, the County Board shall review this policy and discuss any changes to be made. If the County Board decides not to invest surplus funds in the county treasury, the County Superintendent or designee also shall provide the County Board quarterly reports with specified components, including a statement of how the County Office portfolio compares with the County Office's investment policy. (Government Code 53646)

*Legal Reference: (see next page)*

**INVESTING** (continued)

*Legal Reference:*

EDUCATION CODE

- 41001 Deposit of money in county treasury*
- 41002 General fund deposits and exceptions*
- 41002.5 Deposit of certain funds in insured institutions*
- 41003 Funds received from rental of real property*
- 41015 Authorization of and limitation investment of district funds*
- 41017 Deposit of miscellaneous receipts*
- 41018 Disposition of money received*
- 42840-42843 Special reserve fund*

CIVIL CODE

- 2261 Obligations of trustees*

GOVERNMENT CODE

- 16430 Eligible securities for investment of surplus moneys*
- 27130-27137 County treasury oversight committees*
- 53600-53609 Investment of surplus*
- 53630-53686 Deposit of funds, especially:*
  - 53635 Local agency funds; deposit or investment*
  - 53646 Treasurer reports and statements of investment policy*
- 53852.5 Investment term for funds designated for repayment of notes*
- 53859.02 Borrowing by local agency*

**INVESTING**

**Investment Objectives**

The primary investment objective shall be to maintain the safety and liquidity of Lassen County Office of Education funds. Safety of program administrator is the foremost objective. The investment factors of the County Office shall consider, in order of descending importance, are the following:

- Safety of the invested funds;
- Sufficient liquidity to meet future cash flow requirements; and
- Attain maximum yield consistent with the aforementioned requirements.

In addition, the County Office shall adopt measures as set forth herein to ensure that the issuance of debt by the departments complies with all applicable state and federal laws, including federal and state securities laws.

**Authorized Investments**

Investments will be made in the context of the "Prudent Investor Rule" (Civil Code 2261), which in substance states that:

“Investment shall be made with the judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence, exercise in the management their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as their probable income to be derived.”

The County Office shall deposit all funds received or collected from any into the County Treasury, except as noted in this policy.

Monies received from the sources, or for the purposes listed below, may be deposited in a bank or other financial institution. Monies so deposited shall be in a fully insured or collateralized accounts or instruments. Bank accounts maintained outside the County Treasury shall be limited to the following purposes:

1. Cash Clearing Account

Purpose: To deposit Accounts Receivable checks, then write check to County of Superintendent once checks have cleared.

2. Revolving Cash

Purpose: Emergency transaction for Payroll and Accounts Payable.

**INVESTING** (continued)

3. Student Body Accounts

Purpose: Student Body Association purposes.

4. Foundation or Trust Accounts

Purpose: To pay fund specified by a Foundation governing body or a donating body.

**Investment of Debt Issuance Proceeds**

In connection with all debt offerings issued by the County Office, the County Office will retain County Board Counsel and Disclosure Counsel to review the offering materials prepared in connection with the debt offering to ensure that disclosures contained in offering materials comply with federal and state securities laws.

When depositing proceeds from the issuance of debt, the County Office shall limit such investments to those authorized investments identified in the Government Code. Should a trust agreement of a particular debt issued by the County Office be more restrictive than the County Office policy on authorized investments, and then the trust agreement will take precedence.

**Investments Reports**

The County Superintendent will present quarterly reports on investments in the County Treasury and debt issuance.

**Investing**

The County Superintendent shall authorize the County Treasurer to invest all or part of the funds of the County Office that are not required for immediate use in such fashion as the law permits.

**INVENTORIES**

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

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

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

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

The following information must also be recorded for items acquired with federal funds: (34 CFR 80.32)

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

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

## INVENTORIES (continued)

### Petty Cash Funds

The purpose of a petty cash fund is to have cash available in the office of the program administrator or other administrative officer for express charges, postage due and other unforeseen small expenses which cannot conveniently be charged and handled in the usual manner.

1. The amount of cash funds at any school site shall not exceed \$100.
2. The program administrator or administrative official in whose name the fund is created will be responsible for all expenditures made from it.
3. Each disbursement will be supported by a cash register tape, a sales slip or other evidence of the expenditure. Such evidence will be summarized monthly, or earlier if the fund needs replenishment.
4. The documents and the summary will be forwarded to the business office where a check will be issued to replenish the fund.
5. The amount on deposit plus receipts of disbursement must always equal the original amount of the fund.
6. Funds will be regularly audited by the business office.
7. Funds are subject to audit by the district's auditor.
8. Money left overnight in schools shall be kept in a safe or secured place.

#### *Legal Reference:*

##### EDUCATION CODE

*35160 Authority of governing boards*

*35250 Duty to keep certain records*

*41020 Requirement for annual audit*

*42800-42810 Revolving funds*

**STUDENT ACTIVITY FUNDS**

Student organizations may raise and spend money in order to promote the general welfare, morale and educational experiences of the students. Student funds shall finance worthwhile activities which go beyond those provided by the County Office. Minutes shall be kept of student organization meetings and shall properly reflect all financial activities.

Student funds shall be managed in accordance with sound business procedures designed to encourage the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

With Lassen County Board of Education approval, student funds shall be held or invested in one of the following ways:

1. Deposited or invested in a federally insured bank or savings and loan; or in a state or federally insured credit union. (Education Code 48933)
2. Invested in U.S. savings bonds or obligations. (Education Code 48933)
3. Loaned to other County Office student organizations or invested in County Office property improvements pursuant to Education Code 48936.

Student funds shall be disbursed according to procedures established by the student organization. All disbursements must be approved by a County Board-designated official, the certificated employee who is the student organization advisor and a student organization representative. (Education Code 48933)

The program administrator or designee shall be responsible for the proper conduct of all student organization financial activities. The County Superintendent of Schools or designee shall periodically review the organizations' general financial structures and accounting procedures.

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

*Legal Reference:*

EDUCATION CODE

41020 Requirement for annual audit

48930-48938 Student body organization



**FINANCIAL REPORTS AND ACCOUNTABILITY**

The Lassen County Superintendent of Schools or designee shall prepare all fiscal reports, keep necessary records to adequately control the financial transactions of the County Office, and prepare financial statements. All fiscal reports shall be filed with county, state, or federal agencies as required. When required by law or County Board policy, these reports will be reviewed by the Lassen County Board of Education before filing with the appropriate agencies.

The County Superintendent or designee shall ensure that all financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education.

*Legal Reference:*

EDUCATION CODE

1240-1241.5 *General duties, reports*

14500-14508 *Financial and compliance audits*

1600-1630 *County office school services fund, budget approval*

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

33127 *Standards and criteria for local budgets and expenditures*

33128 *Standards and criteria; inclusions*

33129 *Standards and criteria; use by local agencies*

35035 *Powers and duties of superintendent*

41010-41023 *Accounting system*

41326 *Emergency apportionment*

41344 *Repayment of apportionment significant audit exceptions*

41344.1 *Appeals of audit findings*

41455 *Examination of financial problems of local districts*

42100-42105 *Requirement to prepare and file annual statement*

42127.6 *School district operations monitoring; financial obligation nonpayment*

42130-42134 *Financial reports and certifications*

42140-42142 *Public disclosure of fiscal obligations*

GOVERNMENT CODE

3540.2 *School district; qualified or negative certification; proposed agreement review and comment*

16429.1 *Local agency investment fund*

53646 *Reports of investment policy and compliance*

CODE OF REGULATIONS, TITLE 5

15070 *Submission of reports using standardized account code structure*

15453-15463 *Criteria and standards for school district interim reports*

15480-15490 *Criteria and standards for county office reports*

*Management Resources: (see next page)*

## FINANCIAL REPORTS AND ACCOUNTABILITY (continued)

### *Management Resources:*

#### CSBA PUBLICATIONS

*Maximizing School Board Governance: Fiscal Accountability, 2005*

#### CDE COMMUNICATIONS

*1208.00 Audit Resolution Process: Repayment Plans*

#### GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

*Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004*

#### U.S. GENERAL ACCOUNTING OFFICE AND PRESIDENT'S COUNCIL ON INTEGRITY AND EFFICIENCY (PCIE) PUBLICATIONS

*Financial Audit Manual, revised 2003*

#### STATE CONTROLLER PUBLICATIONS

*Standards and Procedures for Audits of California K-12 Local Educational Agencies (annual publication)*

#### WEB SITES

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

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

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

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

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

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

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

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

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

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

**FINANCIAL REPORTS AND ACCOUNTABILITY**

**Interim Reports**

The Lassen County Superintendent of Schools or designee shall submit for information two interim fiscal reports to the County Board, the first report covering the County's financial and budgetary status for the period ending October 31 and the second report covering the period ending January 31. The reports and supporting data shall also be made available by the County Office for public review. (Education Code 42130)

Within 45 days after the close of the period reported, the County Board shall review the interim report on the basis of criteria adopted by the State Board of Education pursuant to Education Code 33127 and on current information regarding the adopted state budget, County Office property tax revenues if any, and ending balances for the preceding year.

**Annual Financial Report**

On a form prescribed by the Superintendent of Public Instruction, the County Superintendent of Schools or designee shall prepare a statement of all receipts and expenditures of the County Office for the preceding fiscal year. On or before October 15, the County Board shall approve this statement and file it with the Superintendent of Public Instruction. (Education Code 1628, 42100)

**Appropriations Limit Report**

The County Board shall adopt a resolution by October 15 of each year to identify the estimated appropriations limit for the district for the current fiscal year and the actual appropriations limit of the County Office during the preceding year. Documentation used to identify these limits shall be made available to the public on the day of the County Board meeting. (Education Code 42132)

**Annual Audit**

There shall be an annual audit made of the records of the Office of the County Superintendent, as well as each County Office school within the County as required by law.

The County Superintendent will contact with an independent certified public accountant firm to perform an annual audit. The audit contract will be reviewed and evaluated at least every three years. A mandatory rotation of the audit firm conducting the audit shall occur no less frequently than every five years.

**FINANCIAL REPORTS AND ACCOUNTABILITY** (continued)

To conduct the audit, the County Board shall select a certified public accountant, or public accountant licensed by the State Board of Accountancy, from among those deemed qualified by the State Controller. (Education Code 1627)

The County Board shall not select any public accounting firm to provide audit services if the lead audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for the County Office in each of the six previous fiscal years. (Education Code 41020)

While a firm is performing the audit of the County Office, it shall not provide any nonauditing, management or other consulting services except as provided in the auditor independence standards established in Government Accounting Standards, Amendment #3, published by the U.S. Government Accounting Office. (Education Code 41020)

No later than December 15, the County Superintendent or designee shall file the report of the audit for the preceding fiscal year with the California Department of Education (CDE), and the State Controller. (Education Code 41020)

By January 31 of each year, the County Board shall review, at an open meeting, the annual County Office audit for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or any issue raised in a management letter. (Education Code 41020.3)

*The County Office of Education recognizes that it is our responsibility to have the skills and knowledge that are necessary to ensure that all financial reporting is accurate and complete in accordance with State of California standards and Generally Accepted Accounting Principles (GAAP). We recognize that it is appropriate to have the abilities within our own personnel, as well as effective policies and procedures for the County Office, to ensure complete and accurate financial reporting, rather than reliance on external auditors.*

*Accordingly, the County Office will be implementing the following policies:*

- 1. All fiscal personnel will be receiving annual continuing education on implementing new Governmental Accounting Standards issued by the GASB, new CDE reporting requirements through SACS, and review of the applicable accounting standards.*
- 2. The County Office will ensure that complete financial statements are prepared by producing government-wide financial reports from the SACS software that will be provided to auditors and reconciled to the County Office's financial activity.*
- 3. The County Office will be using a "disclosure checklist," which will be revised annually for recent GASB pronouncements, to ensure that financial reporting is complete and accurate for the financial statements, Management Discussion & Analysis (MD&A), and footnote disclosures.*

**FINANCIAL REPORTS AND ACCOUNTABILITY** (continued)

4. *The County Office will review the government-wide financial statements prepared by the Districts, as well as the District's disclosure checklists, annually.*

**Fund Balance**

In accordance with GASB Statement 54, external financial reports shall report fund balances in the general fund within the following classifications based on the relative strength of constraints placed on the purposes for which resources can be used:

1. Nonspendable fund balance, including amounts that are not expected to be converted to cash, such as resources that are not in a spendable form or are legally or contractually required to be maintained intact.
2. Restricted fund balance, including amounts constrained to specific purposes by the Board.
3. Committed fund balance, including amounts constrained to specific purposes by the Board.
4. Assigned fund balance, including amounts which the Board or its designee intends to use for a specific purpose.
5. Unassigned fund balance, including amounts that are available for any purpose.

**Accrued Benefits and Claims Report**

The County Superintendent or designee shall plan for the implementation of the Governmental Accounting Standards Board Statement 45, including the procurement of a qualified actuary to perform the required actuarial study. In addition, the County Superintendent or designee shall recommend actions to the County Board that mitigate the financial impact to the district as a result of this change in the method of accounting for post-employment health and welfare benefits.

**Investment Reports**

Within 30 days of the end of each quarter, the County Superintendent or designee may provide the County Board with quarterly reports of County Office investments that are more than \$25,000. (Government Code 53646)

Regulation  
approved: 2/14/07  
Revised: 8/10/11  
Revised: 6/22/16

**LASSEN COUNTY OFFICE OF EDUCATION**  
California, Susanville

**FINANCIAL ASSISTANCE TO DISTRICTS**

It shall be the policy of the Lassen County Board of Education that school district Boards when requesting financial assistance from the County Superintendent of Schools' Office requiring approval of the County Board, observe the following procedures:

1. Make written request for needed funds with explanation of needs.
2. Show intent to repay the funds, with projected source of monies to be used for repayment, including repayment time, and amounts per period.
3. Assign a representative to appear before the County Board to explain the request and respond to questions of the County Board.

*Legal Reference:*

EDUCATION CODE

*42621 Temporary transfers to school districts from county school service fund and provisions for repayment*

*85221 Temporary transfers to school districts from county school service fund and provisions for repayment*

**OPERATION AND MAINTENANCE OF PLANT**

An effective educational program requires clean, healthful, safe, businesslike and attractive physical facilities. The maintenance and custodial staff is charged with the responsibility of caring for and protecting these facilities. In order to carry out an efficient maintenance program, the custodian must receive the cooperation of the students, the teachers and administrators.

Custodians must have a daily work schedule in order to accomplish their part of the overall task. They must be given directions on to perform the various duties assigned to them.

**EQUIPMENT**

Employees and/or students shall use Lassen County Office of Education equipment only for school-related tasks. The County Superintendent of Schools or designee shall ensure that all employees understand that personal use of County Office equipment is prohibited and that a violation may be cause for disciplinary action.

The County Office shall provide comparable basic equipment and supplies for all classes. When equipment cannot be supplied to every class, the County Superintendent or designee shall ensure that it will be shared within and among the schools.

School equipment may be used by staff members and/or students only for school-related tasks. County Office equipment may not be used for personal reasons.

The County Superintendent or designee shall ensure that all employees understand that personal use of district property is prohibited and that violation may be caused for disciplinary action.

When any equipment is taken off-site, the borrower is responsible for its safe return and shall be fully liable for any loss or damage.

**Transfer of Equipment to a New Site**

Employees transferred to another school site shall take with them only those personal items that have been purchased with their own funds. Items paid for by County Office, school-connected organizations or grants shall remain at the initial location unless the program administrators of both sites make special arrangements that serve the best interests of the county wide instructional program.

Equipment and materials unique to a special program being moved to another site may be moved to the new location upon the approval of both program administrators.

Internal business requires transfer of equipment to be reported on the Inventory Change Form.

**Equipment Acquired by Federal Funds**

Equipment purchased for use in a federal program shall be used in that program as long as needed, whether or not the program continues to be supported by federal funds. When no longer needed for the original program, the equipment may be used in other activities currently or previously supported by a federal agency. (34 CFR 80.32)

All equipment purchased with Consolidated Application funds shall be labeled with the name of the project, identification number and name of the County Office. (5 CCR 3946)



**EQUIPMENT** (continued)

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

35168 Inventory of equipment

CODE OF REGULATIONS, TITLE 5

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

4424 Comparability of services

16023 Class 1- Permanent records

CODE OF FEDERAL REGULATIONS, TITLE 34

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

UNITED STATES CODE, TITLE 20

6321 Fiscal requirements

**EQUIPMENT LOAN FORM**

I assume the responsibility for the following Lassen County Office of Education equipment:

Description

ID Number

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School-related purpose: (Note: items are not for personal use)

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I will return the above equipment to \_\_\_\_\_  
(administrator or designee)  
 no later than \_\_\_\_\_.  
(date)

In borrowing the items listed above, I assume responsibility for any loss of or damage to the equipment or materials. If any items are damaged or lost, I will pay the cost of repairs or replacement.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Approved: 2/14/07 \_\_\_\_\_

Date: \_\_\_\_\_

**COUNTY-OWNED VEHICLE DRIVER AUTHORIZATION**

**Limitations of County-Owned Vehicles**

1. The use of county-owned vehicles for any purpose other than the business of conducting the programs of the Lassen County Office of Education is prohibited.
2. Use of county-owned vehicles to transport members of an employee's family or any other person not connected with programs of the Lassen County Office of Education is prohibited, except with advanced written authorization by the County Superintendent of Schools.
3. Employees of the Lassen County Office of Education are prohibited from consuming alcohol/drugs prior to or during vehicle operation.
4. Employees taking prescription drugs should consult their physician or pharmacist and abide by their directions regarding any medication that may impair driving ability to vehicle operations.

**County-Owned Vehicle Operation**

1. **ALL** drivers shall possess a valid California Driver's License while operating a vehicle.
  - a) A valid California driver's license must be verified by the Human Resources Department prior to operating a county-owned vehicle.
  - b) *Employees under the age of 23 are prohibited from driving a county-owned vehicle.*
2. Employees of the Lassen County Office of Education shall be responsible for the proper use of vehicles in accordance with the California Vehicle Code and these rules and regulations.
3. Employees shall observe all traffic laws at all times. Fines and penalties imposed by a court for violations while doing the business of the County Office of Education are the personal responsibility of the vehicle operator.
4. Parking citations issued by a county vehicle are the responsibility of the employee assigned the vehicle at the time of the citation.
5. All county-owned vehicles receive preventative maintenance to ensure safe operation and to reduce unscheduled down time.

**COUNTY-OWNED VEHICLE DRIVER AUTHORIZATION**

6. It is the responsibility of the driver to immediately report any and all mechanical defects or needed repairs in writing to the person responsible for vehicle maintenance. In the event of the absence of the person responsible for vehicle maintenance, such written reports shall be made to the County Superintendent.
7. It is the responsibility of the vehicle's driver/operator to maintain the cleanliness of the vehicle, both inside and out.
8. When using a county-owned vehicle, employees shall complete the "Mileage Report" at the completion of each trip.

**Gas Credit Card Usage**

1. Gasoline credit cards are provided to those employees assigned a county vehicle and shall be used to purchase gasoline for the assigned vehicle only. Current mileage shall be entered every time a gas purchase is made using the gasoline credit card.

If the employee uses his/her own credit card or cash to purchase gasoline, the mileage shall be noted on the receipt at the time of purchase. The employee shall be reimbursed for the actual cost of the gasoline.

2. The cost of any and all items purchased that are not in compliance with this section are considered a civil debt owed by the employee and will be recovered by the Lassen County Office of Education.

**Taxable Use of County-Owned Vehicles**

The County Office does not allow for personal use of any county-owned vehicle other than commuting. Vehicles cannot be used for vacation or weekend use, or for use by employee spouse or dependents.

De minimis nontaxable personal use can be excluded for:

- Small personal detours while on business, such as driving to lunch while out of the office on business.
- Infrequent, occasional commuting in county-owned vehicles (not more than one day per month).

As an authorized driver of a county-provided vehicle, I understand that the vehicle is provided for business use only. The vehicle will not be used for personal use other than de minimus use as described above.

**COUNTY-OWNED VEHICLE DRIVER AUTHORIZATION**

**Procedure for Use of County-owned Vehicles**

1. Employee reserves a vehicle through the Administrative Assistant and/or log available in the Administration Department.
2. Employee obtains the vehicle key from the holder located directly below the sign-in sheet.
3. Employee records starting odometer reading and purpose of trip on the Mileage Form upon entering the vehicle.
4. Employee returns vehicle with full tank of gas and clean windshield to the parking lot and records ending odometer reading. Any problems or concerns with the vehicle must be reported to the person responsible for vehicle maintenance. Employees shall enter mileage into the card reader at the time of fill-up.
5. Employee returns key.

I have received and understand the policy for use of county-owned vehicles.

In addition, if checked, I understand that I have been authorized to use the vehicle for daily commuting and commuting value will be added to my taxable wages.

Effective start date: \_\_\_\_\_

Term date: \_\_\_\_\_

\_\_\_\_\_  
Please print name

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Supervisor's Name

\_\_\_\_\_  
Signature Date

**TOBACCO-FREE SCHOOLS**

The Lassen County Board of Education recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

The County Office prohibits the use of tobacco products at any time in County Office-owned or leased buildings, on County Office property and in County Office vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083) Specifically prohibited are products containing tobacco and nicotine, including but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, and nicotine delivery devices, such as electronic cigarettes.

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

*Legal Reference:*

EDUCATION CODE

48900 *Grounds for suspension/expulsion*

48901 *Prohibition against tobacco use by students*

HEALTH AND SAFETY CODE

39002 *Control of air pollution from nonvehicular sources*

104350-104495 *Tobacco use prevention, especially:*

104495 *Prohibition of smoking and tobacco waste on playgrounds*

LABOR CODE

6404.5 *Occupational safety and health: use of tobacco products*

UNITED STATES CODE, TITLE 20

6083 *Nonsmoking policy for children's services*

7111-7117 *Safe and Drug Free Schools and Communities Act*

PERB RULINGS

*Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)*

*CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)*

*Management Resources:*

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Health Services: <http://www.dhs.ca.gov>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

Environmental Protection Agency: <http://www.epa.gov>

Policy

adopted: 2/14/07

Revised: 3/13/13

**LASSEN COUNTY OFFICE OF EDUCATION**  
Susanville, California

**TOBACCO-FREE SCHOOLS**

**Notifications**

This Administrative Regulation sets forth the Lassen County Office of Education smoking policy on County Office premises. It is designed to protect and enhance indoor air quality and contribute to the health, safety and well-being of the public and employees. This policy is established to (1) protect the public health and welfare by prohibiting smoking in County Office facilities except in designated smoking areas and/or at designated periods of the day, (2) to strike a reasonable balance between the needs of persons who smoke and the need of non-smokers to breathe smoke-free air and to recognize that, when these needs conflict, the need to breathe smoke-free air shall have priority, and (3) to promote a program of public education regarding the health hazards of tobacco products.

This policy prohibits the use of tobacco products by employees and the public throughout County Office facilities and on County Office property. The use of tobacco products is not permitted in any work areas, including private offices, restrooms, conference rooms, meeting rooms, lobbies, or on County Office property and school grounds. Tobacco products are defined as products containing tobacco and nicotine, including but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, and nicotine delivery devices, such as electronic cigarettes.

The use of tobacco products is prohibited in County Office automobiles.

All employees share in the responsibility for adhering to and enforcing this policy. On any dispute arising under this policy, the rights of the non-smoking employee shall be given preference.

**Enforcement**

All individuals on county premises share in the responsibility for adhering to and enforcing this policy. Any individual who observes a violation on County property may report it in accordance to the procedures listed below:

1. Students

Any violation of this policy by students shall be referred to the Program Administrator. Students who violate provisions of this policy shall be subject to program student discipline procedures at the various sites.

**TOBACCO-FREE SCHOOLS** (continued)

2. Staff

Any violation of this policy by staff shall be referred to the appropriate supervisor. The staff member shall receive a verbal warning, and on the second offense a written warning will be issued and a copy placed in his/her personnel file. Further violation, shall be considered insubordination and shall be dealt with accordingly based upon established policies and procedures for suspension and dismissal of staff.

3. Citizens

Citizens who are observed or using tobacco products on county property shall be asked to refrain from use on the property. If the individual fails to comply with the request, his/her violation of policy may be referred to the appropriate supervisor or administrator responsible for the area or program during which the violation occurred. Supervisors shall make a decision on further action that may include a directive to leave the school property. Repeated violation may result in a recommendation to the County Superintendent to prohibit the individual from entering county property for a specified period of time. If deemed necessary by the administration, the local law enforcement agency may be called upon to assist with enforcement of this policy.

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)



**ENVIRONMENTAL SAFETY**

The Lassen County Board of Education and County Superintendent of Schools recognizes their obligation to provide a safe and healthy environment at school facilities for students, staff and community members. The County Office shall identify and address potential risks to health and the environment and shall ensure that environmental resources are used in a responsible manner.

The County Superintendent or designee shall establish regulations to prevent and/or reduce environmental hazards in accordance with law and state guidelines. Strategies shall include but not necessarily be limited to:

1. Considering air quality in the siting and architectural design of new or remodeled facilities and in the selection of building materials and furnishings, and taking steps to reduce indoor air contaminants in maintenance operations
2. Ensuring the use of effective least toxic pest management practices at all County Office schools
3. Minimizing the exposure to lead in paint, soil or drinking water, especially in areas accessible to very young children
4. Inspecting and testing facilities for asbestos-containing materials and protecting persons during encapsulation and removal of any asbestos

The County Superintendent or designee shall notify parents/guardians, as appropriate, if an environmental hazard is discovered at a school site. The notification shall detail the County Office's efforts to remedy the hazard.

*Legal Reference: (see next page)*

## ENVIRONMENTAL SAFETY (continued)

### Legal Reference:

#### EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17582 Deferred maintenance fund

17590 Asbestos abatement fund

17608-17613 Healthy Schools Act of 2000

32240-32245 Lead-Safe Schools Protection Act

48980.3 Notification of pesticides

49410-49410.7 Asbestos materials containment or removal

#### FOOD AND AGRICULTURAL CODE

11401-12408 Pest Control Operations and Agricultural Chemicals

13180-13188 Healthy Schools Act of 2000

#### GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

#### CODE OF REGULATIONS, TITLE 8

340-340.2 Employer's obligation to provide safety information

1532.1 Construction safety orders, lead standard

5142 Heating, ventilating and air conditioning systems; minimum ventilation

5143 Mechanical ventilating systems; inspection and maintenance

#### CODE OF REGULATIONS, TITLE 17

35001-35099 Accreditation in Lead Abatement Services

#### UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

#### UNITED STATES CODE, TITLE 15

2641-2656 Asbestos Hazard Emergency Response Act

#### CODE OF FEDERAL REGULATIONS, TITLE 40

763.93 Management Plans

763.94 Record keeping

### Management Resources:

#### CDE PUBLICATIONS

Indoor Air Quality, A Guide for Educators, 1995

#### DEPARTMENT OF HEALTH SERVICES ADVISORIES

Lead Hazards in California's Public Elementary Schools and Child Care Facilities: Report to the California State Legislature, April 1998

#### U.S. ENVIRONMENTAL PROTECTION AGENCY

Pest Control in the School Environment: Adopting Integrated Pest Management, 1993

#### WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Health Services, Lead Poisoning Prevention Branch:

<http://www.dhs.ca.gov/childlead>

U.S. EPA: <http://www.epa.gov>

California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>

**ENVIRONMENTAL SAFETY**

**Air Quality**

The County Superintendent of Schools or designee shall ensure that the following measures are taken in order to reduce indoor air contaminants:

1. Heating, ventilating and air conditioning systems shall be operated, inspected and maintained in accordance with 8 CCR 5142-5143. School buildings shall be inspected annually to ensure they have adequate ventilation systems, which are properly maintained so as to preclude the buildup of mold, mildew, and other air contaminants. Filters shall be changed frequently.
2. Indoor painting of school buildings shall be limited to those times when school is not in session.
3. Low-emission cleaning products shall be used whenever possible, and custodial duties that require polluting products shall be performed after classes are dismissed.
4. Paints, adhesives and solvents shall be used and stored in well-ventilated areas; these items shall be purchased in small quantities to avoid storage exposure.
5. Exterior wall and foundation cracks and openings shall be sealed as soon as possible, to control exposure to radon.
6. Water-damaged ceiling tiles, carpet, and other building materials shall be removed as soon as practicable.
7. Plain water or soap and water shall be used as cleaning agents; aerosols, including air fresheners, shall be avoided.
8. Pest control measures shall involve the use of integrated pest management (IPM) procedures.

**Lead Exposure Reduction**

The following steps shall be taken to minimize potential exposure to lead:

1. Painted surfaces shall be kept intact whenever possible. To minimize lead dust during maintenance operations, a tarp or plastic shall be placed under paint removal operations to collect old paint debris, paint shall be dampened before removing it with a scraper, nearby surfaces shall be cleaned with a wet mop or cloth after the job is completed, a High Efficiency Particulate Air (HEPA) attachment may be used on power sanders, and clean-up may be conducted with HEPA vacuums to remove lead dust. An open flame shall not be used to remove old paint.

**ENVIRONMENTAL SAFETY** (continued)

2. Soil with high lead content may be covered with grass, other plantings, concrete or asphalt. Children's access to bare soil shall be limited.
3. When drinking water is found to have unacceptable levels of lead, water outlets shall be flushed daily for at least 30 seconds prior to use. The County Superintendent or designee also may reduce lead concentrations in the source water, install a corrosion control device at the school's point of entry, or provide bottled water as appropriate.
4. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment dust within the construction area.
5. The County Superintendent or designee may provide parents/guardians and students with information about the prevention of lead poisoning.
6. Remedial action to abate existing lead hazards shall be taken only by personnel qualified in accordance with law. (Education Code 32243)

**Asbestos Testing and Abatement**

Maintenance staff shall be trained in the location, identification, proper cleaning and ongoing maintenance of asbestos-containing materials and in the removal and decontamination of small amounts of such materials when needed to repair pipes or perform similar duties. Extensive asbestos abatement work shall be completed by state-certified asbestos abatement contractors in compliance with state and federal standards.

The County Office's complete, updated management plan for material containing asbestos in school buildings shall be available for inspection in County Office and school offices during normal business hours. Parent, teacher and employee organizations shall annually be informed of the availability of this plan. (40 CFR 763.93)

**ENVIRONMENTAL SAFETY** (continued)

**Other Environmental Safety Precautions**

Program administrator or their designees shall enforce school rules designed to:

1. Prevent the accumulation of flammable, noxious or otherwise dangerous materials unless adequate safeguards are provided
2. Keep all school facilities free of debris
3. Keep walkways at all times open to pedestrian traffic and clear of obstructions

**HAZARDOUS SUBSTANCES**

The Lassen County Board of Education recognizes that hazardous chemicals may be used or generated in County Office schools by science and photo laboratories, auto shops, art and industrial arts classes, and by the maintenance and transportation departments.

The County Superintendent of Schools or designee shall ensure that County Office staff use, store and regularly dispose of all hazardous substances in a safe and legal manner. All employees and students shall be fully informed about the properties and potential hazard of materials to which they may be exposed. A Material Safety Data Sheet (MSDS) shall be kept on file for each chemical received in the normal course of the school year. Teachers shall stress the importance of proper protection and handling, storage and disposal of all potentially hazardous substances.

At each school offering laboratory work to students, the Administrator in charge shall designate trained certificated employee as building laboratory consultant. The building laboratory consultant shall review, update and carry out the school's procedures for laboratory safety. (Education Code 49341)

Disposal of chemicals may be accomplished in accordance with removal and disposal system established by the County Office. (Education Code 49411)

*Legal Reference:*

EDUCATION CODE

49341 *Legislative findings*

49401.5 *Legislative intent; consultation services*

49411 *Chemical listing; compounds used in school programs; determination of shelf life; disposal*

FOOD AND AGRICULTURAL CODE

12981 *Regulations re pesticides and worker safety*

HEALTH AND SAFETY CODE

25163 *Transportation of hazardous wastes; registration; exemptions; inspection*

25500-25520 *Hazardous materials release response plans; inventory*

LABOR CODE

6360-6363 *Hazardous Substances Information and Training Act*

CODE OF REGULATIONS, TITLE 8

5194 *Hazard Communication*

**HAZARDOUS SUBSTANCES**

The disposal of chemicals may be accomplished in accordance with removal and disposal systems established by the Lassen County Office of Education or by permission of the County Superintendent of Schools. (Education Code 49411)

**Hazard Communication Program**

The written hazard communication program shall be available upon request to all employees and their designated representatives. (8 CCR 5194)

The following materials are exempted from the hazard communication program and this County Office regulation: hazardous wastes; tobacco products; wood and wood products; manufactured articles; food, drugs and cosmetics intended for personal consumption by employees while in the workplace; and substances used in compliance with regulations issued by the Department of Pesticide Regulation pursuant to Food and Agricultural Code 12981.

1. Container Labeling

Except for consumer products, pesticides, alcoholic beverages, and food, drug and additive products which are already labeled in compliance with federal law, no container of hazardous substance shall be accepted by schools or the district unless labeled by the supplier with the following information:

- a. Identity of the hazardous substance(s)
- b. Hazard warning statements
- c. Name and address of the chemical manufacturer or importer

Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement.

2. Material Safety Data Sheets

Upon receiving a hazardous substance or mixture, the County Superintendent or designee shall ensure that the manufacturer has also furnished a Material Safety Data Sheet (MSDS) as required by law. If the MSDS is missing or obviously incomplete, the County Superintendent or designee shall request a new MSDS from the manufacturer and shall notify the California Occupational Safety and Health Division (Cal/OSHA) if a complete MSDS is not received.

## HAZARDOUS SUBSTANCES (continued)

**OPTION 1:** The County Superintendent or designee shall maintain copies of the MSDS for all hazardous substances and ensure that they are kept up to date and available to all affected employees during working hours. He/she shall review each incoming MSDS for new and significant health or safety information and shall disseminate this information to affected employees.

**OPTION 2:** The County Superintendent or designee shall employ a computerized or fax-on-demand program to ensure that up-to-date copies of the MSDS for all hazardous substances are available to all affected employees during working hours.

### 3. Employee Information and Training

Employees shall receive inservice training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. This training shall include but is not limited to: (8 CCR 5194)

- a. An overview of the requirements of California's Hazard Communication Regulation (8 CCR 5194), including employee rights described therein
- b. The location, availability and content of the County Office's written hazard communication program
- c. Information as to any operations in the employees' work area where hazardous substances are present
- d. The physical and health effects of the hazardous substances in the work area
- e. Techniques and methods of observation that may determine the presence or release of hazardous substances in the work area
- f. Methods by which employees can lessen or prevent exposure to these hazardous substances, such as appropriate work practices, use of personal protective equipment and engineering controls
- g. Steps the district has taken to lessen or prevent exposure to these substances
- h. Instruction on how to read labels and review the MSDS for appropriate information
- i. Emergency and first aid procedures to follow if exposed to the hazardous substance(s)



## **HAZARDOUS SUBSTANCES (continued)**

In addition, employees shall receive training on how to operate the computers or fax machines that provide access to MSDS files

### 4. List of Hazardous Substances

For specific information about the hazardous substances known to be present in the County Office and schools, employees may consult the MSDS.

### 5. Hazardous Nonroutine Tasks

When employees are required to perform hazardous nonroutine tasks, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures which must be used. They shall also receive information about emergency procedures and the measures the County Office has taken to lessen the hazards, including ventilation, respirators, and the presence of another employee.

### 6. Hazardous Substances in Unlabeled Pipes

Before starting to work on unlabeled pipes, employees shall contact their supervisors for information as to the hazardous substance(s) contained in the pipes, the potential hazards, and safety precautions which must be taken.

### 7. Informing Contractors

To ensure that outside contractors and their employees work safely in County Office buildings and schools, the County Superintendent or designee shall inform these contractors of hazardous substances which are present on the site and precautions that employees may take to lessen the possibility of exposure. It shall be the contractor's responsibility to disseminate this information to his/her employees and subcontractors.

**INTEGRATED PEST MANAGEMENT**

Structural and landscape pests can pose significant problems to people, property, and the environment; however, the pesticides used to solve these problems carry their own risks. It is therefore the policy of the Lassen County Office of Education to use Integrated Pest Management (IPM) programs and procedures for control of structural and landscape pests.

**Pests**

Pests are living organisms (animals, plants or microorganism) that may interfere with human purposes for the school site. Strategies for managing pest populations will be influenced by the pest species and the degree to which that population poses a threat to people, property or the environment.

**Pest Management**

Pests will be managed to:

- Reduce any potential human health hazard or to protect against a significant threat to public safety
- Prevent loss or damage to school resources, structures or property.
- Prevent pests from spreading in the community, or to plant and animal populations beyond the school site
- Enhance the quality of life for students, staff, and others

Pest management strategies must be included in an approved pest management plan for the site.

**Integrated Pest Management Procedures**

IPM procedures will determine when to control pests, and whether to use physical, horticultural, or biological means. Chemical controls are used as a last resort. IPM practitioners depend on current, comprehensive information on the pest and its environment, and the best available pest control methods. Applying the IPM principles prevents unacceptable levels of pest activity and damage. These principles are implemented by the most economical means and with the least possible hazard to people, property and the environment.

It is the policy of the County Office to utilize IPM principles to manage pest populations adequately. While the goal of this IPM program is to reduce and ultimately eliminate use of toxic chemicals, toxic chemicals may become necessary in certain situations. The choice of using a pesticide will be based on a review of all other available options and a

## **INTEGRATED PEST MANAGEMENT** (continued)

determination that these options are unacceptable or are infeasible, alone or in combination. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents. The full range of alternatives, including no action, will be considered.

When it is determined that a pesticide must be used in order to prevent pest levels from exceeding action thresholds, the least hazardous material will be chosen. The applications of such pesticides is subject to the Federal Insecticide, Fungicide, and Rodenticide Act, Healthy schools Act of 2000 (AB2260), Environmental Protection Agency regulations in 40 CFR, Occupational Safety and Health Administration regulations, and state and local regulations.

### **Record Keeping**

Records will be kept on the number of pests or other indicators or pest populations both before and after any treatments. Records must be current and accurate if IPM is to work. Records of pesticide use shall be maintained on site to meet the requirements of the state regulatory agency and County Office, and records will also document any non-toxic treatment methods being used. The objective is to create records from which programs and practices can be evaluated in order to improve the system and to eliminate ineffective and unnecessary treatments.

### **Notification**

The County Office takes the responsibility to notify students' parents or guardians and the staff of upcoming treatments, which will involve a pesticide. Notices will be posted in designated areas at the school 24 hours prior to application and remain 72 hours thereafter.

### **Pesticide Storage and Purchase**

Pesticide purchases will be limited to the amount authorized for use during the year. Pesticides will be stored and disposed of in accordance with the EPA-registered label directions and the State or Local regulations. Pesticides must be stored in an appropriate, secure site not accessible to students or unauthorized personnel. A cabinet in a non-student area with a locked and labeled door is advised. The door label should include a skull and crossbones, or other visual signals for non English reading adults or children.

### **Pesticide Applicators**

Pesticide applicators must be educated and trained in the principles and practices of IPM and the use of pesticides approved by the County Office, and they must follow regulation and label precautions. Applicators must be certified and comply with this IPM Policy and Pest Management Plan. Under no circumstances should applications be made while school or school activities are in progress.

*Legal Reference: (see next page)*

## INTEGRATED PEST MANAGEMENT (continued)

### *Legal Reference:*

#### EDUCATION CODE

17608-17613 *Healthy Schools Act of 2000*

17366 *Legislative intent (fitness of buildings for occupancy)*

48980.3 *Notification of pesticides*

#### FOOD AND AGRICULTURAL CODE

11401-12408 *Pest control operations and agricultural chemicals*

13180-13188 *Healthy Schools Act of 2000*

#### GOVERNMENT CODE

3543.2 *Scope of representation; right to negotiate safety conditions*

6250-6277 *California Public Records Act*

#### CODE OF REGULATIONS, TITLE 8

340-340.3 *Employer's obligation to provide safety information*

5142 *Heating, ventilating and air conditioning systems; minimum ventilation*

5143 *Mechanical ventilating systems; inspection and maintenance*

#### UNITED STATES CODE, TITLE 7

136-136y *Insecticide, Fungicide and Rodenticide Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 40

763.93 *Management plans*

763.94 *Record keeping*

### *Management Resources:*

#### CDE PUBLICATIONS

*Indoor Air Quality, A Guide for Educators, 1995*

#### U.S. ENVIRONMENTAL PROTECTION AGENCY

*Pest Control in the School Environment: Adopting Integrated Pest Management, 1993*

#### WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Pesticide Regulation: <http://www.cdpr.ca.gov>

U.S. EPA: <http://www.epa.gov>

**SECURITY**

The Lassen County Office of Education is committed to maintaining the security of schools and school grounds. The County Superintendent of Schools or designee shall establish procedures to:

1. Minimize fire hazards.
2. Reduce the probability of faulty equipment.
3. Guard against the chance of electrical shock.
4. Maintain records and funds in a safe place.
5. Protect against vandalism and burglary.
6. Assign responsibility for use of school building keys.
7. Maintain locked buildings during non business hours.

Incidents of illegal entry, theft of school property, vandalism, and damage to school property from other causes shall be reported by phone to the County Superintendent or designee as soon after discovery as possible. A written report of the incident shall be made within 24 hours.

**Keys**

All keys used in a County Office building shall be the responsibility of the Administrator in charge. Keys shall be issued only to those employees who regularly need a key in order to carry out normal activities of their position.

Each administrator in charge shall set up a record keeping system so as to know at all times the location of all keys. The master key shall not be loaned.

Employees who have keys shall be responsible for the security of the room, gate or building involved. They shall lock all doors and windows and turn off all lights, air conditioning, heat, appliance etc. when leaving the room or building.

The duplication of County Office facilities keys is prohibited. The person issued a key shall be responsible for its safekeeping. If a key is lost, the person responsible shall report the loss to the administrator in charge immediately.

Keys shall be used only by authorized employees and shall never be loaned.

## **SECURITY** (continued)

### **Safety**

It shall be the responsibility of all personnel to be alert to any hazard within or outside County Office buildings, which may jeopardize the safety of school children, school employees, or the public; and it shall be the responsibility of all school personnel to report promptly to the nearest County Office authority any condition, incident or suspicion which in their judgment warrants investigation. Nothing stated herein is intended to conflict with the jurisdiction of teachers in supervision of students or the authority of principals in implementing policies of the County Office or Administrator in charge.

Precautionary measures against fire, explosion or other hazards shall be established together with appropriate instructions and drill for students and other school personnel in procedures to be followed in event of potential emergencies.

Precautionary measures for safety of students within school buildings shall be established and observed. For example, rules established by administrators in charge should:

1. Prevent the accumulation of materials anywhere, especially in industrial arts shop areas, which are flammable, noxious or otherwise dangerous unless adequate safeguards are provided.
2. Keep walkways clear of obstructions and safe for pedestrian traffic at all times.
3. Check of all extinguishers monthly by custodial staff.

Besides assuring that physical plants are secure and safe, the County Office is committed to protecting students, employees and the public from potentially disruptive or violent situations on County Office property and school grounds. All personnel shall enforce County Office policies and regulations related to safety, crime, student conduct and discipline.

*Legal Reference: (see next page)*

## **SECURITY** (continued)

### *Legal Reference:*

#### EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

32280-32288 School safety plans

38000-38005 Security patrols

#### PENAL CODE

469 Unauthorized making, duplicating or possession of key to public building

626-626.10 Disruption of schools

### *Management Resources:*

#### CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 1995

#### CSBA PUBLICATIONS

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995

**DISRUPTIONS**

The Lassen County Board of Education and County Superintendent of Schools is committed to keeping the schools free from disruptions and to keeping unauthorized persons from entering school grounds. The County Superintendent or designee shall provide for the prompt removal from school premises of any individual who disrupts or threatens to disrupt normal school operations, threatens the health and safety of students or staff, or causes property damage.

Administrative regulations may be developed in collaboration with local law enforcement personnel.

County Office and school site safety plans shall specify action to be taken, including specific staff responsibilities, when an individual is causing a disruption. School staff shall be trained to recognize when an individual has committed acts that constitute a disruption in violation of County Board policy.

*Legal Reference:*

EDUCATION CODE

- 32210 *Willful disturbance of public school or meeting; misdemeanor*
- 32211 *Threatened disruption or interference with classes; misdemeanor*
- 35160 *Authority of governing boards*
- 44810 *Willful interference with classroom conduct*
- 44811 *Disruption of classwork or extracurricular activities*
- 51512 *Prohibited use of electronic listening or recording device*

PENAL CODE

- 243.5 *Assault or battery on school property*
- 415.5 *Disturbance of peace of school*
- 626 *Definitions*
- 626.4 *Notice of withdrawal or consent; report; action on report; reinstatement of consent; hearing; unlawful entry upon campus or facility; punishment*
- 626.7 *Failure to leave campus or facility; wrongful return; penalties; notice; exceptions*
- 626.8 *Disruptive presence at schools*
- 626.85 *Drug offenders; presence on school grounds*
- 626.9-626.10 *Gun Free School Zone Act*
- 627-627.10 *Access to school premises*
- 653g *Loitering about schools or public places*

COURT DECISIONS

- In Re Jimi A., (1989) 209 Cal. App. 3d 482*
- In Re Oscar R., (1984) 161 Cal. App. 3d 770*



**DISRUPTIONS**

The program administrator or designee may direct a person to leave school grounds when there is a reasonable basis for concluding that the person is committing an act that is likely to interfere with the peaceful conduct of school activities or that the person has entered the campus with the purpose of committing such an act. This shall not apply if that person is a student, Lassen County Board of Education member, parent/guardian of a child attending the school, school employee, or other person required by his/her employment to be on school grounds. (Penal Code 626.7, 626.8)

The program administrator or designee may also direct a specified sex offender or drug offender to leave school grounds, unless that person is a student at the school, a parent/guardian of a child attending the school, or he/she has prior written permission for entry from the program administrator or designee. (Penal Code 626.85)

When directing such a person to leave, the program administrator or designee shall inform the person that he/she will be guilty of a crime if he/she:

1. Remains after being directed to leave (Penal Code 626.8)
2. Returns to the campus without following the school's posted registration requirements (Penal Code 626.7)
3. Returns within seven days after being directed to leave (Penal Code 626.8, 626.85)

The program administrator or designee shall also notify law enforcement as appropriate.

**Appeal Procedure**

Any person who is asked to leave a school building or grounds may appeal to the County Superintendent or designee. This appeal shall be made no later than the second school day after the person has departed from the school building or grounds. After reviewing the matter with the program administrator or designee, the County Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding. (Education Code 32211)

The decision of the County Superintendent or designee may be appealed to the County Board. Such an appeal shall be made no later than the second school day after the County Superintendent or designee has rendered his/her decision. The County Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The County Board's decision shall be final. (Education Code 32211)

**DISRUPTIONS** (continued)

**Gun Free School Zone**

Possession of unauthorized firearms, weapons, or other dangerous instruments is prohibited within 1000 feet of school grounds. (Penal Code 626.9, 626.10)

**RECOVERY FOR PROPERTY LOSS OR DAMAGE**

**Damage to Real Property**

1. Intent

It is the intent of the Lassen County Board of Education and the County Superintendent of Schools to curb vandalism to school property and to recover damages for any school property. It is further the intent of the County Board and the County Superintendent to recover damages to the maximum extent allowed by law from the parent/guardian of a minor who willfully cuts, defaces or otherwise injures in any way property, real or personal, belonging to the County Office.

2. Reports

Every employee of the County Office shall report all damage to school property to the County Superintendent or his/her designee immediately after such damage is discovered.

3. Investigation

The County Superintendent or his/her designee shall make a full and complete investigation of any damage to school property and shall make every effort to determine the identity of the person or persons responsible for such damage. Such investigation shall be carried out in cooperation with law enforcement officials, if appropriate.

4. Reward

If the County Superintendent is unable to determine the identity of the person or persons responsible for any damage to the County Office property, he/she may offer a reward in any amount that he/she deems appropriate for information leading to the determination of, the identity of and apprehension of any person who willfully damages or destroy any property belonging to the County Office.

5. Payment of Reward

The reward shall be paid to the first person who provides sufficient information that leads to the determination of the identity of the apprehension of the person or persons responsible for the damage. If more than one person is needed to provide sufficient information to determine the identity of the persons responsible, the reward shall be divided equally among such persons. The County Superintendent shall determine what person or persons are entitled to the reward and is authorized to pay the reward after each of the following conditions have been met:

## **RECOVERY FOR PROPERTY LOSS OR DAMAGE (continued)**

- a. The person or persons claiming the reward has provided sufficient information so that the identity of the person responsible for the damage is known;
  - b. The County Superintendent is satisfied that the person or persons named were responsible for the damages; and
  - c. The identity of the person claiming the reward shall be confidential and shall not be divulged to the public.
6. Insurance Subrogation

If the damage is covered by an insurance policy, the County Superintendent shall make every effort to recover the damage prior to filing a claim with the insurance carrier if time permits. If time does not permit, the County Superintendent shall obtain a subrogation agreement from the insurance carrier and proceed to recover the damages as provided in this regulation.

7. Recovery of Damages

Upon completion of the County Superintendent's investigation, the County Superintendent and the County Office's legal counsel are authorized and directed to take all practical and reasonable steps to recover the property damage for the negligent, willful or unlawful damaging or taking of any property of the County Office, including filing a civil complaint in a court of competent jurisdiction to recover damages from the responsible person or if the responsible person is a minor, from the parent/guardian of such minor. Said damages shall include the damage to the property, the payment of any reward, interest, court fees and all other damages as provided by law.

8. Forms

The County Superintendent shall adopt whatever details (report form, etc.) necessary to carry out this regulation.

*Legal Reference: (see next page)*

## RECOVERY FOR PROPERTY LOSS OR DAMAGE (continued)

*Legal Reference:*

EDUCATION CODE

19910 Libraries, malicious cutting, tearing, defacing, breaking or injuring

19911 Libraries, willful detention of property

44810 Willful interference with classroom conduct

48904 Liability of parent or guardian for willful misconduct; withholding of grades, diplomas and transcripts

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward

53069.6 Actions to recover damages

54951 Local agency, definition

61601.1 Graffiti abatement district

PENAL CODE

484 Theft defined

594 Vandalism

594.1 Aerosol paint and etching cream

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

**RECOVERY FOR PROPERTY LOSS OR DAMAGE**

**Reports**

County Office employees shall report all damage or loss of school property to the program administrator or designee immediately after such damage or loss is discovered. In those instances in which insurance reimbursement may be involved, the program administrator or designee shall contact the appropriate County Office official.

**Investigation**

The County Superintendent of Schools or designee shall ensure that a complete investigation is conducted at the site where the vandalism occurred.

The program administrator or designee shall conduct a complete investigation of any instance of damage or loss of school property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate.

**Recovery of Damages**

When the person causing the damage or loss has been identified and the costs of repair, replacement or cleanup determined, the County Superintendent or designee shall take all practical and reasonable steps to recover these costs, including consulting County Office's legal counsel if necessary. Reasonable steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person.

If the responsible person is a minor, recovery may be sought from the minor's custodial parent/guardian in accordance with Education Code 48904.

Damages may include the cost of repair or replacement of the property, the payment of any reward, interest, court costs and all other damages as provided by law.

**Payment of Reward**

When authorized according to Lassen County Board of Education policy, the reward shall be paid to the party who provides information sufficient to identify and apprehend the person or persons subsequently found responsible for the damage or loss. If more than one informant provides information, the reward shall be divided among the informants. The County Superintendent or designee shall determine who is entitled to what portion of the reward. The identity of the informant shall be considered confidential and shall not be made public by the County Office.

**CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS**

Whenever the Lassen County Office of Education contracts for school and classroom janitorial, school site administrative, school site grounds and landscape maintenance, student transportation, and the County Superintendent of Schools or designee shall ensure that the contracting entity certifies in writing that any employees who may come into contact with students have not been convicted of a felony as defined in Education Code 45122.1, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code 45125.1)

On a case-by-case basis, the County Superintendent or designee may also require a contracting entity providing school site services, other than those listed above, to comply with these requirements. (Education Code 45125.1)

These requirements shall not apply if the County Superintendent or designee determines that the contracting entity is providing services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.1)

In addition, these requirements shall not apply if the County Superintendent or designee determines that the employees of the contracting entity will have limited contact with students. In determining whether a contract employee has limited contact with students, the County Superintendent or designee shall consider the totality of the circumstances, including the following factors: (Education Code 45125.1)

1. The length of time the contractors will be on school grounds
2. Whether students will be in proximity with the site where the contractors will be working
3. Whether the contractors will be working by themselves or with others

Upon a determination that an employee shall have limited contact with students, the County Superintendent or designee shall take appropriate steps to protect the safety of any student who may come in contact with this employee. (Education Code 45125.1)

These steps may include, but not be limited to, ensuring that the employee is working during nonschool hours, providing for regular patrols or supervision of the site from County Office personnel, ensuring that the employee is not working alone when students are present, limiting the employee's access to school grounds and/or providing the employee with a visible means of identification.

**CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS** (continued)

**Other Facility Contractors**

When the County Office contracts for construction, reconstruction, rehabilitation or repair of a school facility where the employees of the entity will have contact, other than limited contact with students, the County Superintendent or designee shall ensure the safety of students by utilizing one or more of the following methods: (Education Code 45125.2)

1. The installation of a physical barrier at the worksite to limit contact with students.
2. Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the Department of Justice has ascertained has not been convicted of a violent or serious felony.

The supervising employee may submit his/her fingerprints to the Department of Justice pursuant to Education Code 45125.1.

3. Surveillance of employees of the entity by school personnel.

These requirements shall not apply if the County Superintendent or designee determines that the contracting entity is providing construction, reconstruction, rehabilitation or repair services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school facilities safe and habitable. (Education Code 45125.2)

*Legal Reference:*

EDUCATION CODE

*41302.5 School districts, definition*

*45122.1 Classified employees, conviction of a violent or serious felony*

*45125.1 Criminal background checks for contractors*

*45125.2 Criminal background checks for construction*

PENAL CODE

*667.5 Prior prison terms, enhancement of prison terms*

*1192.7 Plea bargaining limitation*



**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

The Lassen County Board of Education recognizes that all County Office staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster. The County Office shall take all reasonable steps to prevent and/or mitigate the impact of a disaster on students, staff, and schools.

The County Superintendent or designee shall develop and maintain a disaster preparedness plan which contains routine and emergency disaster procedures, including, but not limited to, earthquake emergency procedures, and adaptations for individuals with disabilities in accordance with the Americans with Disabilities Act. Such procedures shall be incorporated into the comprehensive school safety plan. (Education Code 32282)

In developing the disaster preparedness plan, the County Superintendent or designee shall involve County Office staff at all levels, including administrators, facilities managers, transportation managers, food services personnel, school psychologists, counselors, school nurses, teachers, classified employees, and public information officers. As appropriate, he/she shall also collaborate with law enforcement, fire safety officials, emergency medical services, health and mental health professionals, parents/guardians, and students.

The plan shall comply with state-approved Standardized Emergency Management System (SEMS) guidelines established for multiple-jurisdiction or multiple-agency operations and with the National Incident Management System.

The County Superintendent or designee shall provide training to employees regarding their responsibilities, including periodic drills and exercises to test and refine staff's responsiveness in the event of an emergency.

The County Board shall grant the use of school buildings, grounds, and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The County Board shall cooperate with such agencies in furnishing and maintaining whatever services the district may deem necessary to meet the community's needs. (Education Code 32282)

County Office employees are considered disaster service workers and are subject to disaster service activities assigned to them. (Government Code 3100)

## EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

### *Legal Reference:*

#### EDUCATION CODE

32001 Fire alarms and drills  
32040 Duty to equip school with first aid kit  
32280-32289 School safety plans  
32290 Safety devices  
39834 Operating overloaded bus  
46390-46392 Emergency average daily attendance in case of disaster  
49505 Natural disaster; meals for homeless students; reimbursement

#### CIVIL CODE

1714.5 Release from liability for disaster service workers and shelters

#### GOVERNMENT CODE

3100-3109 Public employees as disaster service workers; oath or affirmation  
8607 Standardized emergency management system

#### CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath or affirmation

#### CODE OF REGULATIONS, TITLE 5

550 Fire drills  
560 Civil defense and disaster preparedness plans

#### CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized emergency management system

#### UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Crisis Response Box, 2000

#### CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES PUBLICATIONS

Active Shooter Awareness Guidance, February 2018

State of California Emergency Plan, 2017

School Emergency Response: Using SEMS at Districts and Sites, June 1998

#### FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

National Incident Management System, 3rd ed., October 2017

#### U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guide for Developing High-Quality School Emergency Operations Plans, 2013

#### WEB SITES

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

American Red Cross: <http://www.redcross.org>

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

California Department of Education, Crisis Preparedness: <http://www.cde.ca.gov/ls/ss/cp>

California Governor's Office of Emergency Services: <http://www.caloes.ca.gov>

California Seismic Safety Commission: <http://www.seismic.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Federal Emergency Management Agency: <http://www.fema.gov>

U.S. Department of Education, Emergency Planning:

<http://www2.ed.gov/admins/lead/safety/crisisplanning.html>

U.S. Department of Homeland Security: <http://www.dhs.gov>

### Policy

adopted: 2/14/07

Revised: 10/14/20

**LASSEN COUNTY OFFICE OF EDUCATION**

Susanville, California

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN**

The County Superintendent or designee shall ensure that the County Office school site plans address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff
2. Earthquake, flood, or other natural disasters
3. Environmental hazards, such as leakages or spills of hazardous materials
4. Attack or disturbance, or threat of attack or disturbance, by an individual or group
5. Bomb threat or actual detonation
6. Biological, radiological, chemical, and other activities, or heightened warning of such activities
7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

The County Superintendent or designee shall ensure that the County Office's procedures include strategies and actions for prevention/mitigation, preparedness, response, and recovery, including, but not limited to, the following:

1. Instruction for County Office staff and students regarding emergency plans, including:
  - a. Training of staff in first aid and cardiopulmonary resuscitation
  - b. Regular practice of emergency procedures
2. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:
  - a. The appropriate chain of command at the County Office and, if communication between the County Office and site is not possible, at each site
  - b. Individuals responsible for specific duties
3. Personal safety and security, including:
  - a. Procedures for the release of students, including a procedure to release students when reference to the emergency card is not feasible
  - b. Provision of a first aid kit to each classroom

**EMERGENCIES AND DISASTER PREPAREDNESS PLAN** (continued)

- c. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease
4. Closure of schools, including an analysis of:
  - a. The impact on student learning and methods to ensure continuity of instruction
  - b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians
5. Communication among staff, parents/guardians, the County Board, other governmental agencies, and the media during an emergency, including:
  - a. Identification of spokesperson(s)
  - b. Development and testing of communication platforms, such as hotlines, telephone trees, web sites, social media, and electronic notifications
  - c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
6. Cooperation with other state and local agencies, including:
  - a. Development of guidelines for law enforcement involvement and intervention
  - b. Collaboration with the local health department, including development of a tracking system to alert the local health department of a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease
7. Steps to be taken after the disaster or emergency, including:
  - a. Inspection of school facilities
  - b. Provision of mental health services for students and staff, as needed

**FIRE DRILLS AND FIRES**

Fire drills shall be held at least once a month in all schools for elementary and middle school students and at least twice each school year in all high school-aged students (Education Code 32001)

1. Whenever the fire signal is given, all students, teachers, and other employees shall quickly leave the building in an orderly manner. Teachers shall ascertain that no student remains in the building.
2. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
3. The Site Administrator or designee shall keep a record of each fire drill conducted and file a copy of this record with the office of the Superintendent or designee.

When a fire is discovered in any part of the school, the following actions shall be taken:

1. The Site Administrator or designee shall sound fire signals.
2. The Site Administrator or designee shall call 911.
3. Students and adults shall leave the building and go directly to outside assembly areas.
4. Staff shall give students clear direction and supervision and help retain calm.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.
6. If the fire is extensive, students shall be taken to an alternate location for protective custody until parent/guardians can pick them up or until they can be safely transported to their homes.

*Legal Reference:*

EDUCATION CODE

*17074.50-17074.56 Automatic fire detection, alarm and sprinkler systems*

*32001 Uniform fire signals*

*32040 Duty to equip school with first aid kit*

CODE OF REGULATIONS, TITLE 5

*550 Fire drills*

**BOMB THREATS**

**Receiving Threats**

Any staff member receiving a telephoned bomb threat shall try to keep the caller on the line so as to gather information about the location and timing of the bomb and the person(s) responsible. He/she should also try to determine the caller's gender and age and should take note of any distinctive features of voice or speech and any background noises such as music, traffic, machinery or other voices.

**Procedures**

1. Any employee who receives a bomb threat shall immediately call 911 and also report the threat to the program administrator or designee. If the threat is in writing, he/she shall place the message in an envelope and take note of where and by whom it was found.
2. Any student or employee seeing a suspicious package shall promptly notify the program administrator or designee.
3. The Site Administrator shall immediately use fire drill signals and institute standard evacuation procedures as specified in the emergency plan.

Law enforcement and/or fire department staff shall conduct the bomb search. No school staff shall search for or handle any explosive or incendiary device.

No staff or student shall reenter the threatened building(s) until the law enforcement and/or fire department staff advises the Site Administrator or designee that reentry is safe.

Any student who makes a bomb threat shall be subject to disciplinary actions.

*Legal Reference: (see next page)*

**BOMB THREATS** (continued)

*Legal Reference:*

EDUCATION CODE

*44810 Willful interference with classroom conduct*

*48900 Grounds for suspension or expulsion*

*51202 Instruction in personal and public health and safety*

PENAL CODE

*17 Felony, misdemeanor, classification of offenses*

*148.1 False report of explosive or facsimile bomb*

*245 Assault with deadly weapon or force likely to produce great bodily injury; punishment*

*594 Vandalism; penalty*

**EARTHQUAKE EMERGENCY PROCEDURE SYSTEM**

An earthquake emergency procedure system shall be established in every school building having an occupant capacity of 50 or more students, or more than one classroom. (Education Code 32282)

Earthquake emergency procedures shall be incorporated into the comprehensive safety plan. The procedures shall include, but not be limited to, all of the following: (Education Code 32282)

1. A school building disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff
2. A drop procedure whereby each student and staff member takes cover under a table or desk, dropping to his/her knees, with the head protected by the arms and the back to the windows
3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and certificated and classified staff are aware of and properly trained in the earthquake emergency procedure system

The County Superintendent of Schools or designee may work with the California Office of Emergency Services and the Seismic Safety Commission to develop and establish the earthquake emergency procedures. (Education Code 32282)

Earthquake emergency procedures shall identify and address potential earthquake hazards in classrooms and other County Office facilities. Equipment and furniture, such as bookshelves, cabinets, computers, and laboratory equipment, shall be secured to the extent possible, and heavy objects moved from high shelves, in order to minimize hazards in the event of an earthquake.

Earthquake emergency procedures also shall outline roles and responsibilities of students and staff during and after an earthquake.

**Earthquake Education**

Students shall be informed of the dangers to expect in an earthquake and procedures to be followed. Students shall be instructed to remain silent and follow directions given by teachers or other staff in such an emergency.

Drop procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools. (Education Code 32282)



## **EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)**

Students also shall be taught safety precautions to take if they are in the open or on the way to and from school when an earthquake occurs and an adult is not present to give specific directions.

### **Earthquake While Indoors at School**

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Staff shall have students perform the drop procedure. Students should stay in the drop position until the emergency is over or until further instructions are given.
2. In laboratories, burners should be extinguished if possible before taking cover.
3. As soon as possible, teachers shall move the students away from windows, shelves, and heavy objects and furniture that may fall.
4. Teachers shall have students evacuate the building in an orderly manner when the earthquake is over.

### **Earthquake While Outdoors on School Grounds**

When an earthquake occurs, the following actions shall be taken by staff or other persons in authority who are outdoors on school grounds:

1. Staff shall direct students to walk away from buildings, trees, overhead power lines, power poles, or exposed wires.
2. Staff shall have students perform the drop procedure.
3. Staff shall have students stay in the open until the earthquake is over or until further directions are given.

### **Earthquake While on the Bus**

If students are on the school bus when an earthquake occurs:

1. The bus driver shall pull to the side of the road away from any buildings, poles, wires, overhead structures or bridges, if possible.

**EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)**

2. The driver shall set the brakes, turn off the ignition, and wait until the earthquake is over before proceeding on the route.
3. As soon as possible, the driver shall contact the program administrator for instructions.

**Subsequent Emergency Procedures**

1. In outside assembly areas, staff shall provide assistance to any injured students, take roll, and report missing students to the program administrator or designee.
2. The program administrator shall request assistance as needed from the county or city civil defense office or fire and police departments and shall confer with them regarding the advisability of closing the school. He/she shall also contact the County Superintendent or designee for further instructions.
3. The program administrator shall post guards at a safe distance from all building entrances to see that no one reenters until the buildings are declared safe. Monitors may be custodians, teachers or students.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings. The program administrator shall notify utility companies of any break or suspected break in lines which may present an additional hazard. If damage has occurred, the custodian shall shut off all utilities.
6. Staff and students shall not light any stoves or burners until the area is declared safe.
7. If the program administrator believes the school is damaged sufficiently to be a hazard, he/she shall notify the County Superintendent or designee and ask that the county or city building inspector check for structural failure and equipment adequacy. Until this is done, the building shall not be occupied.

*Legal Reference: (see next page)*

**EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)**

*Legal Reference:*

EDUCATION CODE

*35295-35297 Emergency earthquake procedures*

**EMERGENCY SCHEDULES**

In order to provide for the safety of students and staff, the Lassen County Superintendent of Schools authorizes the Program Administrator or designee to close a school site, to change the regular school day schedule, or to take any necessary action when adverse weather conditions or other emergencies warrant.

The Program Administrator or designee shall establish a system for informing students and parents/guardians when school buses are not operating or when the school day schedule is changed or the school is closed.

In the event that students arrive at school when the school day schedule changes or the schedule changes after school has begun, the County Superintendent or designee shall ensure that supervision is provided in accordance with the procedures specified in the County Office's emergency and disaster preparedness plan.

The Program Administrator or designee may provide a means to compensate for lost instructional time later during the year. Students and parents/guardians shall receive timely advanced notice of any resulting changes in the school calendar or school day schedule.

*Legal Reference:*

EDUCATION CODE

41422 Schools not maintained for 175 days

46010 Total days of attendance

46100-46192 Attendance; maximum credit; minimum day

46390 Calculation of ADA in emergency

46392 Decreased attendance in emergency situation

VEHICLE CODE

34501.6 School buses; reduced visibility

**FACILITIES INSPECTION**

The Lassen County Superintendent of Schools recognizes that the condition of school facilities has an impact on student achievement and employee morale and desires to provide school facilities that are safe, clean and functional, as defined in Education Code 17002.

The County Superintendent or designee shall develop a facilities inspection and maintenance program to ensure that County schools are maintained in good repair in accordance with law. At a minimum, the inspection program shall determine conditions specified on the state's interim evaluation instrument, including any evidence of:

1. Gas leaks
2. Problems with heating, ventilation, or air conditioning systems, as applicable
3. Broken windows, doors, gates and fences that pose a security risk
4. Unsafe and unclean interior surfaces, such as walls, floors and ceilings
5. Hazardous materials that may pose an immediate threat to students or staff
6. Structural damage that has the potential to create hazardous or uninhabitable conditions
7. Nonfunctioning fire sprinklers and emergency equipment, such as alarms and fire extinguishers
8. Power failure, electrical hazards and inadequate lighting
9. Major pest or vermin infestation
10. Inaccessible and nonfunctioning drinking fountains
11. Inaccessible, unclean and nonfunctioning restrooms during school hours
12. Major sewer line stoppage

The County Superintendent or designee shall provide the Lassen County Board of Education with regular reports regarding the status of County facilities as evidenced by the County's facility inspection program as well as updates as to the status of any visits by the County Superintendent to County schools.

*Legal Reference: (see next page)*

## **FACILITIES INSPECTION (continued)**

### *Legal Reference:*

#### EDUCATION CODE

*1240 County superintendent of schools, duties*

*17002 Definitions*

*17070.10-17077.10 Leroy F. Greene School Facilities Act of 1998*

*17565-17591 Property maintenance and control, especially:*

*17584 Deferred maintenance*

*17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account*

*33126 School Accountability Report Card*

*35186 Williams uniform complaint procedure*

### *Management Resources:*

#### WEB SITES

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

*California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>*

*State Allocation Board, Office of Public School Construction, Williams settlement:*

*[http://www.opsc.dgs.ca.gov/Programs/Williams\\_Legislation\\_Default.htm](http://www.opsc.dgs.ca.gov/Programs/Williams_Legislation_Default.htm)*

**SCHOOL LIBRARY SERVICES**

With the consent of the Lassen County Board of Education, the Governing Board of a school district within Lassen County may terminate the affiliation of the district with the County Superintendent of Schools with respect to library services.

Procedures and requirements of the withdrawal shall be followed as stated in AR 3523.

The proceedings shall be terminated prior to the first day of February of the school year in which begun and may provide for the complete withdrawal of affiliation effective on the first day of July next succeeding, or a gradual withdrawal over a period of not to exceed five years beginning on the first day of July next succeeding the termination of proceedings.

*Legal Reference:*

EDUCATION CODE

*18139 Proceedings for termination of library services*

**SCHOOL LIBRARY SERVICES**

The district Superintendent of any school district wishing to withdraw from the County Schools' Library Service shall:

1. Present the district Board's request for withdrawal in writing on or before October 1 of the school year to the County Superintendent of Schools.
2. Submit the districts detailed plan with a budget proposal which shall include:
  - a. Number of credentialed professional librarians to be employed
  - b. Number of clerical personnel to be employed
  - c. Supplementary texts to be provided
  - d. Other books for reference and for recreational reading to be provided
  - e. Building facilities and equipment to be provided
  - f. Delivery and transportation service to schools
3. The detailed budget shall be for a period of at least one year beyond the period through which the withdrawal process is proposed to require.
4. Improvements in library service and additional library services which are hoped to be achieved by separation from the County schools library facilities.

The County Superintendent, within 30 days after receipt of the withdrawal request and proposed program of withdrawal set forth above, may:

1. Appoint a committee to evaluate the plan and budget proposal submitted by the district Governing Board. The Board includes, but not limited to:
  - a. District Superintendent or official representative
  - b. The County Superintendent or official representative
  - c. The director of County Library Services
  - d. The Curriculum Consultant from the County Staff assigned to the district concerned
  - e. A qualified library consultant, either State Department of Education or a librarian of a district operating its own services



**SCHOOL LIBRARY SERVICES** (continued)

2. The report of the committee shall make its recommendation to the County Superintendent not later than December 1, following the date of the receipt of the request.
3. The County Superintendent shall submit the committee's recommendations to the County Board, with any additional recommendations he/she may feel necessary to make, at the regular meeting of the County Board to be held in January in order that the required proceeding may be completed prior to February 1 of the school year in which the request was initiated, in accordance with the provisions of Education Code 18139.

If the County Board approves the request for withdrawal from the County library services, the district petitioning to withdraw shall be required to enter into an agreement with the County Board. Said agreement shall include the terms and conditions under which withdrawal shall take place. Such agreement shall be prepared and approved as to form by the County Counsel. Said agreement to be effective as of February 1.

1. The agreement shall include the following specifications:
  - a. Period of time within which withdrawal is to take place. Not to exceed five years
  - b. Amount of funds to be budgeted by the district during each year of the designated withdrawal period, both the district provided library services, and
  - c. Amount of funds to be budgeted by the district, or county-provided services
  - d. Any conditions or terms under which the agreement shall become null and void
2. The agreement shall be signed by the County Superintendent as agent for the County Board and a member of the school district Governing Board or its official delegated representative.
  - a. The withdrawal procedure agreement entered into by the district and the County Board shall be subject to annual review by the County Superintendent in order that the County Board may be kept informed of the progress of the program and the district's compliance with the terms of the withdrawal agreement.

**RISK MANAGEMENT/INSURANCE**

**General Insurance**

The Lassen County Office of Education shall maintain an adequate insurance program to protect the County Office against loss which may occur due to the many normal and usual hazards which a County Office faces and to carry additional insurance, when needed, to protect the County Office against specific and unusual hazards which may be incurred, from time to time, in its various operation.

The insurance program shall include, but not limited to:

1. Fire and Damage Insurance (building and equipment).
2. Fire and Property Damage Insurance (building and equipment).
3. Workers Compensation Insurance.
4. Fidelity Bond Insurance.
5. Liability Insurance.

Where possible, insurance shall be place through the Northern California School Insurance Group (NCSIG), a joint powers agency.

**Bonding**

The County Office recognizes that prudent trusteeship of the resources of the County Office dictate that employees responsible for the safekeeping of County Office moneys and property be bonded.

The County Office shall be indemnified against loss of money and property by bonding of employees holding positions which have extensive access to property and money.

Such bonds shall be subsumed under a blanket bond. The Lassen County Board of Education shall bear the cost of bonding each employee required to be bonded by this policy. (Education Code 41021)

*Legal Reference: (see next page)*

**RISK MANAGEMENT/INSURANCE (continued)**

*Legal Reference:*

EDUCATION CODE

1252 *Compensation Insurance for districts*

1274 *Fund to cover losses or payments*

1297 *Worker's Compensation*

1330 *Unemployment Insurance*

17029.5 *Contract funding; board liability*

17565-17592 *Board duties re property maintenance and control*

32350 *Liability on equipment loaned to district*

35162 *Power to sue, be sued, hold and convey property*

35200-35214 *Liabilities, especially:*

35208 *Liability insurance*

35211 *Driver training civil liability insurance*

35213 *Reimbursement for loss, destruction or damage of personal property*

35214 *Liability self-insurance*

35331 *Medical or hospital service for students on field trip*

39837 *Transportation of pupils to places of summer employment*

41021 *Requirement for employees' indemnity bonds*

44873 *Qualifications for physician (liability coverage)*

49470-49474 *District medical services and insurance*

GOVERNMENT CODE

820.9 *Board members not vicariously liable for injuries caused by district*

989-991.2 *Local public entity insurance*

LABOR CODE

3200-4855 *Workers' compensation*

**RISK MANAGEMENT/INSURANCE**

**Risk Management**

The County Superintendent of Schools or designee shall take action to:

1. Identify the risks inherent in the operation of County Office programs
2. Assess the above risks and keep records of accidents, losses and damage
3. Mitigate risks through loss control and safety-related activities
4. Determine the extent to which risks should be assumed by the County Office or covered by the purchase of insurance or pooling with other districts

Employees are expected to take reasonable precautions for the care and safety of the school equipment with which they have been entrusted. Employees may be held responsible for recurring damage or losses that occur due to their negligence or lack of supervision. Responsibilities related to safety and loss control shall be included in employee job descriptions.

**Insurance**

Insurance coverage shall include, but may not be limited to:

1. Liability insurance (Education Code 35200-35214)
2. Fire insurance for buildings, equipment and vehicles (Education Code 17565)
3. Workers' compensation insurance (Labor Code 3700)
4. Fidelity bond insurance (Education Code 41021)

A suitable bond indemnifying the County Office against loss shall be purchased for employees responsible for handling County Office funds and may be purchased for employees responsible for handling district property. The County Office shall bear the cost of this bonding. (Education Code 41021)

**TRANSPORTATION**

The Lassen County Board of Education desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance and reduce tardiness. The extent to which the County Office provides for transportation services shall depend upon student and community needs and a continuing assessment of financial resources.

The County Superintendent of Schools or designee shall recommend to the County Board the most economical and appropriate means of providing transportation services.

The County Superintendent or designee shall develop procedures to promote safety for students traveling on school buses.

The County Superintendent or designee shall ensure the qualifications of bus drivers and related staff employed by the County Office, provide for the maintenance and operation of County Office-owned school buses and other equipment, and ensure adequate facilities for equipment storage and maintenance.

*Legal Reference: (see next page)*

**TRANSPORTATION** (continued)

*Legal Reference:*

EDUCATION CODE

35330 *Excursions and field trips*

35350 *Authority to transport pupils*

39800-39860 *Transportation, especially:*

39800 *Powers of governing board to provide transportation for pupils to and from school; definition of "municipally owned transit system"*

39801 *Contract with County Superintendent of Schools to provide transportation*

39802-39803 *Bids and contracts for transportation services*

39806 *Payments to parents in lieu of transportation*

39807 *Food and lodging payments in lieu of transportation*

38807.5 *Transportation fees*

39808 *District transportation of private school students*

41850-41854 *Allowances for transportation*

41860-41862 *Supplemental allowances for transportation*

45125.1 *Criminal background checks for contractors*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

CODE OF REGULATIONS, TITLE 5

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

15240-15343 *Allowances for student transportation, especially:*

15253-15272 *District records related to transportation*

VEHICLE CODE

2807 *School bus inspection*

COURT DECISIONS

*Arcadia Unified School District et. al. v. State Department of Education, 2 Cal. 4th 251 (1992)*

**TRANSPORTATION**

The Lassen County Office of Education provides transportation for eligible students in accordance with County Office policy, administrative regulations, and state and federal law. Transportation services shall depend upon student needs and a continuing assessment of financial resources, including County Office funds and state reimbursements.

The goals of the transportation service are:

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

All school buses shall comply with inspection requirements specified in the Vehicle Code and administered by the California Highway Patrol.

The County Office may contract with a private carrier for transportation services whenever such an arrangement may be more economical than using district owned or leased vehicles.

Parents/guardians shall be informed at the beginning of each school year that they must notify the driver assigned to transport their child when their child will not be attending school.

Individual children may be transported to and from school or part way by their parent/guardian under provisions of Education Code Section 39805, and students may be transported home in vehicles owned by members of the staff under emergency conditions.

**Payment to Parents/Guardians in Lieu of Transportation**

Transportation by private carrier may be provided whenever such practice is more economical than using County Office owned vehicles. Parents/guardians may be reimbursed for transportation of eligible students whenever such practice is more economical or convenient.

**Lassen County Office of Education Owned Vehicles**

The Lassen County Superintendent of Schools may purchase or lease vehicles for the purpose of conducting County Office business.

## **TRANSPORTATION** (continued)

The County Superintendent is responsible for licensing vehicles for use by administrators and staff members. Vehicles should be registered with exempt plates.

The County Superintendent is responsible for assigning vehicles to staff members and/or to specific departments or functions. The County Superintendent will establish guidelines for vehicle use by administrators assigned vehicles.

Administrators and employees assigned vehicles which may be used for home to work transportation, must comply with County Office and IRS regulations for reporting commuting mileage. Personal use shall be limited to local stops within the scope of home to work transportation. Any other personal use must have approval of the County Superintendent or designee and a log must be maintained by the employee.

All employees driving County Office vehicles shall adhere to applicable laws and codes for operating a vehicle. Improper and/or unauthorized use, or failure to comply with administrative procedures relating to County Office owned vehicles, may result in disciplinary action.



**TRANSPORTATION ROUTES AND SERVICES**

**Routes and Bus Stops**

The Lassen County Superintendent of Schools or designee shall design transportation routes and stops to promote the safety of students and maximum efficiency in the use of buses.

Students shall be eligible for transportation service to and from school if the distance between their school-established bus stop and the school is beyond the minimum listed below:

1. For elementary school students:  
Grades K-3: three-fourths mile  
Grades 4-8: one mile
2. For students attending a three-year junior high school:  
Grades 7-9: one mile
3. For students attending a four-year high school:  
Grades 9-12: two miles

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

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

The County Superintendent or designee shall communicate in writing to parents/guardians regarding bus routes, schedules and stops and/or shall arrange for local media to publish such information.

**Transportation Services**

With the Lassen County Board of Education's authorization, transportation services may be provided or arranged by the County Office for:

1. Students traveling to and from school during the regular school day (Education Code 39800)
2. Field trips and excursions (Education Code 35330)
3. School activities, expositions or fairs, or other activities determined to be for the benefit of students (Education Code 39860)

**TRANSPORTATION ROUTES AND SERVICES** (continued)

4. County Office employees and parents/guardians traveling to and from educational activities authorized by the County Office (Education Code 39837.5)
5. Preschool or nursery school students (Education Code 39800)
6. Students traveling to full-time occupational classes provided by a Regional Occupational Program or Center (Education Code 39807.5, 41850)
7. Students traveling to and from their places of employment during the summer in connection with a summer employment program for youth (Education Code 39837)
8. Matriculated or enrolled adults traveling to and from school, or adults for educational purposes other than to and from school (Education Code 39801.5)
9. Private school students, in the same manner and on the same routes provided for County Office students (Education Code 39808)
10. Nonschool purposes as allowed by law, such as:
  - a. Community recreation (Education Code 39835)
  - b. Public transportation (Education Code 39841)
  - c. Transportation of government employees to and from their places of employment (Education Code 39840)

The County Office shall provide home-to-school transportation and additional transportation services as needed for students with disabilities as specified in their individualized education programs. (Education Code 41850; 20 USC 1400-1482; 34 CFR 104.4)

The County Superintendent or designee shall provide transportation to homeless children in accordance with law, County Board policy and administrative regulation.

*Legal Reference: (see next page)*

## **TRANSPORTATION ROUTES AND SERVICES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

10900.5 *Use of school buses for community recreation*

35330 *Excursions and field trips*

35350 *Authority to transport pupils*

39800-39809.5 *Transportation, general provisions, especially:*

39800 *Powers of governing board to provide transportation to and from school*

39801.5 *Transportation for adults*

39808 *Transportation for private school students*

39830-39842 *School buses, especially:*

39835 *Use of school buses for community recreation*

39837 *Transportation to summer employment program*

39837.5 *Transportation of employees and parents/guardians to school activities*

39860 *Transportation to school activities*

41850-41857 *Allowances for transportation*

41860-41863 *Supplementary allowances for transportation*

#### CODE OF REGULATIONS, TITLE 5

15240-15244 *Allowances for student transportation*

#### UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities Education Act*

#### UNITED STATES CODE, TITLE 42

11432 *McKinney-Vento Homeless Assistance Act*

#### CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 *Equal opportunity under the Rehabilitation Act of 1973, Section 504*

### *Management Resources:*

#### WEB SITES

*California Department of Education, Office of School Transportation:*

*<http://www.cde.ca.gov/bus/index.html>*

*Pupil Transportation Safety Institute: <http://www.ptsi.org>*

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

**Trips by School Vehicles**

Besides taking students to and from school, school vehicles shall provide transportation for field trips and for special activities approved by the program administrator. Such trips may be taken in buses or other school transportation vehicles owned, leased, or rented by the Lassen County Office of Education. All vehicles shall meet federal and state standards.

The Lassen County Superintendent of Schools shall maintain procedure to regulate the use of the vehicles for approved school-related activities. Activity trips occurring outside of school hours shall be subject to the rules and policies regulating educational field trips. Student councils, parent/guardian-teacher associations, and any other organization requesting transportation shall be fully responsible for the costs of the trip.

**Trips by Private Automobile**

The County Superintendent or designee may authorize the transportation of student by private automobile for approved field trips and activities when the vehicle is driven by an adult who has registered with the County Office for such purposes by filing a completed School Driver Certification Form. All student passengers shall provide permission slips signed by their parents/guardians.

Drivers shall be required to possess a valid California driver's license and liability insurance of at least \$100,000 per occurrence.

Owners, drivers and passengers shall be informed that registered owners and their insurance companies are responsible for any accidents which may occur. County personnel who frequently transport students in their private vehicles are urged to carry insurance of \$300,000 or more per occurrence.

All drivers shall wear safety belts in accordance with law. In addition, drivers shall ensure that: (Vehicle Code 27315, 27360, 27360.5, 27363)

1. A child who is under age six or under 60 pounds, unless exempted in accordance with Vehicle Code 27360 or 27363, is properly secured in a rear seat in appropriate child passenger restraint system meeting federal safety standards.
2. All other children are properly secured in either a child passenger restraint system or safety belt.
3. All other passengers wear seat belts.

## **TRANSPORTATION FOR SCHOOL-RELATED TRIPS** (continued)

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed and should not in any case exceed ten. (Education Code 39830)

Owners furnishing private vehicles shall not accept reimbursement from passengers in excess of the cost operating the vehicle. Reimbursement for the use of private transportation may be made from County Office funds.

### **Approval of Drivers/Background Checks**

All volunteer drivers must be pre-approved by the County Superintendent or designee. Since they may have unsupervised contact with students, background checks will be required. Program administrators shall submit a school volunteer certificate form on each prospective driver. These are also necessary for employees who will be driving their own vehicles.

Ample time must be allowed for the approval process (at least five days). Once approved, the County Superintendent or designee will notify the program administrator of the clearance for service as a volunteer driver. No volunteer drivers may be used unless by the County Superintendent or designee.

#### *Legal Reference:*

##### EDUCATION CODE

35330 *Excursions and field trips*

35332 *Transportation by air*

39830 *School bus*

39830.1 *School pupil activity bus*

39860 *Transportation to special activities by district*

44808 *Liability when students not on school property*

##### VEHICLE CODE

27315 *Mandatory use of seat belts in private passenger vehicles*

27360-27360.5 *Child passenger restraint systems*

27363 *Child passenger restraint systems, exemptions*

#### *Management Resources:*

##### WEB SITES

*California Highway Patrol: <http://www.chp.ca.gov>*

*Office of Traffic Safety: <http://www.ots.ca.gov>*

*Department of Motor Vehicles: <http://www.dmv.ca.gov>*

*National Transportation Safety Board: <http://www.nts.gov>*

*National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>*

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

**SCHOOL DRIVER REGISTRATION FORM**

Driver (circle one): Employee Parent/Guardian Volunteer

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_ Driver's License No.: \_\_\_\_\_

Telephone No.: (\_\_\_\_) \_\_\_\_\_ Expiration Date: \_\_\_\_\_

**VEHICLE INFORMATION**

Name of Owner: \_\_\_\_\_ Year: \_\_\_\_\_

Address: \_\_\_\_\_ Make: \_\_\_\_\_

\_\_\_\_\_ License Plate No.: \_\_\_\_\_

Registration Expiration: \_\_\_\_\_ Seating Capacity: \_\_\_\_\_

**INSURANCE INFORMATION**

Insurance Company: \_\_\_\_\_ Policy No.: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Liability Limits of Policy: \_\_\_\_\_

The Minimum acceptable liability limit for privately-owned vehicles is \$100,000 per occurrence. If you transport students often, it is recommended that your coverage be \$300,000 per occurrence.)

**DRIVER STATEMENT**

I certify that I have not been convicted of reckless driving or driving under the influence of drugs or alcohol within the past five years and that the information given above is true and correct. I understand that if an accident occurs, my insurance coverage shall bear primary responsibility for any losses or claims for damages.

I certify that I will ensure that all children will be restrained using the appropriate passenger restraint systems.

Driver Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**TRANSPORTATION FOR SCHOOL-RELATED TRIPS**

**DRIVER INSTRUCTIONS**

When using your vehicle to transport students on field trips or other school activity trips, please:

1. Be sure that you have registered with the County Office for such purposes and have a valid driver's license and current liability insurance of at least \$100,000 for each occurrence.
2. Check the safety of your vehicle: tires, brakes, lights, horn, suspension, etc.
3. Carry only the number of passengers for which your vehicle was designed. If you have a pickup truck, carry only as many as can safely sit in the passenger compartment.
4. Require each passenger to use an appropriate child passenger restraint system (child car seat or booster seat) or safety belt in accordance with law.

In case of emergency, keep all the children together and call 911 and the County Office.

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES**

The Lassen County Superintendent of Schools shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The Lassen County Office of Education will coordinate with the program administrator to make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

The County Superintendent or designee shall coordinate with the program administrator to determine the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

The County Superintendent or designee shall coordinate with the program administrator to ensure compatibility between mobile seating devices and bus securement systems used to transport students with disabilities.

*Legal Reference: (see next page)*



**TRANSPORTATION FOR STUDENTS WITH DISABILITIES** (continued)

*Legal Reference:*

EDUCATION CODE

39807.5 *Payment of transportation cost*

39839 *Guide dogs, signal dogs and service dogs on bus*

41850-41854 *Allowances for transportation*

48300-48315 *Alternative interdistrict attendance program*

48915.5 *Expulsion of students with exceptional needs*

56195.8 *Adoption of policies*

56327 *Assessment for special education and related services*

56345 *Individualized education program*

56366 *Nonpublic nonsectarian schools or agencies*

56366.1 *Waiver of requirements under section 56365 and 56366*

CODE OF REGULATIONS, TITLE 5

15050 *Transfer of funds to child development fund and development center for handicapped pupils fund*

15243 *Physically handicapped minors*

15271 *Exclusion from report*

UNITED STATES CODE, TITLE 20

1400-1487 *Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

794 *Section 504 of the Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 *Equal opportunity under the Rehabilitation Act of 1973, Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 *Federal requirements for bus securement systems*

*Management Resources:*

CDE MANAGEMENT ADVISORIES

0500.92 *Implementation of Special Education Transportation Apportionment (#92-02)*

CDE PROGRAM ADVISORIES

0609.95 *School transportation fee exemption for handicapped children and pupils whose parents or guardians are indigent (LO: 2-95)*

**TRANSPORTATION FOR STUDENTS WITH DISABILITIES**

Transportation for students with disabilities shall be provided in accordance with a student's Individualized Education Program (IEP) or Section 504 accommodation plan. Only authorized passengers may be transported on Lassen County Office of Education buses. An authorized passenger is:

- a. A student whose Individualized Education Program (IEP) includes specialized transportation
- b. Any Lassen County Office of Education employee acting in an official capacity.
- c. Any other person authorized by the Administration.
- d. Children without IEPs stipulating specialized transportation are not authorized to ride Lassen County Office of Education buses.

If a disabled student is excluded from school bus transportation, the Lassen County Office of Education shall provide alternative transportation at no cost to the student or parent/guardian provided that transportation is specified in the student's IEP. (Education Code 48915.5)

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Lassen County Superintendent of Schools or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP. (Education Code 56366)

Guide dogs, signal dogs and service dogs trained to provide assistance to disabled persons may be transported in a school bus when accompanied by disabled students, disabled teachers or persons training the dogs. (Education Code 39839)

**SCHOOL BUS DRIVERS**

**Authority**

Students transported in a school bus or in a student activity bus shall be under the authority of, and responsible directly to, the driver of the bus. The driver shall be held responsible for the orderly conduct of the students while they are on the bus or being escorted across a street, highway or road. (5 CCR 14103)

A bus driver shall have the authority to discontinue the operation of a school bus whenever he/she determines that it is unsafe to continue.

Administrative regulations related to bus driver authority shall be made available to parents/guardians, students, teachers and other interested parties. (5 CCR 14103)

**Qualifications, Training and Monitoring**

All drivers employed to operate school buses or student activity buses shall possess, at a minimum, both of the following documents issued by the state Department of Motor Vehicles: (Education Code 39830.1; Vehicle Code 12517)

1. A valid driver's license for the appropriate class of vehicle to be driven
2. A certificate which permits the driver to operate either school buses or student activity buses, as applicable

The Lassen County Superintendent of Schools or designee may use an electronic fingerprinting system, managed by the California Department of Justice, to fingerprint an applicant for an original certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

The County Superintendent or designee shall ensure that school bus drivers receive training which includes:

1. First aid practices (Vehicle Code 12522)
2. The proper actions to be taken in the event that a school bus is hijacked (Education Code 39831)
3. The proper installation of mobile seating devices in the bus securement systems (Education Code 56195.8)
4. Proper administration of CPR for Infant/Toddler, Children and Adults

School bus drivers shall be subject to drug and alcohol testing in accordance with Lassen County Office of Education policy and the requirements of federal law.

**SCHOOL BUS DRIVERS** (continued)

The County Superintendent or designee shall notify the Department of Motor Vehicles within five days whenever any school bus driver has tested positive for drugs or alcohol, is dismissed for a cause related to student transportation safety, or whenever a driver so dismissed has been reinstated. (Vehicle Code 1808.8, 13376)

**Responsibilities**

The school bus driver's primary responsibility is to safely transport students to and from school and school activities. He/she shall follow procedures contained in the County Office's transportation safety plan.

The driver shall not require any student to leave the bus en route between home and school or other destinations. (5 CCR 14103)

The driver shall stop to load or unload students only at school bus stops designated by the County Superintendent or designee, or authorized by the County Superintendent or designee for school activity trips. This may include individual student homes when required to ensure the safe loading and unloading of special education students when specialized transportation is so designated in the students IEP. (Vehicle Code 22112)

The driver shall activate the amber warning light system, flashing red signal lights and stop arm signal and shall escort students in accordance with Vehicle Code 22112.

The driver shall immediately report all school bus accidents to the California Highway Patrol, the County Superintendent or designee, and the driver's employer. (13 CCR 1219)

The driver also shall report the following to the County Superintendent or designee:

1. Recurring and serious student misbehavior
2. Parental and student complaints
3. Traffic violations
4. Consistently late school dismissals which cause transportation delays
5. Overload runs
6. Mechanical or other problems with buses and equipment

## **SCHOOL BUS DRIVERS** (continued)

In addition, a school bus driver may not drive a school bus while using a wireless telephone in accordance with Vehicle Code 23125. Hands-free equipment has been provided to bus drivers of the Lassen County Office of Education in order to comply with the law.

### *Legal Reference:*

#### EDUCATION CODE

39830-39842 *School buses*

40080-40090.5 *Training required to obtain or renew bus driver certificate*

45125.1 *Criminal background checks for contractors*

56195.8 *Training in installation of mobile seating devices*

#### PENAL CODE

241.3 *Assault against school bus driver*

243.3 *Battery against school bus driver*

#### VEHICLE CODE

1808.8 *Dismissal for safety-related cause*

2570-2575 *Transportation of students*

12517-12517.4 *Certification requirements*

12522 *First aid training for school bus drivers*

13376 *Driver certificates; revocation or suspension; sex offense prosecution*

22112 *School bus signals; roadway crossings*

25257 *School bus; flashing light signal system*

25257.2 *School bus used for transportation of developmentally disabled person*

34501.6 *School buses; reduced visibility*

34508.5 *Investigation of accidents*

#### CODE OF REGULATIONS, TITLE 5

14103 *Authority of the driver*

14104 *School bus driver instructor*

#### CODE OF REGULATIONS, TITLE 13

1200-1228 *General provisions, school bus regulations*

#### CODE OF FEDERAL REGULATIONS, TITLE 49

571.222 *Federal motor vehicle safety standard #222*

### *Management Resources:*

#### WEB SITES

California Highway Patrol: <http://www.chp.ca.gov>

California Department of Motor Vehicles: <http://www.dmv.ca.gov>

California Department of Justice: <http://caag.state.ca.us>

Regulation

approved: 2/14/07

Revised: 6/18/14

**LASSEN COUNTY OFFICE OF EDUCATION**  
Susanville, California

**TRANSPORTATION SAFETY AND EMERGENCIES**

**Accident Report**

All accidents by employees of the Lassen County Superintendent of Schools while on duty shall be reported to the County Superintendent's office immediately.

**TRANSPORTATION SAFETY AND EMERGENCIES**

**Transportation Safety Plan**

The Lassen County Superintendent of Schools or designee shall develop a transportation safety plan which includes all of the following: (Education Code 39831.3)

1. Procedures for determining if students in grades prekindergarten through 8 require escort to cross a private road or highway at a bus stop pursuant to Vehicle Code 22112
2. Procedures for all students in grades prekindergarten through 8 to follow as they board and exit the bus at their bus stops
3. Procedures for boarding and exiting a school bus at a school or other trip destination

A copy of the plan shall be kept at each school site and made available upon request to the California Highway Patrol. (Education Code 39831.3)

**Safe Bus Operations**

School bus operations shall be limited when atmospheric conditions reduce visibility on the roadway to 200 feet or less during regular home-to-school transportation service. Bus drivers for school activity trips shall have the authority to discontinue bus operation whenever they determine that it is unsafe to continue operation because of reduced visibility. (Vehicle Code 34501.6)

School buses and school student activity buses shall not be operated whenever the number of passengers exceeds bus seating capacity, except when necessary in emergency situations which require that students be moved immediately to ensure their safety.

When a school bus or student activity bus is equipped with a passenger restraint system, all passengers shall be required to be properly restrained by that system while the bus is in motion.

Bus drivers shall be informed of procedures to be followed to reasonably ensure that all passengers are so restrained.

The County Superintendent or designee may place a notice at bus entrances that warns against unauthorized entry. The driver or another school official may order any person to disembark if that person enters a bus without prior authorization and has intent to commit a crime. (Education Code 39842; 13 CCR 1256.5)

Each school bus shall be equipped with at least one fire extinguisher located in the driver's compartment which meets the standards specified in law. (Education Code 39838; 13 CCR 1242)

## **TRANSPORTATION SAFETY AND EMERGENCIES** (continued)

The County Superintendent or designee shall review all investigations of bus incidents and accidents to develop preventative measures.

### **Student Instruction**

All students who are transported in a school bus or student activity bus shall receive instruction in school bus emergency procedures and passenger safety. (Education Code 39831.5)

The instruction shall include the following:

1. Each school year, the County Superintendent or designee shall provide appropriate instruction in safe riding practices and emergency evacuation drills. Each student who receives home-to-school transportation in a school bus shall be required to receive this instruction. (5 CCR 14102)
2. At least once each school year, all students in grades prekindergarten through 8 who receive home-to-school transportation shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)
  - a. Proper loading and unloading procedures, including escorting by the driver
  - b. How to safely cross the street, highway or private road
  - c. When passenger restraint systems are installed in school buses, instruction in the use of such systems, including but not limited to the proper fastening and release of the passenger restraint system, acceptable placement of passenger restraint systems on students, times at which the passenger restraint systems should be fastened and released, and acceptable placement of the passenger restraint systems when not in use
  - d. Proper passenger conduct
  - e. Bus evacuation
  - f. Location of emergency equipment

As part of this instruction, students shall evacuate the school bus through emergency exit doors. Instruction also may include responsibilities of passengers seated next to an emergency exit. These instructions and evacuation practices will be adjusted to accommodate for the age, ability and disability of special education students. (Education Code 39831.5)



## **TRANSPORTATION SAFETY AND EMERGENCIES** (continued)

Each time the above instruction is given, the following information shall be documented: (Education Code 39831.5)

- a. County Office name
- b. School name and location
- c. Date of instruction
- d. Names of supervising adults
- e. Number of students participating
- f. Grade levels of students
- g. Subjects covered in instruction
- h. Amount of time taken for instruction
- i. Bus driver's name
- j. Bus number
- k. Additional remarks

This documentation shall be kept on file at the County Office or the school for one year and shall be available for inspection by the California Highway Patrol. (Education Code 39831.5)

3. Before departing on a school activity trip, all students riding on a school bus or student activity bus shall receive safety instruction which includes, but is not limited to: (Education Code 39831.5)
  - a. Location of emergency exits
  - b. Location and use of emergency equipment

This instruction also may include responsibilities of passengers seated next to an emergency exit. (Education Code 39831.5)

### **Notifications**

The County Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not

**TRANSPORTATION SAFETY AND EMERGENCIES** (continued)

previously been transported in a school bus or student activity bus. This information shall be provided upon registration and shall include: (Education Code 39831.5)

1. A list of school bus stops near each student's home
2. General rules of conduct at school bus loading zones
3. Red light crossing instructions
4. School bus danger zone
5. Walking to and from school bus stops

**Accident Report**

If an employee has an automobile accident while on duty, the following procedures shall be observed (while using a county vehicle or their own):

1. Stop and aid injured
2. Call police, ambulance, if necessary
3. List names, address and injuries of persons hurt
4. Record license numbers, descriptions and damage to other car or property
5. Obtain names and addresses of drivers and all witnesses
6. Assist police and other parties, but do not admit liability or offer to pay for damages
7. If police are not summoned, report to police within 24 hours
8. Notify your insurance company
9. Notify your immediate supervisor
10. If the accident is serious, call the office at once
11. Complete accident report for County Superintendent within 24 hours
12. If you are injured, or suspect you are injured, see a doctor immediately and complete Workers' Compensation Accident Report at County Superintendent's office.

**TRANSPORTATION SAFETY AND EMERGENCIES (continued)**

*Legal Reference:*

EDUCATION CODE

39830-39842 *Transportation, school buses*

51202 *Instruction in personal and public health and safety*

PENAL CODE

241.3 *Assault against school bus driver*

243.3 *Battery against school bus driver*

VEHICLE CODE

545-546 *Definition of school bus and school pupil activity bus*

22112 *Loading and unloading passengers*

27316 *Passenger restraint systems*

34500 *California Highway Patrol responsibility to regulate safe operation of school buses*

34501.5 *California Highway Patrol responsibility to adopt rules re: safe operation of school buses*

34501.6 *School buses; reduced visibility*

34508 *California Highway Patrol responsibility to adopt rules re: equipment and operations of school buses*

34508.5 *Investigation of accidents*

CODE OF REGULATIONS, TITLE 5

14102 *Instruction in bus safety and evacuation*

14103 *Authority of the driver*

CODE OF REGULATIONS, TITLE 13

1200-1293 *Motor carrier safety*

*Management Resources:*

WEB SITES

*California Department of Education, Office of School Transportation: <http://www.cde.ca.gov/ls/tn>*

*California Highway Patrol: <http://www.chp.ca.gov>*

*National Coalition for School Bus Safety: <http://www.ncsbs.org>*

*National Transportation Safety Board: <http://www.ntsb.gov>*

**FOOD SERVICE/CHILD NUTRITION PROGRAM**

The Lassen County Board of Education recognizes that students need adequate, nourishing food in order to grow, learn, and maintain good health. Foods and beverages available through the County Office's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
2. Meet or exceed nutritional standards specified in law and administrative regulation
3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits
4. Be served in age-appropriate portions
5. Be sold at reasonable prices

The Lassen County Superintendent of Schools or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus.

The County Board desires to provide students with adequate time and space to eat meals. To the extent possible, school and transportation schedules shall be designed to encourage participation in school meal programs.

The County Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation. School cafeterias shall comply with the sanitation and safety requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

Professional development for food service personnel shall include nutrition education and safe food handling.

The County Superintendent or designee shall annually report to the County Board regarding the County Office's compliance with state and federal nutrition standards for foods and beverages.

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

*Legal Reference:*

EDUCATION CODE

38080-38103 Cafeteria, establishment and use  
45103.5 Contracts for management consulting services; restrictions  
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001  
49490-49493 School breakfast and lunch programs  
49500-49505 School meals  
49510-49520 Nutrition  
49530-49536 Child Nutrition Act  
49540-49546 Child care food program  
49547-49548.3 Comprehensive nutrition services  
49550-49560 Meals for needy students  
49565-49565.8 California Fresh Start pilot program  
49570 National School Lunch Act

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769h School lunch programs, including:  
1751 Note Local wellness policy  
1771-1791 Child nutrition, especially:  
1773 School breakfast program

U.S. CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program  
220.1-220.21 National School Breakfast Program

*Management Resources: (see next page)*

**FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)**

*Management Resources:*

CSBA POLICY BRIEFS

*The New Nutrition Standards: Implications for Student Wellness Policies*, November 2005

CSBA PUBLICATIONS

*Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide*, rev. 2005

CENTERS FOR DISEASE CONTROL PUBLICATIONS

*School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools*, 2004

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

*Fit, Healthy and Ready to Learn*, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

*Dietary Guidelines for Americans*, 2005

*Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action*, 2000

WEB SITES

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

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Dairy Council of California: <http://www.dairycouncilofca.org>

National Association of State Boards of Education: <http://www.nasbe.org>

National School Boards Association: <http://www.nsba.org>

School Nutrition Association: <http://www.schoolnutrition.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center (FNIC):

<http://www.nal.usda.gov/fnic>

**FOOD SERVICE/CHILD NUTRITION PROGRAM**

**Nutritional Standards for Foods**

Schools participating in the National School Lunch Program or School Breakfast Program pursuant to 42 USC 1751-1769h and 1771-1791 shall meet the nutritional standards, as well as the nutrient and calorie levels for students of each age or grade group, required by 7 CFR 210.10 and 220.8. (42 USC 1758, 1773)

Until July 1, 2007, for foods not reimbursed through the federally reimbursable meal programs, a minimum of 50 percent of the food sold by the County Office on school grounds during regular school hours shall be from the nutritious foods listed in Education Code 38085. (Education Code 38085)

Beginning July 1, 2007, the only foods that may be sold to a student at an elementary school during the school day are full meals and individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes. An individually sold dairy or whole grain food item may be sold if it meets all of the following criteria: (Education Code 49431)

1. Not more than 35 percent of its total calories is from fat.
2. Not more than 10 percent of its total calories is from saturated fat.
3. Not more than 35 percent of its total weight is composed of sugar, including naturally occurring and added sugar.
4. Its total calories do not exceed 175 calories.

Beginning July 1, 2007, foods sold to students in middle schools, junior high schools, and high schools, except foods served as part of a federally reimbursable meal program, shall meet the following standards: (Education Code 49430, 49431.2)

1. Each entree item shall:
  - a. Not exceed 400 calories
  - b. Contain no more than four grams of fat per 100 calories
  - c. Be categorized as an entree item in the National School Lunch or School Breakfast program

**FOOD SERVICE/CHILD NUTRITION PROGRAM** (continued)

2. For each snack item that supplements a meal:
  - a. Not more than 35 percent of its total calories shall be from fat, excluding nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, vegetables that have not been deep fried, or legumes.
  - b. Not more than 10 percent of its total calories shall be from saturated fat, excluding eggs or cheese packaged for individual sale.
  - c. Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar, excluding fruits or vegetables that have not been deep fried.
  - d. Its total calories shall not exceed 250 calories.

The County Office's food service program shall give priority to serving unprocessed foods and ingredients and fresh fruits and vegetables that have not been deep fried.

**Nutritional Standards for Beverages**

The only beverages that may be sold to elementary students, regardless of the time of day, are: (Education Code 49431.5)

1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener
2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener
3. Drinking water with no added sweetener
4. Milk that is 1-percent fat, 2-percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk

The only beverages that may be sold to middle school or junior high school students from one-half hour before the start of the school day until one-half hour after the end of the school day are: (Education Code 49431.5)

1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener
2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener



**FOOD SERVICE/CHILD NUTRITION PROGRAM** (continued)

3. Drinking water with no added sweetener
4. Milk that is 1-percent fat, 2-percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk
5. Electrolyte replacement beverages that contain no more than 42 grams of added sweetener per 20-ounce serving

Beginning July 1, 2007, at least 50 percent of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those specified in items #1-5 above. Beginning July 1, 2009, all of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day shall meet the standards specified in items #1-5 above. (Education Code 49431.5)

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

The Lassen County Board of Education intends that, insofar as possible, school food services shall be a self-supporting, nonprofit program. Upon recommendation of the Lassen County Superintendent of Schools or designee, the County Board shall review and approve meal prices. Program financial reports shall be presented regularly to the County Board.

Meals may be offered to employees and County Board members as a matter of convenience. Since these meals may include federally donated food commodities, their price shall be set in accordance with state and federal guidelines.

Meals may be served to adults other than employees and County Board members who are on campus during meal times for a legitimate purpose, such as serving as a classroom volunteer. Since these meals may include federally donated food commodities, their price shall be set in accordance with state and federal guidelines.

**Cafeteria Fund**

The County Superintendent or designee shall establish a cafeteria fund independent of the County Office's general fund.

**OPTION 1:** The wages, salaries and benefits of food service employees shall be paid from the County Office general fund. At any time, the County Board may order reimbursement from the cafeteria fund for these payments in amounts prescribed by the County Board and not exceeding the costs actually incurred. (Education Code 38103)

**OPTION 2:** The wages, salaries and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

To increase cost effectiveness, the County Superintendent or designee shall centralize and direct the purchasing of food and supplies, the planning of menus, and the auditing of all food service accounts for the County Office.

**Contracts with Outside Providers**

With County Board approval, the County Office may enter into a contract for management consulting services related to food service on a year-to-year basis.

With County Board approval, the County Office may enter into a contract with a private company that enables a school to operate a franchise offering fast food items for sale to students. The franchise agreement and food purchases shall be subject to the competitive bidding requirements of the National School Lunch and School Breakfast Programs.

*Legal Reference: (see next page)*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND (continued)**

*Legal Reference:*

EDUCATION CODE

38090-38095 *Cafeterias, funds and accounts*

38100-38103 *Cafeterias, allocation of charges*

42646 *Alternate payroll procedure*

45103.5 *Contracts for management consulting services*

49490-49493 *School breakfast and lunch programs*

49500-49505 *School meals*

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 *National School Lunch Program*

220.1-220.21 *National School Breakfast Program*

*Management Resources:*

CDE MANAGEMENT ADVISORIES

0701.00 *Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, No. 00-111*

WEB SITES

*CDE, Nutrition Services Division: <http://www.cde.ca.gov/nsd/>*

*U.S. Department of Agriculture; Child Nutrition Programs: <http://www.fns.usda.gov/cnd/>*

**FOOD SERVICE OPERATIONS/CAFETERIA FUND**

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Lassen County Board of Education shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091, and 38092)

The cafeteria fund shall be used only for County Board-authorized expenditures necessary for the operation of school cafeterias as defined in the California School Accounting Manual or appropriately reported to the California Department of Education. (Education Code 38091, 38101)

These expenditures may include, but are not limited to, expenditures for the following: (Education Code 38091)

1. Construction, alteration, or improvement of a central food processing plant
2. Lease, purchase or installation of additional cafeteria equipment of the central food processing plant
3. Vending machines and their installation and housing
4. Computer equipment and related software
5. Lease or purchase of vehicles used primarily in connection with the central food processing plant

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

Any funds derived from the sale of cafeteria food and deposited in a County Board-established cafeteria equipment reserve shall be used only for the purchase, lease, maintenance or replacement of cafeteria equipment. (Education Code 38102)

**Management Consulting Services**

The term of any contract for management consulting services related to food services management shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5)

A contract for food service management consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits or other terms and conditions of employment of classified food service staff or positions. (Education Code 45103.5)

**FOOD SERVICE OPERATIONS/CAFETERIA FUND** (continued)

Health criteria established by the County Office for classified staff shall be applicable to all persons providing food service management consulting services. (Education Code 45103.5)

**FREE AND REDUCED PRICE MEALS**

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

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

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

All applications and records related to eligibility for the free or reduced price meal program shall be confidential except as provided by law. (Education Code 49558)

In accordance with law, the County Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced price meal program for the purpose of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. Identification of students eligible for school choice and supplemental educational services in any school identified for program improvement

The County Board further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is approved for free meals and the parent/guardian consents to the sharing of information as provided by Education Code 49557.2.

*Legal Reference: (see next page)*

## **FREE AND REDUCED PRICE MEALS (continued)**

### *Legal Reference:*

#### EDUCATION CODE

48980 Notice at beginning of term  
49490-49494 School breakfast and lunch programs  
49500-49505 School meals  
49510-49520 Nutrition  
49530-49536 Child Nutrition Act of 1974  
49547-49548.3 Comprehensive nutrition service  
49550-49560 Meals for needy students

#### CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs

#### UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act  
6301-6514 Title I programs

#### UNITED STATES CODE, TITLE 42

1751-1769 National lunch programs  
1771-1791 Child nutrition

#### CODE OF FEDERAL REGULATIONS, TITLE 7

245.1-245.13 Determination of eligibility for free and reduced price meals

### *Management Resources:*

#### CDE LEGAL ADVISORIES

0325.98 Education Code Section 49558 LO: 1-98

#### CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

#### USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

#### WEB SITES

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

California Department of Education, Nutrition Division: <http://www.cde.ca.gov/ls/nu>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN: <http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

**OTHER FOOD SALES**

**Nutritional Standards for Foods and Beverages**

Food sales outside the County Office's food service program shall comply with the nutritional standards specified in Education Code 38085. Beginning July 1, 2007, food sales outside the County Office's food service program shall comply with the standards described in Education Code 49431 for elementary schools and Education Code 49431.2 for middle schools, junior high schools, and high schools. (Education Code 38085, 49431, 49431.2)

Beverage sales shall be subject to the nutritional standards specified in Education Code 49431.5. (Education Code 49431.5)

When the food and beverage standards in Education Code 49431 and 49431.5 are effective, the sale of foods or beverages that do not comply with those standards may be permitted at an elementary school, as part of a fundraising event, only when the items are sold by students of the school and the sale meets one of the following conditions: (Education Code 49431, 49431.5)

1. It takes place off and away from school premises.
2. It takes place at least one-half hour after the end of the school day.

The sale of food items that do not comply with the nutritional standards in Education Code 49431.2, when effective, may be permitted at a middle school, junior high school, or high school in any of the following circumstances: (Education Code 49431.2)

1. The sale takes place off and away from school premises.
2. The sale takes place on school premises at least one-half hour after the end of the school day.
3. The sale occurs during a school-sponsored student activity after the end of the school day.

Beverage sales that do not comply with the nutritional standards in law may be permitted at a middle school or junior high school as part of a school event under the following circumstances: (Education Code 49431.5)

1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one-half hour after the end of the school day.



**OTHER FOOD SALES** (continued)

2. Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day.

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

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

No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

The Lassen County Superintendent of Schools or designee shall not permit the sale of foods by student organizations in a school with any of grades K-8 that is participating in the National School Breakfast or Lunch Program, except when all of the following conditions are met: (5 CCR 15500)

1. The student organization may sell one food item per sale.
2. The specific nutritious food item is approved by the County Superintendent or designee.
3. The sale does not begin until after the close of the regularly scheduled midday food service period.
4. The sale during the regular school day is not of food items prepared on the premises.
5. There are no more than four such sales per year per school.
6. The food sold is a dessert-type food, such as pastry, ice cream, or fruit.
7. The food sold is not one sold in the County Office's food service program at that school during that school day.

**OTHER FOOD SALES** (continued)

In high schools and junior high schools, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

1. Only one student organization conducts a food sale on a given school day and the organization sells no more than three types of food or beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.
2. The specific nutritious food items are approved by the County Superintendent or designee.
3. Food items sold during the regular school day are not prepared on the premises.

The food items sold are not those sold in the County Office's food service program at that school during that school day.

**COUNTY OFFICE OF EDUCATION RECORDS**

Lassen County Office of Education records shall be developed, maintained and disposed of in accordance with law and California Department of Education regulations.

The Lassen County Superintendent of Schools or designee shall establish regulations that define records which are permanent, optional and disposable and specify how each type of record is to be maintained or destroyed. Any microfilm or electronic copies of original records shall be permanently retained.

The County Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage or loss.

**Safe at Home Program**

County Office public records shall not include the actual addresses of students, parents/guardians or employees when a substitute address is designated by the Secretary of State for victims of domestic violence or stalking. (Government Code 6207)

*Legal Reference: (see next page)*

**COUNTY OFFICE OF EDUCATION RECORDS** (continued)

*Legal Reference:*

EDUCATION CODE

35145 *Public meetings*

35163 *Official actions, minutes and journal*

35250-35255 *Records and reports*

44031 *Personnel file contents and inspection*

49065 *Reasonable charge for transcripts*

GOVERNMENT CODE

6205-6211 *Confidentiality of addresses for victims of domestic violence*

6252-6265 *Inspection of public records*

12946 *Retention of employment applications and records for two years*

CODE OF REGULATIONS, TITLE 5

432 *Varieties of pupil records*

16020-16022 *Records-general provisions*

16023-16027 *Retention of records*

*Management Resources:*

SECRETARY OF STATE

*Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999*

WEB SITES

*California Secretary of State: <http://www.ss.ca.gov>*

**COUNTY OFFICE OF EDUCATION RECORDS**

The Lassen County Superintendent of Schools or designee shall ensure that appropriate computer software is used to safeguard any data stored on computers, including computers connected to networks. To further prevent the damage or theft of data, computers and related equipment, he/she shall maintain complete and accurate inventories, specify user responsibilities for damages, and provide appropriate supervision in areas where computers are used.

**Classification of Records**

Before January 1, the Lassen County Superintendent of Schools or designee shall review documents and papers originating during the prior school year and classify them as Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable). Records of continuing nature (active and useful for administrative, legal, fiscal or other purposes over a period of years) shall not be classified until such usefulness has ceased. A student's cumulative record is a continuing record until the student ceases to be enrolled in the County Office. (5 CCR 16022)

**Class 1 - Permanent Record (5 CCR 16023)**

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) Record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022:

1. Annual Reports
  - a. Official budget
  - b. Financial reports of all funds, including cafeteria and student body funds
  - c. Audit of all funds
  - d. Average daily attendance, including Period 1 and Period 2 reports
  - e. Other major annual reports, including:
    - (1) Those containing information relating to property, activities, financial condition or transactions
    - (2) Those declared by County Board minutes to be permanent
2. Official Actions
  - a. Minutes of the County Board or County Board committees, including the text of rules, regulations, policies or resolutions included by reference only

**COUNTY OFFICE OF EDUCATION RECORDS** (continued)

- b. The call for and the result of any elections called, conducted or canvassed by the County Board
- c. Records transmitted by another agency pertaining to its action with respect to County Office reorganization

3. Personnel Records

- a. Employees

All detailed records relating to employment, assignment, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as Class 1 (Permanent), and the detailed records may then be classified as Class 3 (Disposable).

Information of a derogatory nature as defined in Education Code 44031 shall be Class 1 (Permanent) only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

- b. Students

The records of enrollment and scholarship for each student required by 5 CCR 432, and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law. This includes any related policy of liability insurance except that these records cease to be Class 1 (Permanent) one year after the claim has been settled or the statute of limitations has run.

4. Property Records

All detailed records relating to land, buildings, and equipment. In lieu of detailed records, a complete property ledger may be classified as Class 1 (Permanent). The detailed records may then be classified as Class 3 (Disposable) if the property ledger includes all fixed assets, an equipment inventory and, for each piece of property, the date of acquisition, name of previous owner, a legal description, the amount paid, and comparable data if the unit is disposed of.

**COUNTY OFFICE OF EDUCATION RECORDS** (continued)**Class 2 - Optional Records (5 CCR 16024)**

Any record considered worth keeping, but which is not a Class 1 record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). If by agreement of the County Board and County Superintendent or designee, classification of the prior year records has not been made before January 1, all records of the prior year may be classified Class 2 (Optional) until they are classified as required by 5 CCR 16022. Such classification must occur within one year.

**Class 3 - Disposable Records (5 CCR 16025, 16026, 16027)**

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). These include but are not limited to: detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent); and periodic reports, including daily, weekly and monthly reports, bulletins and instructions.

Class 3 (Disposable) records shall be destroyed during the third school year after the later of the following:

1. The completion of any legally required audit
2. The retention period required by any agency other than the State of California
3. The school year in which the records originated

**Record Maintained by the County Office of Education**

The official records of the County Office, which includes district records shall be in the care, custody and control of the County Superintendent (or other employee designated by the County Superintendent) who shall maintain the records in accordance with the provisions of 5 California Administrative Code Sections 16020-16028 and other provisions of the law.

The County Office records are open to the public for inspection at all times during normal business hours, except as hereinafter provided.

Notwithstanding the provisions of Paragraph 2 above, the following records are not available for public inspection:

1. Student records are confidential and may not be inspected or disclosed except in accordance with the provisions of Education Code Sections 49060-49078.

**COUNTY OFFICE OF EDUCATION RECORDS** (continued)

2. Preliminary notes, drafts or inter-office memorandums which are not retained by the County in the ordinary course of business providing that the withholding of such records clearly outweighs the public interest in disclosure.
3. Records pertaining to pending litigation to which the County Office is a party, or to claims made pursuant of Government Code 810 until such litigation or claim has been finally adjudicated or otherwise settled.
4. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.
5. Records of complaints to or investigations conducted by, any Federal, State or local police agency.
6. Test questions, scoring keys and other examination data used to administer examinations for employment or academic examination.
7. The contents of real estate appraisals, engineering or feasibility estimate and evaluations made for or the County Office relative to the acquisition of property or to prospective public supply and construction contracts until such time as all the property has been acquired or all the contract agreement obtained, providing that the law of eminent domain shall not be affected by this provision.
8. Records, the disclosure of which is exempted or prohibited pursuant to provisions of State or Federal law, including, but not limited to provisions of the Evidence Code relating to privileged documents in the custody or are maintained by the County Office's legal counsel.
9. Records described as exempt from disclosure requirements by Government Code 6254.

**Copies of Records**

Copies of records available to the public may be obtained as follows:

1. A request for a copy of an identifiable public record shall be made in writing on an office form and shall be accompanied by payment of the fee based upon the fee schedule in effect at the time the request is made.



**COUNTY OFFICE OF EDUCATION RECORDS** (continued)

2. One exact copy shall be provided unless it is impractical to do so. Computer data and other records which are not in written form shall be provided in a form determined by the County Superintendent. Electrical or magnetic recordings may be reproduced, provided that the requestor furnishes his/her own recording equipment and blank magnetic tapes, or pay the cost of the tapes provided by the County.

**Fee Schedule**

The County Superintendent or Designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted in writing to the Superintendent or Designee.

Transcription or reproduction of non-printed records shall be charged the actual cost to reproduce the record.

**Reproduction of Records Pursuant to Court Order**

Request for the reproduction of records pursuant to a subpoena duces tecum or other court order shall be complied with as follows:

1. If permitted by the subpoena or court order, the records shall be reproduced, certified and mailed to the requestor in accordance with the provisions of Evidence Code Section 1560.
2. If the County Superintendent is unable to reasonably comply with the subpoena, he/she shall contact the requestor and ask that a commercial copy service copy the records.
3. The County Superintendent shall bill the person requesting the records in accordance with the above fee schedule even though Evidence Code Section 1563 may provide for a lesser amount.

**COUNTY OFFICE OF EDUCATION RECORDS** (continued)

**Care of Records**

The County Office will maintain public records, documents maps and certificates in accordance with appropriate sections of the Government Code, Education Code, Administrative Code, Title 5 and the recommendation contained in the Association of School Business Office manual titled "K-12" records retention manual.

Records will be appropriately classified as permanent, optional or disposable, subsequently retained, transferred or destroyed in accordance with law.

In accordance with law, the County Superintendent is responsible for the classification of records but may delegate related to the supervision of records.

**CONSULTANTS**

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

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

All consultant contracts shall be brought to the County Superintendent for approval.

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

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

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

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

*Legal Reference: (see next page)*

## CONSULTANTS (continued)

### *Legal Reference:*

#### EDUCATION CODE

*1281 Hiring of consultants*

*10400-10407 Cooperative improvement programs*

*17596 Limit on continuing contracts*

*35010 Control of districts; prescription and enforcement of rules*

*35172(a) Promotional activities*

*35204 Contract with attorney*

*44925 Part-time readers employed as independent contractors*

*45103 Classified service in districts not incorporating the merit system*

*45103.5 Contracts for food service consulting services*

*45134-45135 Employment of retired classified employee*

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

#### GOVERNMENT CODE

*53060 Contract for special services and advice*

### *Management Resources:*

#### INTERNAL REVENUE SERVICE PUBLICATIONS

*15-A Employer's Supplemental Tax Guide*

**CONSULTANTS**

**LASSEN COUNTY OFFICE OF EDUCATION CONSULTANT AGREEMENT  
CERTIFICATION FOR EMPLOYEES OF PUBLIC AGENCIES**

I \_\_\_\_\_ do hereby certify that I am currently an employee on  
PRINT NAME

paid status with the following public agency: \_\_\_\_\_  
PRINT AGENCY NAME

I further certify that, as an individual consultant being compensated by the Lassen County Office of Education, I will not receive salary or remuneration, other than vacation pay, from my current employer for the specific days and time (noted below) that I work for and receive compensation from the Lassen County Office of Education.

\_\_\_\_\_  
Consultant Signature

\_\_\_\_\_  
Date

Days and time of consulting agreement \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_