

ENERGY AND WATER CONSERVATION

The Board of Trustees is committed to reducing the district's demand for electricity and water in order to help conserve natural resources and to save money to support other district needs. To that end, the Board shall establish goals to help reduce the district's energy and water consumption.

The Superintendent or designee shall establish an energy efficiency program which shall include specific strategies designed to help the district use energy more efficiently and to help ensure that funds intended for student learning are not diverted to cover energy costs.

As part of the energy efficiency program, the Superintendent or designee shall develop an emergency action plan to address actions to be taken in the event of power outages in schools, both during and after school operations. The action plan shall also address the role of staff, students and parents/guardians in helping to conserve resources and other activities to help the district meet energy reduction goals.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3516.5 - Emergency Schedules)

The Superintendent or designee shall analyze the effect of a utility rate increase on the district's budget. He/she shall develop and implement any necessary contingency plans.

(cf. 3100 - Budget)

The Superintendent or designee shall regularly inspect district facilities and operations and make recommendations for maintenance and capital expenditures which may help the district reach its energy and water conservation goals.

(cf. 7111 - Evaluating Existing Buildings)

The Superintendent or designee shall make every effort to identify funding opportunities and cost-reducing incentive programs to help the district achieve its conservation goals.

The Superintendent or designee shall periodically report to the Board on the district's progress in meeting energy and water use reduction goals.

Legal Reference: (see next page)

ENERGY AND WATER CONSERVATION (continued)

Legal Reference:

EDUCATION CODE

41422 School term or session length, failure to comply due to disaster

46392 Emergency conditions; ADA estimate

PUBLIC RESOURCES CODE

25410-25421 Energy Conservation Assistance

Management Resources:

CDE MANAGEMENT ADVISORIES

0118.01 California's Energy Challenge

0706.90 Water Conservation Advisory, 90-09

0222.90 Average Daily Attendance Credit During Periods of Emergency 90-01

WEB SITES

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

California Department of Education, Facilities Division, Energy Challenge:
<http://www.cde.ca.gov/facilities/energyefficiency>

California Energy Commission: <http://www.energy.ca.gov/>

Alliance to Save Energy: <http://www.ase.org/>

EQUIPMENT

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

(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 4040 - Employee Use of Technology)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 6163.4 - Student Use of Technology)

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

(cf. 6000 - Concepts and Roles)
(cf. 6171 - Title I Programs)

When school equipment is not being used by students or employees, school-connected organizations may be granted reasonable use of the equipment for school-related matters.

(cf. 1230 - School-Connected Organizations)
(cf. 1330 - Use of School Facilities)

The principal shall approve the removal of district-owned equipment from the school site. 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 shall take with them only those personal items that have been purchased with their own funds. Items paid for by the district, school-connected organizations or grants shall remain at the initial location unless the principals of both schools make special arrangements that serve the best interests of the districtwide instructional program.

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

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)

EQUIPMENT (continued)

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

Each principal or designee shall ensure that the following management provisions are established and maintained for equipment acquired in whole or in part with federal funds until such property is disposed: (34 CFR 80.32)

1. A control system shall be developed to ensure adequate safeguards to prevent loss, damage or theft of the property. Any loss, damage or theft shall be investigated.
2. Adequate maintenance procedures shall be developed to keep the property in good condition.

(cf. 3530 - Risk Management/Insurance)
(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

If equipment is used for a purpose other than that for which it was originally purchased, the inventory shall include a dated statement justifying its current use.

(cf. 3440 - Inventories)

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 district equipment:

Description

ID Number

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

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: June 23, 2005 _____

Date: _____

TOBACCO-FREE SCHOOLS

The Board of Trustees 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.

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5131.62 - Tobacco)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

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>

TOBACCO-FREE SCHOOLS

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students and the community. (Health and Safety Code 104420)

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

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

Enforcement/Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)

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

(cf. 5144 - Discipline)

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

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

ENVIRONMENTAL SAFETY

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

(cf. - Tobacco-Free Schools)

(cf. 3514.1 - Hazardous Substances)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 5142 - Safety)

(cf. 6161.3 - Toxic Art Supplies)

(cf. 7111 - Evaluating Existing Buildings)

(cf. 7150 - Site Selection and Development)

The Superintendent or designee shall establish regulations to prevent and/or reduce environmental hazards in accordance with law and state guidelines. Strategies may 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 district schools

(cf. 3514.2 - Integrated Pest Management)

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 Superintendent or designee shall notify parents/guardians, as appropriate, if an environmental hazard is discovered at a school site. The notification shall detail the district'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

340-340.3 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 Superintendent 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.

(cf. 3514.2 - Integrated Pest Management)

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 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 Superintendent or designee may provide parents/guardians and students with information about the prevention of lead poisoning.

(cf. 5141.32 - Child Health and Disability Prevention Program)

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 district's complete, updated management plan for material containing asbestos in school buildings shall be available for inspection in district 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)

(cf. 3580 - District Records)

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

(cf. 5145.6 - Parental Notifications)

ENVIRONMENTAL SAFETY (continued)

Other Environmental Safety Precautions

Principals 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

(cf. 6161.3 - Toxic Art Supplies)

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 Board of Trustees recognizes that potentially hazardous substances are used in the daily operations of our schools. The Superintendent or designee shall ensure these substances are inventoried, used, stored and regularly disposed of in a safe and legal manner.

Insofar as possible, the Superintendent or designee shall minimize the quantities of hazardous substances stored on school property and shall substitute less dangerous materials for hazardous substances.

Hazard Communication Program

The Superintendent or designee shall develop, implement and monitor a written hazard communication program in accordance with state law. As part of this program, he/she shall ensure that employees are fully informed about the properties and potential hazards of substances to which they may be exposed and that material safety data sheets are readily accessible to them.

Teachers shall instruct students about the importance of proper handling, storage, disposal and protection when using any potentially hazardous substance.

(cf. 3514 - Environmental Safety)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 5141.23 - Infectious Disease Prevention)
(cf. 6161.3 - Toxic Art Supplies)

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 AGRICULTURE 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 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 district 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 Agriculture 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 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 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)

The 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.

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 district'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)

4. List of Hazardous Substances

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

HAZARDOUS SUBSTANCES (continued)

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 district 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.

(cf. 3514 - Environmental Safety)

7. Informing Contractors

To ensure that outside contractors and their employees work safely in district buildings and schools, the 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

The Superintendent or designee shall develop and implement an integrated pest management program that incorporates effective least toxic pest management practices.

Integrated pest management is a strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. (Food and Agricultural Code 13181)

Procedures

In the control and/or management of pests at district facilities, the Superintendent or designee shall:

1. Carefully monitor and identify the pest and the site of infestation. Strategies for managing the pest shall be influenced by the pest species and whether that species poses a threat to people, property or the environment.
2. Consider a full range of possible alternatives. Such alternatives include not taking any action or controlling the pest by physical, mechanical, chemical, cultural or biological means.
3. Select nonchemical pest management methods over chemical methods, whenever they are effective to provide the desired control. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
4. Use the least toxic material when it is determined that a chemical method of pest management must be used. The least toxic material shall be chosen and applied in accordance with law.
5. Limit pesticide purchases to amounts needed for the year. Pesticides shall be stored at a secure location that is not accessible to students and unauthorized staff, and they shall be stored and disposed of in accordance with state regulations and label directions registered with the Environmental Protection Agency.

(cf. 3514.1 - Hazardous Substances)

6. Ensure that persons applying pesticides follow label precautions and are trained in the principles and practices of integrated pest management.

(cf. 4231 - Staff Development)

INTEGRATED PEST MANAGEMENT (continued)**Notification**

The Superintendent or designee shall annually notify staff and parents/guardians of students enrolled at a school site, in writing, regarding pesticide products expected to be applied at the school facility in the upcoming year. The notification shall include at least the following: (Education Code 17612)

1. The Internet address used to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to Food and Agricultural Code 13184.
2. The name of each pesticide product expected to be applied in the upcoming year and the active ingredient(s) in it.
3. An opportunity for interested persons to register to receive notification of individual pesticide application at the school site. The Superintendent or designee shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application.
4. Other information deemed necessary by the Superintendent or designee.

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

(cf. 5145.6 - Parental Notifications)

If a pesticide product not included in the annual notification is subsequently intended for use at the school site, the Superintendent or designee shall provide written notification of its intended use to staff and parents/guardians of students enrolled at the school, at least 72 hours prior to the application. (Education Code 17612)

Posting of Warning Signs

The Superintendent or designee shall post a warning sign at each area of the school site where pesticides will be applied, at least 24 hours prior to the application and until 72 hours after the application. The warning sign shall display the following: (Education Code 17612)

1. The term "Warning/Pesticide Treated Area".
2. The product name, manufacturer's name, and the Environmental Protection Agency's product registration number.
3. Intended areas and dates of application.
4. Reason for the pesticide application.

INTEGRATED PEST MANAGEMENT (continued)

Notification During Emergency Conditions

Whenever the Superintendent or designee deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons, or the school site, he/she shall make every effort to provide the required notifications prior to the application of a pesticide. In such a case, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. (Education Code 17609, 17612)

(cf. 3514 -Environmental Safety)

Records

Each school site shall maintain records of all pesticide use at the school for four years, and shall make the information available to the public, upon request, in accordance with the California Public Records Act. Such records may be maintained by retaining a copy of the warning sign posted for each pesticide application with a recording of the amount of the pesticide used. (Education Code 17611)

(cf. 3580 - District Records)

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>

CAMPUS SECURITY

The Superintendent or designee shall ensure that campus security procedures are developed which are consistent with the goals and objectives of the district's comprehensive safety plan and site-level safety plans.

(cf. 0450 - Comprehensive Safety Plan)

These procedures shall include strategies and methods to:

1. Secure the campus perimeter and school facilities in order to prevent criminal activity. These strategies shall include an analysis of the building security system, lighting system, and campus fencing. Procedures to ensure unobstructed views and eliminate blind spots caused by doorways and landscaping shall also be considered. In addition, parking lot design may be studied, including methods to discourage through traffic.
2. Secure buildings from outsiders and discourage trespassing. These procedures may include requiring visitor registration, requiring staff and student identification tags, and patrolling places used for congregating and loitering.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

(cf. 5112.5 - Open/Closed Campus)

3. Discourage vandalism and graffiti. These methods may include plans to immediately cover graffiti as well as campus beautification projects and shall also include students and the community in these projects.

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

4. Control access to keys and other school inventory.

(cf. 3440 - Inventories)

5. Detect and intervene with school crime. These procedures may include the creation of a school watch program, an anonymous crime reporting system, analysis of school crime incidents, and collaboration and communication with local law enforcement agencies.

All staff shall receive training in building and grounds security procedures.

(cf. 3515.3 - District Police/Security Department)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

CAMPUS SECURITY (continued)

These procedures shall be regularly reviewed and updated in order to reflect changed circumstances and to assess progress in achieving safe school objectives.

Keys

All keys used in a school shall be the responsibility of the principal or designee. Keys shall be issued only to those employees who regularly need a key in order to carry out normal activities of their position.

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 principal or designee immediately and shall pay for a replacement key.

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

The master key shall not be loaned and the duplication of school keys is prohibited.

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: Board of Trustees Strategies to Combat School Violence, 1995

DISRUPTIONS

The Board of Trustees is committed to keeping the schools free from disruptions and to keeping unauthorized persons from entering school grounds. The 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.

(cf. 1250 - Visitors/Outsiders)

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

District 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 Board policy.

(cf. 0450 - Comprehensive Safety Plan)

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 principal 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, Board of Trustees 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 principal 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 principal or designee. (Penal Code 626.85)

When directing such a person to leave, the principal 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)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1250 - Visitors/Outsiders)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.5 - Sex Offender Notification)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5131.4 - Campus Disturbances)

The principal 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 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 principal or designee, the 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)

DISRUPTIONS (continued)

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

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)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

RECOVERY FOR PROPERTY LOSS OR DAMAGE

The Board of Trustees shall seek reimbursement of damages and rewards from any individual or from the custodial parent/guardian of any minor who commits any act of theft or vandalism.

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

(cf. 4158/4258/4358 - Employee Security)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5136 - Gangs)

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

Rewards

If law enforcement officials are unable to fix responsibility for the theft or vandalism, the Superintendent or designee is authorized to offer a reward in any amount he/she deems appropriate, not exceeding \$2,500, for information leading to the identification and apprehension of the guilty party. A reward in excess of \$2,500 must be authorized in advance by the Board.

A reward shall be paid only when the guilt of the person responsible for the crime has been established by a criminal conviction or other appropriate judicial procedures.

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

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

(cf. 3530 - Risk Management/Insurance)
(cf. 5131.5 - Vandalism, Theft and Graffiti)

Investigation

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

The principal 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.

(cf. 3515.3 - District Police/Security Department)

Recovery of Damages

When the person causing the damage or loss has been identified and the costs of repair, replacement or cleanup determined, the Superintendent or designee shall take all practical and reasonable steps to recover these costs, including consulting district'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 Board of Trustees 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 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 district.

SEX OFFENDER NOTIFICATION

In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Board of Trustees believes it is important that the district respond appropriately when a law enforcement agency notifies the district about registered sex offenders who may reside or work within district boundaries.

The Superintendent or designee shall establish an ongoing relationship with law enforcement officials to coordinate the receipt and dissemination of such information. To the extent authorized by law, the Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

To protect the district and its employees from liability, employees shall disseminate sex offender information in good faith, and only in the manner and to the extent authorized by the law enforcement agency.

The Superintendent or designee may annually notify parents/guardians of the availability of the CD-ROM regarding registered sex offenders and recommend that they utilize the information contained on the disk.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1240 - Volunteer Assistance)

(cf. 1250 - Visitors/Outsiders)

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

(cf. 3515 - Campus Security)

(cf. 5142 - Safety)

Legal Reference: (see next page)

SEX OFFENDER NOTIFICATION (continued)

Legal Reference:

EDUCATION CODE

32211 Threatened disruption or interference with classes; offense

35160 Authority of boards

35160.1 Board authority of school districts

PENAL CODE

290 Registration of sex offenders

290.4 Sex offender registration; compilation of information; 900 number

290.45 Release of sex offender information

290.95 Disclosure by person required to register as sex offender

626.8 Disruptive entry or entry of sex offender upon school grounds

830.32 School district and community college police

3003 Parole, geographic placement

UNITED STATES CODE, TITLE 42

14071 Jacob Wetterling Crimes Against Children and Sexually Violent Offender
Registration Program Act

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Atty.Gen. 20 (1999)

Management Resources:

WEB SITES

California Department of Justice: <http://www.caag.state.ca.us>

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS

Whenever the district contracts for school and classroom janitorial, school site administrative, school site grounds and landscape maintenance, student transportation, and school site food-related services, the Superintendent 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)

(cf. 3540 - Transportation)

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

(cf. 3600 - Consultants)

(cf. 7140 - Architectural and Engineering Services)

On a case-by-case basis, the 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 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 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 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 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 district security or 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)

(cf. 3515.3 - District Police/Security Department)

Other Facility Contractors

When the district 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 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 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 Board of Trustees recognizes that all district staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

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

(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

The Superintendent or designee shall develop and maintain a disaster preparedness plan which details provisions for handling all emergencies and disasters and which shall be included in the comprehensive school safety plan.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516.3 - Earthquake Emergency Procedure System)

Legal Reference: (see next page)

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
- 38132 Mass care and welfare shelters
- 39834 Operating overloaded bus
- 46390-46392 Emergency average daily attendance in case of disaster
- 49505 Natural disaster; meals for homeless students; reimbursement

GOVERNMENT CODE

- 3100 Public employees as disaster service workers
- 8607 Standardized emergency management system

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

Management Resources:

CSBA PUBLICATIONS

- 911! *A Manual for Schools and the Media During a Campus Crisis*, 2001

CDE PROGRAM ADVISORIES

- 0224.94 *Contingency Planning for School Campus Emergencies*, CIL: 93/94-04

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

- Standardized Emergency Management System (SEMS) Guidelines*, March 1995

- SEMS Approved Course of Instruction*, March 1995

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

- Practical Information on Crisis Planning: A Guide for Schools and Communities*, May 2003

- Early Warning, Timely Response: A Guide to Safe Schools*, August 1998

WEB SITES

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

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

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

- California Office of Emergency Services: <http://www.oes.ca.gov>

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

- Federal Bureau of Investigation: <http://www.fbi.gov>

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

- U.S. Department of Education, Emergency Planning:

- <http://www.ed.gov/admins/lead/safety/emergencyplan/index.html>

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

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

Components of the Plan

Routine and emergency disaster procedures shall be included in the comprehensive school safety plan in accordance with Education Code 32282.

(cf. 0450 - Comprehensive Safety Plan)

In addition, the Superintendent or designee shall ensure that district and school site procedures address, at a minimum, the following types of emergencies and disasters:

1. Fire on or off school grounds which endangers students and staff

(cf. 3516.1 - Fire Drills and Fires)

2. Earthquake or other natural disasters

(cf. 3516.3 - Earthquake Emergency Procedure System)

3. Environmental hazards

(cf. 3514 - Environmental Safety)

(cf. 3514.2 - Integrated Pest Management)

4. Attack or disturbance, or threat of attack or disturbance, by an individual or group

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 5131.4 - Campus Disturbances)

5. Bomb threat or actual detonation

(cf. 3516.2 - Bomb Threats)

6. Biological, radiological, chemical and other terrorist activities, or heightened warning of such activities

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

1. Regular inspection of school facilities and equipment and identification of risks

(cf. 3530 - Risk Management/Insurance)

2. Instruction and practice for students and employees regarding emergency plans

3. The roles and responsibilities of staff during a disaster or other emergency

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

4. Personal safety and security, including the supervision, evacuation, and release of students, the administration of first aid, and the closure of the school if necessary

(cf. 3516.5 - Emergency Schedules)

5. Communications among staff, parents/guardians, the Board of Trustees, other governmental agencies, and the media during an emergency

(cf. 1112 - Media Relations)

6. Cooperation with other agencies, including guidelines for law enforcement involvement and intervention

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

7. Steps to be taken following the disaster or emergency, including inspection of school facilities and provision of mental health services for students and staff as needed

(cf. 6164.2 - Guidance/Counseling Staff)

The Superintendent or designee shall use state-approved Standardized Emergency Management System guidelines when updating district and site-level emergency and disaster preparedness plans.

The Superintendent or designee may provide a plan which allows bus seating capacity limits to be exceeded when a disaster or hazard requires students to be moved immediately to ensure their safety. (Education Code 39834)

(cf. 3543 - Transportation Safety and Emergencies)

School Response to an Emergency

The principal or designee shall assume overall control and supervision of activities at the school site during an emergency. He/she may use his/her discretion in emergency situations which do not permit execution of prearranged plans.

Students may be released to the custody of a parent/guardian or other adult in accordance with Board policy and administrative regulation. When reference to the emergency card is impossible, individual students shall be released to parents/guardians, persons authorized by the parents/guardians, or authorized persons representing public agencies that may take responsibility, when necessary, for the safety of the student. All such persons shall present identification before a student is released to their custody.

(cf. 5142 - Safety)

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

The 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 Board shall cooperate with such agencies in furnishing and maintaining whatever services they deem necessary to meet the community's needs. (Education Code 32282)

(cf. 1330 - Use of School Facilities)

The Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation (CPR). The Superintendent or designee shall ascertain that at least one staff member at each school holds a valid certificate in these areas. The Superintendent or designee shall provide for CPR inservice training to be offered at least once a year for district staff.

All staff, students, and parents/guardians shall receive information about district and school site procedures to be followed in the event of an emergency. Procedures shall be regularly reviewed and practiced. Evacuation routes shall be posted in classrooms, multipurpose rooms, and other school facilities as appropriate.

FIRE DRILLS AND FIRES

Fire Drills

The principal shall cause the fire alarm signal to be sounded at least once every month. (Education Code 32001)

The principal shall also hold fire drills at least once a month at the elementary level, four times every school year at the intermediate level, and not less than twice every school year at the secondary level. (Education Code 32001)

1. The principal shall notify staff as to the schedule for fire drills.
2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the building. (5 CCR 550)
3. Teachers shall ascertain that no student remains in the building.
4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
5. The principal 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.

Fires

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

1. The principal or designee shall sound fire signals, unless the school and/or building is equipped with an automatic fire detection and alarm system. (Education Code 32001)
2. The principal or designee shall call 911.
3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.
4. Staff shall give students clear direction and supervision and help maintain a calm and orderly response.
5. In outside assembly areas, teachers shall take roll, report missing students, and provide assistance to any injured students.
6. In outside assembly areas, the principal, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.

FIRE DRILLS AND FIRES (continued)

7. If the fire is extensive, students shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.

(cf. 0450 - School Safety Plan)

(cf. 3516 - Emergency and Disaster Preparedness Plan)

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.

Staff members who customarily receive telephone calls or handle packages shall receive training related to bomb threats.

Procedures

1. Any employee who receives a bomb threat shall immediately call 911 and also report the threat to the principal 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 principal or designee.
3. The principal or designee shall immediately use fire drill signals and institute standard evacuation procedures as specified in the emergency plan.

(cf. 3516 - Emergency and Disaster Preparedness Plan)
(cf. 3516.1 - Fire Drills and Fires)

4. The principal or designee shall turn off any two-way radio equipment which is located in a threatened building.

Law enforcement and/or fire department staff shall conduct the bomb search. School police officers may assist in this search. No other school staff shall search for or handle any explosive or incendiary device.

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

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

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

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

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergency and Disaster Preparedness Plan)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

The Superintendent 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 district 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.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

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)

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, set the brakes, and turn off the ignition.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

2. The driver shall have students remain at their seats and perform the drop procedure.
3. The driver shall wait until the earthquake is over before proceeding on the route.
4. As soon as possible, the driver shall contact the director of transportation for instructions.

Subsequent Emergency Procedures

After the earthquake has subsided, the following actions shall be taken:

1. Small fires shall be extinguished if possible.
2. In outside assembly areas, staff shall provide assistance to any injured students, take roll, and report missing students to the principal or designee.
3. The principal 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 Superintendent or designee for further instructions.
4. The principal shall post staff at a safe distance from all building entrances to see that no one reenters until the buildings are declared safe.
5. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings. The principal 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 principal or designee believes the school is damaged sufficiently to be a hazard, he/she shall notify the 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

32280-32289 *School safety plans*

Management Resources:

FEMA PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

WEB SITES

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

California Office of Emergency Services: <http://www.oes.ca.gov>

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

Federal Emergency Management Agency (FEMA): <http://www.fema.gov/hazards/earthquakes>

EMERGENCY SCHEDULES

In order to provide for the safety of students and staff, the Board of Trustees authorizes the Superintendent 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.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 5142 - Safety)
(cf. 6112 - School Day)

The Superintendent 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.

(cf. 3542 - School Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)

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

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3516.1 - Fire Drills and Fires)
(cf. 3516.2 - Bomb Threats)
(cf. 3516.3 - Earthquake Emergency Procedure System)

The Superintendent 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.

(cf. 6111 - School Calendar)

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*

RISK MANAGEMENT/INSURANCE

The Board of Trustees strongly supports a risk management program that protects district resources and promotes the safety of students, staff and the public.

The Superintendent or designee shall establish a risk management program that uses effective safety and loss control practices. The district shall strive to keep its liability at a minimum and its insurance premiums as low as possible while maintaining adequate protection. To determine the most economical means of insuring the district consistent with required services, the Superintendent or designee shall annually review the district's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance or a combination of these means.

The Board reserves the right to remove an insurance agent-of-record or a participating agent whenever, in the judgment of the Board, such action becomes desirable for the best interests of the district.

To attempt to minimize the district's exposure to liability, the Board shall adopt clear policies related to discrimination, harassment, safety procedures, and the timely handling of claims. The Superintendent or designee shall ensure that these policies and related procedures are enforced fairly and consistently.

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

(cf. 3320 - Claims and Actions Against the District)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4119.11/4219.11/4319.11- Sexual Harassment)

(cf. 4132/4232/4332- Publication or Creation of Materials)

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 4158/4258/4358- Employee Security)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 6162.6 - Use of Copyrighted Materials)

(cf. 9260 - Legal Protection)

Legal Reference: (see next page)

RISK MANAGEMENT/INSURANCE (continued)

Legal Reference:

EDUCATION CODE

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 Superintendent or designee shall take action to:

1. Identify the risks inherent in the operation of district 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 district 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.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1240 - Volunteer Assistance)

(cf. 1330 - Use of School Facilities)

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

(cf. 3430 - Investing)

(cf. 3440 - Inventories)

(cf. 3512 - Equipment)

(cf. 3514 - Environmental Safety)

(cf. 3514.1 - Hazardous Substances)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 4112.42/4212.42/4312.43 - Drug and Alcohol Testing for School Bus Drivers)

(cf. 4119.3/4219.3/4319.3 - Duties of Personnel)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4157/4257/4357- Employee Safety)

(cf. 4212.5 - Criminal Record Check)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.61 - Drug Testing)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.1 - Accidents)

(cf. 5141.23 - Infectious Disease Prevention)

(cf. 5142 - Safety)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 9260 - Legal Protection)

RISK MANAGEMENT/INSURANCE (continued)

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

(cf. 1330 - Use of School Facilities)

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

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

(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)

(cf. 5143 - Insurance)

(cf. 9260 - Legal Protection)

TRANSPORTATION

The Board of Trustees 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 district provides for transportation services shall depend upon student and community needs and a continuing assessment of financial resources.

(cf. 3100 - Budget)

(cf. 3250 - Transportation Fees)

(cf. 3541 - Transportation Routes and Services)

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

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance Agreements)

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

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

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 5131.1 - Bus Conduct)

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

(cf. 3542 - School Bus Drivers)

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

No student shall be required to be transported for any reason without the written permission of the student's parent/guardian, except in emergency situations involving illness or injury to the student. (Education Code 35350)

Means of Transportation

To provide transportation services, the Board of Trustees may purchase, rent or lease vehicles; contract with a common carrier or municipally owned transit system; contract with responsible private parties including the parent/guardian of the student being transported; and/or contract with the County Superintendent of Schools. (Education Code 35330, 39800, 39801)

In contracting for transportation services, the district shall comply with all applicable laws related to bids and contracts. (Education Code 39802- 39803)

(cf. 3311 - Bids)

(cf. 3312 - Contracts)

In lieu of providing transportation in whole or in part, the district may pay the student's parents/guardians either their actual and necessary expenses in transporting the student or the cost of the student's food and lodging at a place convenient to the school. In either case, the amount of the payment shall not exceed the cost that would be incurred by the district to provide for the transportation of the student to and from school. (Education Code 39806-39807)

TRANSPORTATION ROUTES AND SERVICES

Routes and Bus Stops

The Superintendent 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 and junior high school students:

Grades K-8: one mile

2. For students attending high school:

Grades 9-12: two miles

The 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 Board policy.

(cf. 5116.1- Intradistrict Open Enrollment)

(cf. 5117.1 - Interdistrict Agreements)

(cf. 5117.2 - Alternative Interdistrict Attendance Program)

The 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.

(cf. 1112 - Media Relations)

Transportation Services

With the Board of Trustees authorization, transportation services may be provided or arranged by the district for:

1. Students traveling to and from school during the regular school day (Education Code 39800)
2. Field trips and excursions (Education Code 35330)

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

TRANSPORTATION ROUTES AND SERVICES (continued)

3. School activities, expositions or fairs, or other activities determined to be for the benefit of students (Education Code 39860)
4. District employees and parents/guardians traveling to and from educational activities authorized by the district (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 district 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 district 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)

(cf. 3541.2 - Transportation for Students with Disabilities)

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

(cf. 6173 - Education for Homeless Children)

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

The district may provide transportation for students, employees, and other individuals for field trips and excursions approved according to Board policy and administrative regulations.

(cf. 3541 - Transportation Routes and Services)

(cf. 6153 - School-Sponsored Trips)

The Superintendent or designee shall determine the most appropriate and cost-effective mode of transportation for each approved trip.

(cf. 3312.2 - Educational Travel Program Contracts)

(cf. 3540 - Transportation)

When district transportation is provided, students may be released from using district transportation only with the advance written permission of their parent/guardian.

School-related organizations requesting transportation shall be fully responsible for the costs of their trips unless funding has been approved by the Board of Trustees.

(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall ensure that the district has sufficient liability insurance when field trips or excursions involve either transportation by district vehicles or travel to and from a foreign country. When a trip to a foreign country is authorized, liability insurance shall be secured from a carrier licensed to transact insurance business in that country. (Education Code 35330)

(cf. 3530 - Risk Management/Insurance)

Transportation by Private Vehicle

Private vehicles shall not be used to provide transportation for school-related trips.

Passenger Restraint Systems

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 6 or under 60 pounds, unless exempted in accordance with Vehicle Code 27360 or 27363, is properly secured in a rear seat in an 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

TRANSPORTATION FOR SCHOOL-RELATED TRIPS (continued)

3. All other passengers wear seat belts

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 Department of Motor Vehicles: <http://www.dmv.ca.gov>

California Highway Patrol: <http://www.chp.ca.gov>

California Office of Traffic Safety: <http://www.ots.ca.gov>

National Highway Traffic Safety Administration: <http://www.nhtsa.dot.gov>

National Transportation Safety Board: <http://www.ntsb.gov>

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

The Board of Trustees shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The district shall make home-to-school transportation available for students at no cost to parents/guardians as specified in the student's IEP.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3250 - Transportation Fees)

(cf. 6159 - Individualized Education Program (IEP))

(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

The Superintendent or designee shall establish criteria and procedures for determining the most appropriate mode of transportation for an individual student based on identified needs as determined in the IEP or accommodation plan.

(cf. 3540 - Transportation)

The Superintendent or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students.

(cf. 3541 - Transportation Routes and Services)

The Superintendent or designee shall establish procedures to ensure compatibility between mobile seating devices and bus securement systems.

(cf. 3542 - School Bus Drivers)

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

1400-1482 *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.

(cf. 3540 - Transportation)

(cf. 6159 - Individualized Education Program (IEP))

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

If a disabled student is excluded from school bus transportation, the district 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)

(cf. 5131.1 - Bus Conduct)

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

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Superintendent 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)

(cf. 6159.2 - Nonpublic Nonsectarian School and Agency Services for Special Education)

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)

(cf. 3540 - Transportation)

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)

(cf. 3516.5 - Emergency Schedules)

(cf. 3543 - Transportation Safety and Emergencies)

(cf. 5131.1 - Bus Conduct)

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

(cf. 4200 - Classified Personnel)

(cf. 4211 - Recruitment and Selection)

The Superintendent 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)

(cf. 4212.5 - Criminal Record Check)

The Superintendent or designee shall ensure that school bus drivers receive training which includes:

1. First aid practices (Vehicle Code 12522)

SCHOOL BUS DRIVERS (continued)

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)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4231 - Staff Development)

School bus drivers shall be subject to drug and alcohol testing in accordance with Board of Trustees policy and the requirements of federal law.

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

The 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)

(cf. 4215 - Evaluation/Supervision)

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

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 district'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 Superintendent or designee, or authorized by the Superintendent or designee for school activity trips. (Vehicle Code 22112)

(cf. 3541 - Transportation Routes and Services)

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 Superintendent or designee, and the driver's employer. (13 CCR 1219)

SCHOOL BUS DRIVERS (continued)

The driver also shall report the following to the 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

Legal Reference: (see next page)

SCHOOL BUS DRIVERS (continued)

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>

TRANSPORTATION SAFETY AND EMERGENCIES

Transportation Safety Plan

The Superintendent 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

(cf. 3542 - School Bus Drivers)

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)

(cf. 3516.5 - Emergency Schedules)

(cf. 3540 - Transportation)

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

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.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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.

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

The 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)

The 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 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

(cf. 5131.1 - Bus Conduct)

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

- 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. (Education Code 39831.5)

Each time the above instruction is given, the following information shall be documented: (Education Code 39831.5)

- a. District 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 district 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

TRANSPORTATION SAFETY AND EMERGENCIES (continued)

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 Superintendent or designee shall provide written safety information to the parents/guardians of all students in grades prekindergarten through 6 who have not 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

(cf. 5145.6 - Parental Notifications)

Legal Reference: (see next page)

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.nts.gov>

FOOD SERVICE/CHILD NUTRITION PROGRAM

The Board of Trustees recognizes that students need adequate, nourishing food in order to grow, learn and maintain good health. The Board desires to provide students with adequate space and time to eat meals. To reinforce the district's nutrition education program, foods available on school premises shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
2. Meet 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 quantities and at reasonable prices

(cf. 3312 - Contracts)

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

(cf. 5141.32 - Child Health and Disability Prevention Program)

(cf. 6142.8 - Comprehensive Health Education)

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

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.

Legal Reference: (see next page)

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
49570 National School Lunch Act

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 School lunch programs
1771-1791 Child nutrition, especially:
1773 School breakfast program

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 PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

CDC PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

NASBE PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

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>

American School Food Service Association (ASFSA): <http://www.asfsa.org>

CDE, Nutrition Services Division/ SHAPE California: <http://www.cde.ca.gov/nsd>

CDHS, School Health Connections: <http://www.mch.dhs.ca.gov/programs/shc/shc.htm>

California Project LEAN (Leaders Encouraging Activity and Nutrition):
<http://www.californiaprojectlean.org>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

National School Boards Association: <http://www.schoolhealth@nsba.org>

National Association of State Boards of Education (NASBE): <http://www.boards@nasbe.org>

U.S. Dept. of Agriculture, Food and Nutrition Information Center (FNIC):
<http://www.nal.usda.gov/fnic>

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

FOOD SERVICE/CHILD NUTRITION PROGRAM

Posting Requirements

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

(cf. 6142.7 - Physical Education)

Nutritional Standards

A minimum of 50% of the food sold by the district on school grounds during regular school hours shall be from the list of nutritious foods provided in Education Code 38085. (Education Code 38085)

(cf. 3554 - Other Food Sales)

However, when the California Department of Education determines that funds are appropriated pursuant to Education Code 49431, the Superintendent or designee shall ensure that elementary schools instead comply with the following nutritional standards: (Education Code 49431)

1. The only food that may be sold to students during breakfast and lunch periods is food that is sold as a full meal. However, fruits, non-fried vegetables, legumes, beverages, dairy products or grain products may be sold as individual food items if:
 - a. Not more than 35 percent of the total calories of the food item, excluding nuts or seeds, is from fat.
 - b. Not more than 10 percent of the food item's total calories is from saturated fat.
 - c. Not more than 35 percent of the total weight of the food item, excluding fruits or vegetables, is composed of sugar.
2. Any individual food item sold to students during morning or afternoon breaks shall meet the standards in item #1a-c above.

Beginning July 1, 2004, the following nutritional standards shall apply to all beverages provided in the district's food services program: (Education Code 49431.5)

1. Regardless of the time of day, the only beverages that may be sold to elementary students are water, milk, 100 percent fruit juices, or fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners.

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

2. The only beverages that may be sold to middle school students from one-half hour before the start of the school day until after the end of the last lunch period are:
 - a. Fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners
 - b. Drinking water
 - c. Milk, including but not limited to chocolate milk, soy milk, rice milk and other similar dairy or nondairy milk
 - d. An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20-ounce serving

For schools participating in the National School Lunch and School Breakfast Programs, meals shall also 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.

(cf. 3533 - Free and Reduced Price Meals)

High school students may decline a maximum of two menu items at lunch, provided they accept the entree, and may decline one menu item at breakfast. (7 CFR 210.10, 220.8)

FOOD SERVICE OPERATIONS

The Board of Trustees intends that, insofar as possible, school food services shall be a self-supporting program. Upon recommendation of the Superintendent or designee, the Board shall review and approve meal prices. Program financial reports shall be presented regularly to the Board.

Meals may be offered to employees and 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 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.

Contracts with Outside Providers

With Board approval, the district may enter into a contract for management consulting services related to food service.

With Board approval, the district 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 (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/>

FREE AND REDUCED PRICE MEALS

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

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

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

Upon approval of the 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 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

(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 5125 - Student Records)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6171 - Title I Programs)
(cf. 6190 - Evaluation of the Instructional Program)

The 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.

(cf. 5141.6 - Student Health and Social Services)

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>

FREE AND REDUCED PRICE MEALS

The district's plan for students receiving free or reduced price meals shall ensure the following: (Education Code 49557)

1. The names of the students shall not be published, posted, or announced in any manner, or used for any purpose other than the National School Lunch and School Breakfast Programs, unless otherwise provided by law.
2. There shall be no overt identification of any of the students by the use of special tokens or tickets or by any other means.
3. The students shall not be required to work for their meals or for milk.
4. The students shall not be required to use a separate dining area, go through a separate entrance, or consume their meals or milk at a different time.

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price. (Education Code 49557; 7 CFR 245.8)

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

Applications

An application form for free or reduced price meals shall be distributed to all parents/guardians at the beginning of each school year, together with information about eligibility standards, application procedures, and appeal procedures. This form and information shall also be provided whenever a new student is enrolled. (Education Code 49520, 48980; 7 CFR 245.5)

(cf. 5145.6 - Parental Notifications)

Applications for free or reduced price meal programs shall be available to students at all times during the regular school day and shall contain the following statements: (Education Code 49557; 7 CFR 245.5)

1. Applications for free or reduced price meals may be submitted at any time during a school day.
2. Students participating in the National School Lunch and School Breakfast Programs will not be overtly identified by the use of special tokens, special tickets, special serving lines, separate entrances, separate dining areas, or by any other means.

FREE AND REDUCED PRICE MEALS (continued)

Confidentiality/Release of Records

The Board of Trustees designates the following district employee to use individual records pertaining to student participation in the free or reduced price meal program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to 20 USC 6316:

Superintendent, Director of Assessment and Accountability

In using the records for such purposes, the following conditions shall be satisfied: (Education Code 49558)

1. No individual indicators of participation in the free or reduced price meal program shall be maintained in the permanent records of any student if not otherwise allowed by law.

(cf. 5125 - Student Records)

2. Information regarding individual student participation in the free or reduced price meal program shall not be publicly released.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

3. All other confidentiality provisions required by law shall be met.
4. Information collected regarding individual students certified to participate in the free or reduced price meal program shall be destroyed when no longer needed for its intended purpose.

OTHER FOOD SALES

The Board of Trustees authorizes the Superintendent or designee to approve the sale of food items and beverages outside the district's food services program, including sales by student or adult organizations, sales through vending machines and/or sales at secondary school student stores for fundraising purposes.

Any food sales conducted outside the district's food services program shall meet nutritional standards specified in law, Board policy and administrative regulations and shall not impair student participation in the district's food service program.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3553 - Free and Reduced Price Meals)

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

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitations of Funds from and by Students)

When vending machines are sponsored by the district or a student or adult organization, the Superintendent or designee shall determine how and where vending machines may be placed at school sites, district offices or other school facilities.

(cf. 3312 - Contracts)

Legal Reference: (see next page)

OTHER FOOD SALES (continued)

Legal Reference:

EDUCATION CODE

38085 Sale of specified food items

48931 Authorization and sale of food

49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001

51520 School premises; prohibited solicitations

CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law, including:

114200-114245 Vending machines

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Act

1771-1791 Child Nutrition

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

CDC PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2000

NASBE PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

USDA PUBLICATIONS

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

FCMAT PUBLICATIONS

Associated Student Body Accounting Manual and Desk Reference, 2002

WEB SITES

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

CDE, Nutrition Services Division/SHAPE California: <http://www.cde.ca.gov/nsd>

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

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

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

National School Boards Association: <http://www.schoolhealth@nsba.org>

National Association of State Boards of Education (NASBE): <http://www.boards@nasbe.org>

US Dept. of Agriculture, Food and Nutrition Information Center (FNIC): <http://www.nal.usda.gov/fnic>

OTHER FOOD SALES

Nutritional Standards

A minimum of 50% of the food sold by any entity on school grounds during regular school hours shall be from the list of nutritious foods provided in Education Code 38085. (Education Code 38085)

(cf. 1230 - School-Connected Organizations)

(cf. 1321 - Solicitations of Funds from and by Students)

(cf. 3550 - Food Service/Child Nutrition Program)

However, when the California Department of Education determines that funds are appropriated pursuant to Education Code 49431, the Superintendent or designee shall ensure that elementary schools instead comply with the nutritional standards of Education Code 49431. Under these circumstances, an elementary school may permit the sale of food items that do not meet the standards of Education Code 49431 only if the items are sold by students of the school and the sale of food items takes place off school premises or takes place at least one-half hour after the end of the school day. (Education Code 49431)

Beginning July 1, 2004, the sale of beverages shall comply with the nutritional standards of Education Code 49431.5, except that sales not meeting these standards may be permitted when: (Education Code 49431.5)

1. For a school fundraising event conducted by students at an elementary school, the sale of beverages takes place off school premises or takes place at least one-half hour after the end of the school day.
2. For a middle or junior high school, the sale occurs during a school-sponsored event and takes place at the location of the event after the end of the school day.
3. Vending machines, student stores and cafeterias at a middle or junior high school are not used sooner 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)

OTHER FOOD SALES (continued)

The Superintendent or designee shall not permit the sale of food 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 Superintendent or designee.
3. The food sales do not begin until after the close of the regularly scheduled midday food service period.
4. The sales during the regular school day are 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 district's food service program at that school during that school day.

(cf. 3553 - Free and Reduced Price Meals)

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 food sales 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 Superintendent or designee.
3. The sales during the regular school day are not of food items prepared on the premises.
4. The food items sold are not those sold in the district's food service program at that school during that school day.

DISTRICT RECORDS

District records shall be developed, maintained and disposed of in accordance with law and California Department of Education regulations.

- (cf. 1340 - Access to District Records)*
- (cf. 3440 - Inventories)*
- (cf. 4040 - Employee Use of Technology)*
- (cf. 4112.6/4212.6/4312.6 - Personnel Files)*
- (cf. 5125 - Student Records)*
- (cf. 5125.1 - Release of Directory Information)*

The Superintendent 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 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

District 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)

- (cf. 5111.1 - District Residency)*

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>

DISTRICT RECORDS

The Superintendent 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 Superintendent 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 district. (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 Board of Trustees minutes to be permanent
2. Official Actions
 - a. Minutes of the Board or Board committees, including the text of rules, regulations, policies or resolutions included by reference only

DISTRICT RECORDS (continued)

- b. The call for and the result of any elections called, conducted or canvassed by the Board
- c. Records transmitted by another agency pertaining to its action with respect to district 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.

DISTRICT 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 Board and 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

CONSULTANTS

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

(cf. 4117.12/4317.12 - Retirement Consultancy Contracts)

All consultant contracts shall be brought to the Board for approval.

(cf. 3312 - Contracts)

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

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

(cf. 3311 - Bids)

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

(cf. 4030 - Nondiscrimination in Employment)

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

(cf. 9270 - Conflict of Interest)

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

CONSULTANTS (continued)

Legal Reference:

EDUCATION CODE

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