

OPERATION AND MAINTENANCE OF PLANT

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

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

EQUIPMENT

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

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

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

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

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

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

Transfer of Equipment to a New Site

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

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

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

EQUIPMENT (continued)

Equipment Acquired by Federal Funds

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

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

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 County Office 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: _____

Date: _____

CELLULAR PHONE REIMBURSEMENT

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

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 4040 - Employee Use of Technology)
(cf. 5131 - Conduct)

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

(cf. 3542 - School Bus Drivers)
(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

Legal Reference:

EDUCATION CODE

35213 Reimbursement for loss or damage of personal property

44032 Travel expense payment

48901.5 Electronic signaling devices

VEHICLE CODE

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

CODE OF FEDERAL REGULATIONS, TITLE 26

1.132-5 Working conditions fringe benefit

Management Resources:

WEB SITES

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

CELLULAR PHONE REIMBURSEMENT

The County Office may provide an allowance to an employee for the use of his/her personally owned cell phone or mobile communications device for County Office-related business. The allowance shall be based on the business requirements of the employee. The allowance shall be given to the employee, who shall be responsible for payments to the service provider.

The County Office may purchase cell phones or other mobile communications devices for use by employees for County Office-related business.

Employees who are not provided an allowance or County Office-owned mobile communications devices may be reimbursed for the actual expenses of business-related calls made on their personally owned equipment, in accordance with the County Office's expense reimbursement procedures.

The Tuolumne County Superintendent of Schools or designee shall determine if an employee requires a cell phone or other mobile communications device for the efficient performance of his/her job responsibilities. Factors that will be considered include, but are not limited to, whether the employee's job responsibilities require:

1. An ability to communicate frequently and access to a County Office telephone is not readily available
2. An ability to communicate immediately to ensure the safety of County Office staff and students, or the security of County Office property
3. An ability to be accessible due to frequent travel or work outside of the office

The County Superintendent or designee shall develop a uniform system for identifying employee cell phone or mobile communications device needs and the most cost effective method of providing necessary equipment to employees. He/she shall also develop a system for monitoring employee use and reimbursement of costs.

If an employee misuses the cell phone or other mobile communications device or leaves County Office employment, he/she shall be responsible fees or charges associated with cancellation of the service contract.

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

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

CELLULAR PHONE REIMBURSEMENT (continued)

Documentation of Records for Tax Purposes

When an employee receives a monthly allowance for the use of his/her personally owned cell phone or mobile communications device, the amount of the allowance shall be reported as taxable income by the County Office and the employee. (26 CFR 1.132-5)

If an employee receives a County Office-owned cell phone or mobile communications device, the fair market value of the device (one-time value) plus the ongoing, monthly services charges shall be reported as taxable income by the County Office and the employee. (26 CFR 1.132-5)

TOBACCO-FREE SCHOOLS

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

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

Information about the County Superintendent of Schools Office tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students and the community. (Health and Safety Code 104420)

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

Enforcement/Discipline

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

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

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

ENVIRONMENTAL SAFETY

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

(cf. 3513.3 - 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 County Superintendent or designee shall establish regulations to prevent and/or reduce environmental hazards in accordance with law and state guidelines. Strategies shall include but not necessarily be limited to:

1. Considering air quality in the siting and architectural design of new or remodeled facilities and in the selection of building materials and furnishings, and taking steps to reduce indoor air contaminants in maintenance operations
2. Ensuring the use of effective least toxic pest management practices at all County Office sites

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

Legal Reference: (see next page)

ENVIRONMENTAL SAFETY (continued)

Legal Reference:

EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17582 Deferred maintenance fund

17590 Asbestos abatement fund

17608-17613 Healthy Schools Act of 2000

32240-32245 Lead-Safe Schools Protection Act

48980.3 Notification of pesticides

49410-49410.7 Asbestos materials containment or removal

FOOD AND AGRICULTURAL CODE

11401-12408 Pest Control Operations and Agricultural Chemicals

13180-13188 Healthy Schools Act of 2000

GOVERNMENT CODE

3543.2 Scope of representation; right to negotiate safety conditions

CODE OF REGULATIONS, TITLE 8

340-340.2 Employer's obligation to provide safety information

1532.1 Construction safety orders, lead standard

5142 Heating, ventilating and air conditioning systems; minimum ventilation

5143 Mechanical ventilating systems; inspection and maintenance

CODE OF REGULATIONS, TITLE 17

35001-35099 Accreditation in Lead Abatement Services

UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

UNITED STATES CODE, TITLE 15

2641-2656 Asbestos Hazard Emergency Response Act

CODE OF FEDERAL REGULATIONS, TITLE 40

763.93 Management Plans

763.94 Record keeping

Management Resources:

CDE PUBLICATIONS

Indoor Air Quality, A Guide for Educators, 1995

DEPARTMENT OF HEALTH SERVICES ADVISORIES

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

U.S. ENVIRONMENTAL PROTECTION AGENCY

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

WEB SITES

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

California Department of Health Services, Lead Poisoning Prevention Branch:

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

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

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

ENVIRONMENTAL SAFETY

Air Quality

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

1. Heating, ventilating and air conditioning systems shall be operated, inspected and maintained in accordance with 8 CCR 5142-5143. School buildings shall be inspected annually to ensure they have adequate ventilation systems, which are properly maintained so as to preclude the buildup of mold, mildew, and other air contaminants. Filters shall be changed frequently.
2. Indoor painting of school/program site 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 County Superintendent or designee also may reduce lead concentrations in the source water, install a corrosion control device at the school's point of entry, or provide bottled water as appropriate.
4. Lead exposure hazards shall be evaluated before any renovation or remodeling is begun, and children shall not be allowed in or near buildings in which these activities may create lead dust. Contractors and workers shall comply with state and federal standards related to the handling and disposal of lead debris and the clean-up and containment dust within the construction area.
5. The County Superintendent or designee may provide parents/guardians and students with information about the prevention of lead poisoning.

(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 County Office's complete, updated management plan for material containing asbestos in County Office buildings shall be available for inspection in the County Office and school/program site 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)

Other Environmental Safety Precautions

Principals or their designees shall enforce school/program site rules designed to:

1. Prevent the accumulation of flammable, noxious or otherwise dangerous materials unless adequate safeguards are provided

ENVIRONMENTAL SAFETY (continued)

(cf. 6161.3 - Toxic Art Supplies)

2. Keep all school/program facilities free of debris
3. Keep walkways at all times open to pedestrian traffic and clear of obstructions

HAZARDOUS SUBSTANCES

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

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

(cf. 6161.3 – Toxic Are Supplies)

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

(cf. 5142 – Student Safety)

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

Legal Reference:

EDUCATION CODE

49341 *Legislative findings*

49401.5 *Legislative intent; consultation services*

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

FOOD AND AGRICULTURAL CODE

12981 *Regulations re pesticides and worker safety*

HEALTH AND SAFETY CODE

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

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

LABOR CODE

6360-6363 *Hazardous Substances Information and Training Act*

CODE OF REGULATIONS, TITLE 8

5194 *Hazard Communication*

HAZARDOUS SUBSTANCES

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

Hazard Communication Program

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

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

1. Container Labeling

Except for consumer products, pesticides, alcoholic beverages, and food, drug and additive products which are already labeled in compliance with federal law, no container of hazardous substance shall be accepted by school/program sites or the County Office 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 Tuolumne County Superintendent of Schools or designee shall ensure that the manufacturer has also furnished a Material Safety Data Sheet (MSDS) as required by law. If the MSDS is missing or obviously incomplete, the County Superintendent or designee shall request a new MSDS from the manufacturer and shall notify the California Occupational Safety and Health Division (Cal/OSHA) if a complete MSDS is not received.

HAZARDOUS SUBSTANCES (continued)

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

3. Employee Information and Training

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

- a. An overview of the requirements of California's Hazard Communication Regulation (8 CCR 5194), including employee rights described therein
- b. The location, availability and content of the County Office's written hazard communication program
- c. Information as to any operations in the employees' work area where hazardous substances are present
- d. The physical and health effects of the hazardous substances in the work area
- e. Techniques and methods of observation that may determine the presence or release of hazardous substances in the work area
- f. Methods by which employees can lessen or prevent exposure to these hazardous substances, such as appropriate work practices, use of personal protective equipment and engineering controls
- g. Steps the County Office 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)

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

HAZARDOUS SUBSTANCES (continued)

4. List of Hazardous Substances

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

5. Hazardous Nonroutine Tasks

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

6. Hazardous Substances in Unlabeled Pipes

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

(cf. 3514 - Environmental Safety)

7. Informing Contractors

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

INTEGRATED PEST MANAGEMENT

Definition

Integrated Pest Management (IPM) means 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. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment are used only after careful monitoring indicates they are needed according to pre-established guidelines and treatment thresholds. (Food and Agricultural Code 13181)

Procedures

The County Superintendent or designee shall designate a staff person to develop, implement, and coordinate an IPM program that incorporates effective, least toxic pest management practices. The district's program shall include the following elements:

1. Carefully monitoring and identifying the pest population levels and identifying practices that could affect pest populations. 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. Setting action threshold levels to determine when pest populations or vegetation at a specific location might cause unacceptable health or economic hazard that would indicate corrective action should be taken.
3. Modifying or eliminating pest habitats to deter pest populations and minimize pest infestations.
4. Considering a full range of possible alternative treatments. Such alternative treatments may include taking no action or controlling the pest by physical, horticultural, or biological methods. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents.
5. Selecting nonchemical pest management methods over chemical methods whenever such methods are effective in providing the desired control or, when it is determined that chemical methods must be used, giving preference to those chemicals that pose the least hazard to people and the environment.
6. Ensuring that persons applying pesticides follow label precautions and are trained in the principles and practices of IPM.

(cf. 4231 - Staff Development)

INTEGRATED PEST MANAGEMENT (continued)

7. Limiting 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. They shall be stored and disposed of in accordance with state regulations and label directions registered with the U.S. Environmental Protection Agency (EPA) as well as any disposal requirements indicated on the product label.

(cf. 3514.1 - Hazardous Substances)

Prohibited Pesticides

The IPM Coordinator shall not use a pesticide on a County Office site if that pesticide has been granted a conditional or interim registration or an experimental use permit by the California Department of Pesticide Regulation (DPR) or if the pesticide is subject to an experimental registration issued by the EPA and either of the following conditions exists: (Education Code 17610.1)

1. The pesticide contains a new active ingredient.
2. The pesticide is for new use.

In addition, the IPM Coordinator shall not use a pesticide on a County Office site if DPR cancels or suspends registration or requires that the pesticide be phased out from use. (Education Code 17610.1)

Notifications

The IPM Coordinator shall annually notify staff and parents/guardians of students enrolled at a school/program 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 (<http://www.schoolipm.info>) used to access information on pesticides and pesticide use reduction developed by the DPR 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/program site. The IPM Coordinator shall notify such registered persons of individual pesticide applications at least 72 hours prior to the application. The notice shall include the product name, the active ingredient(s) in the product, and the intended date of application.

INTEGRATED PEST MANAGEMENT (continued)

4. Other information deemed necessary by the Superintendent or IPM Coordinator.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517 - Facilities Inspection)

(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 a school/program site, the IPM Coordinator 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)

Whenever the IPM Coordinator deems that the immediate use of a pesticide is necessary to protect the health and safety of students, staff, or other persons at the school site, he/she shall make every effort to provide the required notifications prior to the application of the pesticide. (Education Code 17612)

(cf. 3514 - Environmental Safety)

Posting of Warning Signs

The IPM Coordinator shall post a warning sign at each area of the County Office site where pesticides will be applied that shall be visible to all persons entering the treated area. The sign shall be posted at least 24 hours prior to the application and until 72 hours after the application. The warning sign shall display the following information: (Education Code 17612)

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

When advance posting is not possible due to an emergency condition requiring immediate use of a pesticide, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application. (Education Code 17609, 17612)

Records

Each County Office site shall maintain records of all pesticide use at the school/program site 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 on that copy of the amount of the pesticide used. (Education Code 17611)

INTEGRATED PEST MANAGEMENT (continued)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

17366 Legislative intent (fitness of buildings for occupancy)

17608-17613 Healthy Schools Act of 2000

48980 Notice at beginning of term

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

6250-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 8

340-340.2 Employer's obligation to provide safety information

UNITED STATES CODE, TITLE 7

136-136y Insecticide, Fungicide and Rodenticide Act

Management Resources:

U.S. ENVIRONMENTAL PROTECTION AGENCY

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

WEB SITES

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

California Department of Pesticide Regulation, School IPM: <http://schoolipm.info>

U.S. Environmental Protection Agency, Integrated Pest Management at Schools:

<http://www.epa.gov/pesticides/ipm>

SECURITY

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

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

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

Keys

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

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

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

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

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

SECURITY (continued)

Safety

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

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

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

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

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

Legal Reference: (see next page)

SECURITY (continued)

Legal Reference:

EDUCATION CODE

32020 Access gates

32211 Threatened disruption or interference with classes

32280-32288 School safety plans

38000-38005 Security patrols

PENAL CODE

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

626-626.10 Disruption of schools

Management Resources:

CDE PUBLICATIONS

Safe Schools: A Planning Guide for Action, 1995

CSBA PUBLICATIONS

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

DISRUPTIONS

In order to help maintain an educational environment that provides for student safety, the Tuolumne County Superintendent of Schools Office is committed to keeping the school/program sites free from disruptions and to keeping unauthorized persons from entering school/program site grounds. The Tuolumne County Superintendent of Schools or designee shall provide for the prompt removal of any individual from school grounds who disrupts or threatens to disrupt normal school/program operations, threatens the health and safety of students or staff, or threatens to cause property damage in accordance with law, County Office policy, or administrative regulation.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515 - Campus Security)

(cf. 4118 - Suspension/Disciplinary Action)

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

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

(cf. 5131.4 - Student Disturbances)

The County Superintendent or designee shall establish a plan describing actions to be taken, including staff responsibilities, when an individual is causing a disruption. In developing such a plan, the County Superintendent or designee shall consult with law enforcement to create guidelines for law enforcement support and intervention in the event of a disruption.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.3 - District Police/Security Department)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

School staff shall be trained to recognize when an individual has committed acts that constitute a disruption in violation of County Office policy or administrative regulation. Staff who believe that a disruption may occur shall immediately contact the principal/program administrator.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

Gun Free School Zone

Possession of unauthorized firearms, weapons, or other dangerous instruments is prohibited within 1,000 feet of school grounds without the written permission of school/program site authorities. (Penal Code 626.9, 626.10)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

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

DISRUPTIONS (continued)

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
626-626.11 Schools, crimes, especially:
626.7 Failure to leave campus or facility; wrongful return; penalties; notice; exceptions
626.8 Disruptive presence at schools
626.81 Misdemeanor for registered sex offender to come onto school grounds
626.9 Gun Free School Zone Act
627-627.10 Access to school premises
653b Loitering about schools or public places

COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652
In Re Joseph F., (2000) 85 Cal.App.4th 975
In Re Jimi A., (1989) 209 Cal. App.3d 482
In Re Oscar R., (1984) 161 Cal. App 3d 770

ATTORNEY GENERAL OPINIONS

79 Ops.Cal.Atty.Gen. 58 (1996)

Management Resources:

CSBA PUBLICATIONS

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

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

WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss/>

U.S. Department of Education, Emergency Planning:

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

DISRUPTIONS

The principal/program administrator or designee may direct a person to leave school grounds when there is a reasonable basis for concluding that the person is committing, or has entered campus with the purpose of committing, an act that is likely to interfere with the peaceful conduct, discipline, good order, or administration of school activities or with the intent to inflict damage on any person or property. He/she may also ask a person to leave who uses loud and/or offensive language which could provoke a violent reaction or a person who has otherwise established a continued pattern of unauthorized entry on school site grounds. This shall not apply if that person is a student, school/program site employee, or other person required by his employment to be on school grounds. (Education Code 44810, 44811; Penal Code 415.5, 626.7, 626.8)

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

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

1. Remains after being directed to leave (Education Code 44811; Penal Code 626.8)
2. Returns to the campus without following the school/program site'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. 4158/4258/4358 - Employee Security)
(cf. 5131.4 - Student Disturbances)

The principal/program administrator or designee may direct a person who is required to register as a sex offender to immediately leave school grounds, unless he/she is on school grounds for lawful business or with the principal/program administrator's permission. If such a person does not leave the school/program site, the principal/program administrator or designee shall inform the person that he/she may be guilty of a crime.

(cf. 3515.5 - Sex Offender Notification)

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

DISRUPTIONS (continued)

Appeal Procedure

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

RECOVERY FOR PROPERTY LOSS OR DAMAGE

Damage to Real Property

1. Intent

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

2. Reports

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

3. Investigation

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

4. Reward

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

5. Payment of Reward

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

RECOVERY FOR PROPERTY LOSS OR DAMAGE (continued)

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

6. Insurance Subrogation

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

7. Recovery of Damages

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

8. Forms

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

Legal Reference: (see next page)

RECOVERY FOR PROPERTY LOSS OR DAMAGE (continued)

Legal Reference:

EDUCATION CODE

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

19911 Libraries, willful detention of property

44810 Willful interference with classroom conduct

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

CIVIL CODE

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

GOVERNMENT CODE

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

53069.6 Actions to recover damages

54951 Local agency, definition

61601.1 Graffiti abatement district

PENAL CODE

484 Theft defined

594 Vandalism

594.1 Aerosol paint and etching cream

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

RECOVERY FOR PROPERTY LOSS OR DAMAGE

Reports

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

(cf. 3530 - Risk Management/Insurance)

(cf. 5131.5 - Vandalism, Theft and Graffiti)

Investigation

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

The principal/program administrator or designee shall conduct a complete investigation of any instance of damage or loss of school/program 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 County Superintendent or designee shall take all practical and reasonable steps to recover these costs, including consulting County Office's legal counsel if necessary. Reasonable steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person.

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

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

Payment of Reward

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

SEX OFFENDER NOTIFICATION

In order to protect students while they are traveling to and from school/program site, or attending school/program site or a school -related activity, the Tuolumne County Superintendent of Schools Office believes it is important that the County Office respond appropriately when a law enforcement agency notifies the County Office about registered sex offenders who may reside or work in the vicinity of the County Office facilities boundaries.

The Tuolumne County Superintendent of Schools 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 County Superintendent or designee also shall establish procedures for notifying appropriate staff as necessary.

To protect the County Office 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 County Superintendent or designee may annually notify parents/guardians of the availability of information about registered sex offenders on the Department of Justice's Internet website.

(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

290.45 Release of sex offender information

290.46 Making information about certain sex offenders available via the Internet

290.9 Addresses of persons who violate duty to register

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, Megan's Law mapping: <http://www.meganslaw.ca.gov>

SEX OFFENDER NOTIFICATION

The Tuolumne County Superintendent of Schools or designee shall develop a plan for receiving and communicating information about registered sex offenders residing within County boundaries. He/she shall ensure, at a minimum, that the following components are part of the plan:

1. The County Superintendent or designee shall appoint a staff member to serve as liaison with law enforcement regarding these matters.
2. The Superintendent or County Office liaison shall, at the beginning of each school/program site year, contact local law enforcement to coordinate the receipt of information. Law enforcement shall be informed that all notifications and correspondence should be directed to the liaison as well as the individual school/program sites. A letter shall be sent annually to local law enforcement, identifying the name, phone number, and address of the liaison.
3. The Superintendent or County Office liaison shall collaborate with law enforcement in order to alert children to the dangers of sex offenders, develop a system for distributing information about sex offenders, and train school/program site staff and parents/guardians about the roles and responsibilities of both the County Office and law enforcement.
4. The Superintendent or liaison shall, at the beginning of each school year, notify parents/guardians of the County Office's willingness and intention to work with law enforcement on this matter and shall explain the appropriate roles and responsibilities of both the County Office and law enforcement.

This communication shall also explain:

- a. The reporting requirements pursuant to Penal Code 290 and 290.45, including the fact that law enforcement is the agency best able to assess the relative danger of a sex offender
 - b. The ability of the parents/guardians to contact law enforcement for additional information and to view the information on the Megan's Law Internet website
5. When law enforcement notifies the County Office of the residency or employment of a sex offender within County Office boundaries, the Superintendent or County Office liaison shall consult with law enforcement about the appropriate scope of the disclosure. When authorized by law enforcement, the Superintendent or liaison may disclose information about a sex offender to the following staff:
- a. The principal/program administrator of the school/program site which is in the attendance area of the sex offender's residence or place of employment

SEX OFFENDER NOTIFICATION (continued)

- b. Teachers and classified personnel at that school/program site, including staff responsible for visitor registration

(cf. 1250 - Visitors/Outsiders)

- c. Principals and staff at adjacent school/program sites, as appropriate
 - d. Security staff
 - e. Bus drivers
 - f. Yard supervisors
6. Any staff member who receives information directly from law enforcement regarding registered sex offenders shall immediately contact the Superintendent or liaison in order to help ensure that the County Office is able to respond appropriately.
 7. If an identified sex offender is seen on or near school/program grounds or around any student, staff shall immediately contact the County Office liaison. A staff member may also inform local law enforcement.

Notification to Parents/Guardians

When law enforcement has determined that parents/guardians should be notified regarding the presence of a sex offender in the community, the Superintendent or County Office liaison shall collaborate with local law enforcement in order to determine an appropriate response. This response may include:

1. An article in a school or parent council newsletter notifying parents/guardians that law enforcement information about registered sex offenders is available at the local law enforcement agency headquarters and/or at the school/program site office. This article shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.
2. A mailing, at law enforcement's expense, prepared by law enforcement, and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.

SEX OFFENDER NOTIFICATION (continued)

3. A mailing of a letter, at County Office expense, prepared by law enforcement and printed on law enforcement letterhead and envelopes, notifying parents/guardians of the presence of registered sex offenders. This notification shall encourage parents/guardians to contact local law enforcement and access the Department of Justice's Megan's Law Internet website for additional information.

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS

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

(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 County Superintendent or designee may also require a contracting entity providing school/program site services, other than those listed above, to comply with these requirements. (Education Code 45125.1)

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

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

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

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

These steps may include, but not be limited to, ensuring that the employee is working during nonschool hours, providing for regular patrols or supervision of the site from County Office security or personnel, ensuring that the employee is not working alone when students are present, limiting the employee's access to school/program 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 County Office contracts for construction, reconstruction, rehabilitation or repair of a school/program facility where the employees of the entity will have contact, other than limited contact with students, the County Superintendent or designee shall ensure the safety of students by utilizing one or more of the following methods: (Education Code 45125.2)

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

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

3. Surveillance of employees of the entity by school/program site personnel.

These requirements shall not apply if the County Superintendent or designee determines that the contracting entity is providing construction, reconstruction, rehabilitation or repair services in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed to make school/program 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 Tuolumne County Superintendent of Schools Office recognizes that all County Office staff and students must be prepared to respond quickly and responsibly to emergencies, disasters, and threats of disaster.

The Tuolumne County Superintendent of Schools or designee shall develop and maintain a disaster preparedness plan which details provisions for handling emergencies and disasters and which shall be included in the County Office's comprehensive school/program site safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516.3 - Earthquake Emergency Procedure System)

The County Superintendent or designee shall also develop and maintain emergency plans for each school/program site.

In developing the County Office and school/program site emergency plans, the County Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators.

The County Superintendent or designee shall use state-approved Standardized Emergency Management System guidelines and the National Incident Command System when updating County Office and site-level emergency and disaster preparedness plans.

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

(cf. 1330 - Use of School Facilities)

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)

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
32290 Safety devices
39834 Operating overloaded bus
46390-46392 Emergency average daily attendance in case of disaster
49505 Natural disaster; meals for homeless students; reimbursement

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

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

Avian Influenza, Governance and Policy Services Fact Sheet, April 2006

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

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Pandemic Influenza Planning Checklist, 2006

CONTRA COSTA COUNTY OFFICE OF EDUCATION

Pandemic Flu School Action Kit, June 2006

GOVERNOR'S OFFICE OF EMERGENCY SERVICES

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

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

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

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>

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

Contra Costa County Office of Education, Pandemic influenza resources:

http://www.cccoe.k12.ca.us/about/flu/resources_flu_action_kit

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

U.S. Department of Education, Emergency Planning:

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

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

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

Components of the Plan

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

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

(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 - Student Disturbances)

5. Bomb threat or actual detonation

(cf. 3516.2 - Bomb Threats)

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

7. Medical emergencies and quarantines, such as a pandemic influenza outbreak

(cf. 5141.22 - Infectious Diseases)

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

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

(cf. 3530 - Risk Management/Insurance)

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

2. Instruction and practice for students and employees regarding emergency plans, including:

- a. Training of staff in first aid and cardiopulmonary resuscitation
- b. Regular practice of emergency procedures by students and staff

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

3. Specific determination of roles and responsibilities of staff during a disaster or other emergency, including determination of:

- a. The appropriate chain of command at the County Office and, if communication between the County Office and site is not possible, at each site
- b. Individuals responsible for specific duties
- c. Designation of the principal/program administrator for the overall control and supervision of activities at each school/program site during the emergency, including authorization to use his/her discretion in situations which do not permit execution of prearranged plans
- d. Identification of at least one person at each site who holds a valid certificate in first aid and cardiopulmonary resuscitation
- e. Assignment of responsibility for identification of injured persons and administration of first aid

4. Personal safety and security, including:

- a. Identification of areas of responsibility for supervision of students
- b. Procedures for evacuation of students and staff, including posting of evacuation routes
- c. Procedures for release of students, including a procedure to release students when reference to the emergency card is not feasible

(cf. 5141 - Health Care and Emergencies)

(cf. 5142 - Safety)

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

- d. Identification of transportation needs, including 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

(cf. 3543 - Transportation Safety and Emergencies)

- e. Provision of a first aid kit to each classroom
- f. Arrangements for students and staff with special needs

(cf. 4032 - Reasonable Accommodation)

(cf. 6159 - Individualized Education Program)

- g. Upon notification that a pandemic situation exists, adjustment of attendance policies for students and sick leave policies for staff with known or suspected pandemic influenza or other infectious disease

(cf. 4161.1/4361.1 - Personal Illness/ Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

(cf. 5113 - Absences and Excuses)

(cf. 6183 - Home and Hospital Instruction)

- 5. Closure of school/program sites, including an analysis of:
 - a. The impact on student learning and methods to ensure continuity of instruction
 - b. How to provide for continuity of operations for essential central office functions, such as payroll and ongoing communication with students and parents/guardians

(cf. 3516.5 - Emergency Schedules)

- 6. Communication among staff, parents/guardians, the Tuolumne County Superintendent of Schools Office, other governmental agencies, and the media during an emergency, including:
 - a. Identification of spokesperson(s)

(cf. 1112 - Media Relations)

- b. Development and testing of communication platforms, such as hotlines, telephone trees, and web sites

(cf. 1113 - District and School Web Sites)

EMERGENCIES AND DISASTER PREPAREDNESS PLAN (continued)

- c. Development of methods to ensure that communications are, to the extent practicable, in a language and format that is easy for parents/guardians to understand
 - d. Distribution of information about County Office and school/program site emergency procedures to staff, students, and parents/guardians
7. Cooperation with other state and local agencies, including:
- a. Development of guidelines for law enforcement involvement and intervention
 - b. Collaboration with the local health department, including development of a tracking system to alert the local health department to a substantial increase of student or staff absenteeism as indicative of a potential outbreak of an infectious disease

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

8. Steps to be taken after the disaster or emergency, including:
- a. Inspection of school/program facilities
 - b. Provision of mental health services for students and staff, as needed

(cf. 6164.2 - Guidance/Counseling Services)

FIRE DRILLS AND FIRES

Fire Drills

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

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

1. The principal/program administrator 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/program administrator or designee shall keep a record of each fire drill conducted and file a copy of this record with the office of the Tuolumne County Superintendent of Schools or designee.

Fires

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

1. The principal/program administrator or designee shall sound fire signals, unless the school/program site and/or building is equipped with an automatic fire detection and alarm system. (Education Code 32001)
2. The principal/program administrator 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.

FIRE DRILLS AND FIRES (continued)

6. In outside assembly areas, the principal/program administrator, designee and/or each department head shall account for their staff, report missing staff, and provide assistance to any injured staff.
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/program administrator or designee. If the threat is in writing, he/she shall place the message in an envelope and take note of where and by whom it was found.
2. Any student or employee seeing a suspicious package shall promptly notify the principal/program administrator or designee.
3. The principal/program administrator 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/program administrator 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/program site 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/program administrator 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

Earthquake Preparedness

Earthquake emergency procedures shall be established in every school/program site building having an occupant capacity of 50 or more students, or more than one classroom, and shall be incorporated into the comprehensive school/program site safety plan. (Education Code 32282)

(cf. 0450 - Comprehensive Safety Plan)

Earthquake emergency procedures shall be aligned with the Standardized Emergency Management System and the National Incident Management System. (Government Code 8607; 19 CCR 2400-2450)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Earthquake emergency procedures shall include, but not be limited to, all of the following: (Education Code 32282)

1. A school/program site 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

Drop procedures shall be practiced at least once each school/program site quarter in elementary school/program sites and at least once each semester in secondary school/program sites.

3. Protective measures to be taken before, during, and following an earthquake
4. A program to ensure that students and staff are aware of and properly trained in the earthquake emergency procedure system

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

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

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

Staff and 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 staff in such an emergency. Staff and students also shall be taught safety precautions to take if they are in the open or on the way to or from school/program site when an earthquake occurs.

Earthquake emergency procedures shall designate outside areas and alternative areas, which may include areas off campus if necessary, in which students will assemble following evacuation. In designating such areas, the Superintendent or designee shall consider potential post-earthquake hazards outside school/program site buildings including, but not limited to, power lines, trees, covered walkways, chain link fences that may be an electric shock hazard, and areas near buildings that may have debris.

Earthquake emergency procedures shall designate evacuation routes and alternative routes that avoid areas with potential hazards to the extent possible. The needs of students with disabilities shall be considered when planning evacuation routes.

The County Superintendent or designee shall identify potential earthquake hazards in classrooms and other County Office facilities. Potential hazards may include, but are not limited to, areas where the main gas supply or electric current enters the building, suspended ceilings, pendant light fixtures, large windows, stairwells, science laboratories, storage areas for hazardous materials, shop areas, and unsecured furniture and equipment. To the extent possible, such shall be minimized by securing equipment and furnishings and removing heavy objects from high shelves.

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, staff shall move students away from windows, shelves, and heavy objects and furniture that may fall.
4. After the earthquake, the principal/program administrator or designee shall determine whether planned evacuation routes and assembly areas are safe and shall communicate with teachers and other staff.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

5. When directed by the principal/program administrator or designee to evacuate, or if classrooms or other facilities present dangerous hazards that require immediate evacuation, staff shall account for all students under their supervision and have the students evacuate the building in an orderly manner.

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/program site 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/program site bus when an earthquake occurs, the bus driver shall take proper precautions to ensure student safety. The driver shall pull to the side of the road, away from any outside hazards if possible, and turn off the ignition. As soon as possible, the driver shall contact the County Superintendent or designee for instructions before proceeding on the route.

(cf. 3543 - Transportation Safety and Emergencies)

Subsequent Emergency Procedures

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

1. Staff shall extinguish small fires if possible.
2. Staff shall provide assistance to any injured students, take roll, and report missing students to the principal/program administrator or designee.
3. Staff and students shall not light any stoves or burners until the area is declared safe.
4. All buildings shall be inspected for water and gas leaks, electrical breakages, and large cracks or earth slippage affecting buildings.
5. The principal/program administrator or designee shall post staff at a safe distance from all building entrances and instruct staff and students to not reenter until the buildings are declared safe.

EARTHQUAKE EMERGENCY PROCEDURE SYSTEM (continued)

6. The principal/program administrator or designee shall request assistance as needed from the county or city civil defense office, fire and police departments, city and county building inspectors, and utility companies and shall confer with them regarding the advisability of closing the school/program site.
7. The principal/program administrator or designee shall contact the County Superintendent or designee and request further instructions after assessing the earthquake damage.

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans

GOVERNMENT CODE

3100 Public employees as disaster service workers

8607 Standardized Emergency Management System (SEMS)

CODE OF REGULATIONS, TITLE 19

2400-2450 Standardized Emergency Management System

Management Resources:

FEDERAL EMERGENCY MANAGEMENT AGENCY PUBLICATIONS

Guidebook for Developing a School Earthquake Safety Program, 1990

OFFICE OF EMERGENCY SERVICES PUBLICATIONS

The ABCs of Post-Earthquake Evacuation: A Checklist for School Administrators and Faculty

Guide and Checklist for Nonstructural Earthquake Hazards in California Schools, January 2003

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

WEB SITES

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

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>

National Incident Management System (NIMS): <http://www.fema.gov/emergency/nims>

EMERGENCY SCHEDULES

In order to provide for the safety of students and staff, the Tuolumne County Board of Education authorizes the Tuolumne County Superintendent of Schools or designee to close a school/program 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 County Superintendent or designee shall establish a system for informing students and parents/guardians when school/program site buses are not operating or when the school day schedule is changed or the school/program site is closed.

(cf. 3542 - School Bus Drivers)

(cf. 3543 - Transportation Safety and Emergencies)

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

(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 County 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

FACILITIES INSPECTION

The Tuolumne County Superintendent of Schools Office recognizes that the condition of school/program site facilities may have an impact on safety, student learning and achievement, and employee morale, and desires to provide school/program facilities that are safe, clean, and functional, as defined in Education Code 17002.

(cf. 0510 - School Accountability Report Card)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3111 - Deferred Maintenance Funds)

The Tuolumne County Superintendent of Schools or designee shall develop a facilities inspection and maintenance program to ensure that **County Office school/program sites** are maintained in good repair in accordance with law. At a minimum, the inspection program shall determine facility conditions specified on the inspection and evaluation instrument, including any evidence of:

1. Gas leaks
2. Problems with mechanical systems, including heating, ventilation, or air conditioning systems
3. Broken windows or doors
4. Broken gates or fences that could pose a safety hazard
5. Unsafe or unclean interior surfaces, such as walls, floors, or ceilings
6. Improperly stored hazardous or flammable materials that may pose an immediate threat to students or staff
7. Damaged or nonfunctioning structural elements, such as posts, beams, or supports
8. Nonfunctioning fire sprinklers and emergency equipment, such as alarms or fire extinguishers
9. Improperly secured or nonfunctioning electrical systems, components, or equipment
10. Inadequate or nonfunctioning lighting
11. Major pest or vermin infestation
12. Inaccessible or nonfunctioning drinking fountains
13. Inaccessible, unclean, nonfunctioning, or inadequately supplied restrooms during school hours

FACILITIES INSPECTION (continued)

14. Backed-up, clogged, odorous, or flooded sewage system
15. Nonfunctioning or damaged roofs, gutters, drains, or downspouts
16. Drainage problems on school grounds, including water damage to playgrounds or parking lots
17. Nonfunctioning or hazardous playground equipment or exterior fixtures
18. Nonfunctioning or hazardous fields, walkways, or parking lot surfaces
19. Unclean school grounds, including accumulated refuse or unabated graffiti

The County Superintendent or designee shall ensure that any necessary repairs identified during the inspection are made in a timely and expeditious manner. The County Superintendent or designee shall provide the County Board with regular reports regarding the County Office's facility inspection program.

Legal Reference:

EDUCATION CODE

1240 County Superintendent of Schools, duties

17002 Definitions

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

17565-17591 Property maintenance and control, especially:

17584 Deferred maintenance

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

CODE OF REGULATIONS, TITLE 2

1859.300-1859.329 Emergency Repair Program

Management Resources:

WEB SITES

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

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

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

RISK MANAGEMENT/INSURANCE

The Tuolumne County Board of Education strongly supports a risk management program that protects County Office resources and promotes the safety of students, staff and the public.

The Tuolumne County Superintendent of Schools or designee shall establish a risk management program that uses effective safety and loss control practices. The County Office 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 County Office consistent with required services, the County Superintendent or designee shall annually review the County Office's options for obtaining coverage, including qualified insurance agents, a joint powers agency, self-insurance or a combination of these means.

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

To attempt to minimize the County Office's exposure to liability, the County Office shall adopt clear policies related to discrimination, harassment, safety procedures, and the timely handling of claims. The County 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)

The County Superintendent or designee shall report to the County Board twice a year on the County Office's risk management activities.

Legal Reference: (see next page)

RISK MANAGEMENT/INSURANCE (continued)

Legal Reference:

EDUCATION CODE

- 1252 Compensation Insurance for Districts*
- 1274 Fund to cover losses or payments*
- 1297 Worker's Compensation*
- 1330 Unemployment Insurance*
- 17029.5 Contract funding; board liability*
- 17565-17592 Board duties re property maintenance and control*
- 32350 Liability on equipment loaned to district*
- 35162 Power to sue, be sued, hold and convey property*
- 35200-35214 Liabilities, especially:*
- 35208 Liability insurance*
- 35211 Driver training civil liability insurance*
- 35213 Reimbursement for loss, destruction or damage of personal property*
- 35214 Liability self-insurance*
- 35331 Medical or hospital service for students on field trip*
- 39837 Transportation of pupils to places of summer employment*
- 41021 Requirement for employees' indemnity bonds*
- 44873 Qualifications for physician (liability coverage)*
- 49470-49474 District medical services and insurance*

GOVERNMENT CODE

- 820.9 Board members not vicariously liable for injuries caused by district*
- 989-991.2 Local public entity insurance*

LABOR CODE

- 3200-4855 Workers' compensation*

RISK MANAGEMENT/INSURANCE

Risk Management

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

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

Employees are expected to take reasonable precautions for the care and safety of the school/program site 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. 4119.42/4219.42/4319.42 - 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. 5141.22 - Infectious Diseases)

(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 County Office against loss shall be purchased for employees responsible for handling County Office funds and may be purchased for employees responsible for handling County Office property. The County Office 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 FOR SCHOOL-RELATED TRIPS

The Tuolumne County Superintendent of Schools Office may provide transportation for students, employees, and other individuals for field trips and excursions approved according to County Office policy and administrative regulations.

(cf. 3541 - Transportation Routes and Services)
(cf. 6153 - School-Sponsored Trips)

The Tuolumne County Superintendent of Schools 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)

The County Superintendent or designee shall ensure that the County Office has sufficient liability insurance when field trips or excursions involve either transportation by County Office 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/program site-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
3. All other passengers wear seat belts

Legal Reference: (see next page)

TRANSPORTATION FOR SCHOOL-RELATED TRIPS (continued)

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.nts.gov>

TRANSPORTATION FOR STUDENTS WITH DISABILITIES

The Tuolumne County Superintendent of Schools Office shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The County Office 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 Tuolumne County Superintendent of Schools 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 County 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. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

(cf. 3541 - Transportation Routes and Services)

The County 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 County Office 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 Tuolumne County Superintendent of Schools or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP. (Education Code 56366)

(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 Tuolumne County Superintendent of Schools or designee may use an electronic fingerprinting system, managed by the California Department of Justice, to fingerprint an applicant for an original certificate to drive a school bus or student activity bus. (Vehicle Code 12517.3)

(cf. 4212.5 - Criminal Record Check)

The County 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 County Office policy and the requirements of federal law.

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

The County Superintendent or designee shall notify the Department of Motor Vehicles within five days whenever any school bus driver has tested positive for drugs or alcohol, is dismissed for a cause related to student transportation safety, or whenever a driver so dismissed has been reinstated. (Vehicle Code 1808.8, 13376)

(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/program site and school activities. He/she shall follow procedures contained in the County Office's transportation safety plan.

The driver shall not require any student to leave the bus en route between home and school/program site or other destinations. (5 CCR 14103)

The driver shall stop to load or unload students only at school bus stops designated by the County Superintendent or designee, or authorized by the County Superintendent or designee for school/program 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 County Superintendent or designee, and the driver's employer. (13 CCR 1219)

SCHOOL BUS DRIVERS (continued)

The driver also shall report the following to the County Superintendent or designee:

1. Recurring and serious student misbehavior
2. Parental and student complaints
3. Traffic violations
4. Consistently late school/program dismissals which cause transportation delays
5. Overload runs
6. Mechanical or other problems with buses and equipment

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>

FOOD SERVICE/CHILD NUTRITION PROGRAM

The Tuolumne County Superintendent of Schools Office recognizes that students need adequate, nourishing food in order to grow, learn, and maintain good health. Foods and beverages available through the County Office's food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
2. Meet or exceed nutritional standards specified in law and administrative regulation
3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits
4. Be served in age-appropriate portions
5. Be sold at reasonable prices

(cf. 3312 - Contracts)

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 6142.8 - Comprehensive Health Education)

The Tuolumne County Superintendent of Schools or designee shall develop strategies designed to encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus.

The County Office desires to provide students with adequate time and space to eat meals. To the extent possible, school/program site and transportation schedules shall be designed to encourage participation in school meal programs.

The County Superintendent or designee shall periodically review the adequacy of school/program facilities for cafeteria eating and food preparation. School cafeterias shall comply with the sanitation and safety requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 113700-114455.

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3517- Facilities Inspection)

(cf. 7110 - Facilities Master Plan)

Professional development for food service personnel shall include nutrition education and safe food handling.

(cf. 4231 - Staff Development)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Legal Reference:

EDUCATION CODE

38080-38103 Cafeteria, establishment and use
45103.5 Contracts for management consulting services; restrictions
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49493 School breakfast and lunch programs
49500-49505 School meals
49510-49520 Nutrition
49530-49536 Child Nutrition Act
49540-49546 Child care food program
49547-49548.3 Comprehensive nutrition services
49550-49560 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act

HEALTH AND SAFETY CODE

113700-114455 California Uniform Retail Food Facilities Law

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
15566-15569 California Fresh State Pilot Program

UNITED STATES CODE, TITLE 42

1751-1769h School lunch programs, including:
1751 Note Local wellness policy
1771-1791 Child nutrition, especially:
1773 School breakfast program

U.S. CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

Management Resources: (see next page)

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

Management Resources:

CSBA POLICY BRIEFS

The New Nutrition Standards: Implications for Student Wellness Policies, November 2005

CSBA PUBLICATIONS

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005

CENTERS FOR DISEASE CONTROL PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, 2004

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2005

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

WEB SITES

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

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

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

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

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

Dairy Council of California: <http://www.dairycouncilofca.org>

National Association of State Boards of Education: <http://www.nasbe.org>

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

School Nutrition Association: <http://www.schoolnutrition.org>

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

FOOD SERVICE/CHILD NUTRITION PROGRAM

Nutritional Standards for Foods

Schools participating in the National School Lunch Program or School Breakfast Program pursuant to 42 USC 1751-1769h and 1771-1791 shall meet the nutritional standards, as well as the nutrient and calorie levels for students of each age or grade group, required by 7 CFR 210.10 and 220.8. (42 USC 1758, 1773)

(cf. 3533 - Free and Reduced Price Meals)

Until July 1, 2007, for foods not reimbursed through the federally reimbursable meal programs, a minimum of 50 percent of the food sold by the County Office on school/program grounds during regular school hours shall be from the nutritious foods listed in Education Code 38085. (Education Code 38085)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

Beginning July 1, 2007, the only foods that may be sold to a student at an elementary school during the school day are full meals and individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes. An individually sold dairy or whole grain food item may be sold if it meets all of the following criteria: (Education Code 49431)

1. Not more than 35 percent of its total calories is from fat.
2. Not more than 10 percent of its total calories is from saturated fat.
3. Not more than 35 percent of its total weight is composed of sugar, including naturally occurring and added sugar.
4. Its total calories do not exceed 175 calories.

Beginning July 1, 2007, foods sold to students in middle school, junior high school, and high school, except foods served as part of a federally reimbursable meal program, shall meet the following standards: (Education Code 49430, 49431.2)

1. Each entree item shall:
 - a. Not exceed 400 calories
 - b. Contain no more than four grams of fat per 100 calories
 - c. Be categorized as an entree item in the National School Lunch or School Breakfast program

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

2. For each snack item that supplements a meal:
 - a. Not more than 35 percent of its total calories shall be from fat, excluding nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruits, vegetables that have not been deep fried, or legumes.
 - b. Not more than 10 percent of its total calories shall be from saturated fat, excluding eggs or cheese packaged for individual sale.
 - c. Not more than 35 percent of its total weight shall be composed of sugar, including naturally occurring and added sugar, excluding fruits or vegetables that have not been deep fried.
 - d. Its total calories shall not exceed 250 calories.

The County Office's food service program shall give priority to serving unprocessed foods and ingredients and fresh fruits and vegetables that have not been deep fried.

Nutritional Standards for Beverages

The only beverages that may be sold to elementary students, regardless of the time of day, are: (Education Code 49431.5)

1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener
2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener
3. Drinking water with no added sweetener
4. Milk that is 1-percent fat, 2-percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk

The only beverages that may be sold to middle school or junior high school students from one-half hour before the start of the school day until one-half hour after the end of the school day are: (Education Code 49431.5)

1. Fruit-based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener
2. Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener

FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

3. Drinking water with no added sweetener
4. Milk that is 1-percent fat, 2-percent fat, or nonfat; soy milk, rice milk, or other similar nondairy milk
5. Electrolyte replacement beverages that contain no more than 42 grams of added sweetener per 20-ounce serving

Beginning July 1, 2007, at least 50 percent of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day shall be those specified in items #1-5 above. Beginning July 1, 2009, all of the beverages sold to high school students from one-half hour before the start of the school day until one-half hour after the end of the school day shall meet the standards specified in items #1-5 above. (Education Code 49431.5)

FREE AND REDUCED PRICE MEALS

The Tuolumne County Superintendent of Schools Office recognizes that adequate nutrition is essential to the development, health, and learning of all students. The Tuolumne County Superintendent or designee shall facilitate and encourage the participation of students from low-income families in the district's food service program.

The County Office shall provide at least one nutritionally adequate meal each school/program site day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria. (Education Code 49550, 49552)

(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6177 - Summer School)
(cf. 6300 - Preschool/Early Childhood Education)

The County Superintendent or designee shall ensure that meals provided through the free and reduced-price meal program meet applicable state and/or federal nutritional standards in accordance with law, County Board policy, and administrative regulation.

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)

The County Board shall approve, and shall submit to the California Department of Education for approval, a plan that ensures that students eligible to receive free or reduced-price meals and milk are not treated differently from other students. (Education Code 49557)

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

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meal program shall be confidential except as provided by law. (Education Code 49558)

The County Board authorizes designated employees to use individual records pertaining to student eligibility for any free and reduced-price meal program for the purposes of: (Education Code 49558)

1. Disaggregation of academic achievement data
2. In any school/program site identified for program improvement under Title I of the No Child Left Behind Act, identification of students eligible for school choice and supplemental educational services

(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)

FREE AND REDUCED PRICE MEALS (continued)

The County Board further authorizes the release of information on the school/program site 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:

EDUCATION CODE

48980 Notice at beginning of term

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

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

49550-49561 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

1751-1769h School lunch program

1771-1791 Child nutrition, especially:

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

245.1-245.13 Determination of eligibility for free and reduced-price meals and free milk

Management Resources: (see next page)

FREE AND REDUCED PRICE MEALS (continued)

Management Resources:

CSBA PUBLICATIONS

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-103 Conditions for Summer School Meal Waivers and Saturday School Meal Criteria, January 2006

04-103 Implementation of Final Rule on Verification of Applications for Free and Reduced-Price Meals, August 2004

98-101 Confidentiality of Free and Reduced-Price Eligibility Information, February 1998

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Feed More Kids, Improve Program Participation

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Provision 2 Guidance: National School Lunch and School Breakfast Programs, Summer 2002

Eligibility Guidance for School Meals Manual, August 2001

WEB SITES

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

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

FREE AND REDUCED PRICE MEALS

Nondiscrimination Plan

The County Office'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 serving line or 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/program site 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 48980, 49520; 7 CFR 245.5)

(cf. 5145.6 - Parental Notifications)

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

1. Applications may be submitted at any time during the school/program site day.
2. Students participating in the National School Lunch and/or 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)

The application packet also shall contain:

1. A notification that, if a student qualifies for free or reduced-price meals, then he/she may qualify for free or reduced-cost health insurance coverage
2. A request for the parent/guardian's consent for the student, if eligible for free school/program site lunches, to participate in the Medi-Cal program and to have the information on the school/program site lunch application shared with the local agency that determines eligibility under the Medi-Cal program
3. A notification that the district will not forward the application to the agency that determines Medi-Cal eligibility without the parent/guardian's consent
4. A notification that the application is confidential and will not be shared with any other governmental agency for any purpose other than the administration of the Medi-Cal program
5. A notification that the application information will be used only by the state and local agencies that administer the Medi-Cal program and will not be shared with other government agencies, including the federal Department of Homeland Security and the Social Security Administration, except as necessary to verify information provided by the parent/guardian
6. Information regarding the Medi-Cal program, including available services, program requirements, rights and responsibilities, and privacy and confidentiality requirements

(cf. 5141.6 - Student Health and Social Services)

Eligibility

The County Superintendent or designee shall determine students' eligibility for the free and reduced-price meal program based on the criteria specified in 42 USC 1758 and 1773 and 7 CFR 245.1-245.13 and made available by the California Department of Education.

When authorized by law, participants in other federal or state programs may be directly certified for enrollment in the free and reduced-price meal program. (Education Code 49561)

Confidentiality/Release of Records

The County Superintendent designates the following County Office employee(s) to use individual records pertaining to student participation in the free and reduced-price meal program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school/program site eligible for school/program site choice and supplemental educational services pursuant to 20 USC 6316:

Assistant Superintendent, Curriculum or designee

FREE AND REDUCED PRICE MEALS (continued)

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 and 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 and 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 and reduced-price meal program shall be destroyed when no longer needed for its intended purpose.

OTHER FOOD SALES

The Tuolumne County Superintendent of Schools Office believes that foods and beverages sold to students on school/program campuses during the school day should promote student health and reduce childhood obesity. Any food sales conducted outside the County Office's food service program shall meet nutritional standards specified in law, County Office policy, and administrative regulations and shall not reduce student participation in the County Office's food service program.

(cf. 5030 - Student Wellness)

The County Board of Education authorizes the Tuolumne County Superintendent of Schools or designee to approve the sale of foods and beverages outside the County Office's food service program, including sales by student or adult organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

(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 and 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 County Office 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 County Office or a student or adult organization, the County Superintendent or designee shall determine how and where vending machines may be placed at school/program sites or County Office offices or other County Office 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, including:

1751 Note Local wellness policy

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 POLICY BRIEFS

The New Nutrition Standards: Implications for Student Wellness Policies, November 2005

CSBA PUBLICATIONS

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2005

CENTERS FOR DISEASE CONTROL PUBLICATIONS

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

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Associated Student Body Accounting Manual and Desk Reference, 2002

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

U.S. DEPARTMENT OF AGRICULTURE 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 Association of School Business Officials: <http://www.casbo.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Dairy Council of California: <http://www.dairycouncilofca.org>

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

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

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

U.S. Dept. of Agriculture, Food and Nutrition Information Center (FNIC):

<http://www.nal.usda.gov/fnic>

OTHER FOOD SALES

Nutritional Standards for Foods and Beverages

Food sales outside the Tuolumne County Superintendent of Schools Office food service program shall comply with the nutritional standards specified in Education Code 38085. Beginning July 1, 2007, food sales outside the County Office's food service program shall comply with the standards described in Education Code 49431 for elementary schools and Education Code 49431.2 for middle schools, junior high schools and high schools. (Education Code 38085, 49431, 49431.2)

Beverage sales shall be subject to the nutritional standards specified in Education Code 49431.5. (Education Code 49431.5)

(cf. 1230 - School-Connected Organizations)
(cf. 1321 - Solicitations of Funds from and by Students)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)

When the food and beverage standards in Education Code 49431 and 49431.5 are effective, the sale of foods or beverages that do not comply with those standards may be permitted at an elementary school, as part of a fundraising event, only when the items are sold by students of the school/program site and the sale meets one of the following conditions: (Education Code 49431, 49431.5)

1. It takes place off and away from school/program site premises.
2. It takes place at least one-half hour after the end of the school day.

The sale of food items that do not comply with the nutritional standards in Education Code 49431.2, when effective, may be permitted at a middle school, junior high school, or high school in any of the following circumstances: (Education Code 49431.2)

1. The sale takes place off and away from school/program site premises.
2. The sale takes place on school/program site premises at least one-half hour after the end of the school day.
3. The sale occurs during a school-sponsored student activity after the end of the school day.

Beverage sales that do not comply with the nutritional standards in law may be permitted at a middle school or junior high school as part of a school event under the following circumstances: (Education Code 49431.5)

1. The sale occurs during a school-sponsored event and takes place at the location of the event at least one-half hour after the end of the school day.

OTHER FOOD SALES (continued)

2. Vending machines, student stores, and cafeterias are used later than one-half hour after the end of the school day.

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

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

No foods of minimal nutritional value, as listed in 7 CFR 210, Appendix B, and 7 CFR 220, Appendix B, shall be sold in food service areas during breakfast and lunch periods. (7 CFR 210.11, 220.12)

The Tuolumne County Superintendent of Schools or designee shall not permit the sale of foods by student organizations in a school/program site with any of grades K-8 that is participating in the National School Breakfast or Lunch Program, except when all of the following conditions are met: (5 CCR 15500)

1. The student organization may sell one food item per sale.
2. The specific nutritious food item is approved by the County Superintendent or designee.
3. The sale does not begin until after the close of the regularly scheduled midday food service period.
4. The sale during the regular school day is not of food items prepared on the premises.
5. There are no more than four such sales per year per **school/program site**.
6. The food sold is a dessert-type food, such as pastry, ice cream, or fruit.
7. The food sold is not one sold in the County Office's food service program at that school/program site 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)

OTHER FOOD SALES (continued)

1. Only one student organization conducts a food sale on a given school day and the organization sells no more than three types of food or beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.
2. The specific nutritious food items are approved by the County Superintendent or designee.
3. Food items sold during the regular school day are not prepared on the premises.
4. The food items sold are not those sold in the County Office's food service program at that school/program site during that school day.

DISTRICT RECORDS

Tuolumne County Superintendent of Schools Office 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 Tuolumne County Superintendent of Schools or designee shall establish regulations that define records which are permanent, optional, and disposable and specify how each type of record is to be maintained or destroyed. Any photographic, microfilm, or electronic copies of original records shall be permanently retained.

The County Superintendent or designee shall ensure the confidentiality of records as required by law and shall establish regulations to safeguard data against damage or loss.

Safe at Home Program

County Office public records shall not include the actual addresses of students, parents/guardians, or employees when a substitute address is designated by the Secretary of State pursuant to the Safe at Home program. (Government Code 6206, 6207)

When a substitute address card is provided pursuant to this program, the confidential, actual address may be used only to establish County Office residency requirements for enrollment and for school/program site emergency purposes.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5111.1 - District Residency)

Legal Reference: (see next page)

DISTRICT RECORDS (continued)

Legal Reference:

EDUCATION CODE

35145 *Public meetings*

35163 *Official actions, minutes and journal*

35250-35255 *Records and reports*

44031 *Personnel file contents and inspection*

49065 *Reasonable charge for transcripts*

GOVERNMENT CODE

6205-6211 *Confidentiality of addresses for victims of domestic violence, sexual assault or stalking*

6252-6265 *Inspection of public records*

12946 *Retention of employment applications and records for two years*

PENAL CODE

11170 *Retention of child abuse reports*

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 PUBLICATIONS

Letter re: California Confidential Address Program Implementation (SB 489), August 27, 1999

WEB SITES

California Secretary of State: <http://www.ss.ca.gov/safeathome>

DISTRICT RECORDS

The Tuolumne County Superintendent of Schools or designee shall ensure that appropriate computer software is used to safeguard any data stored on computers, including computers connected to networks. To further prevent the damage or theft of data, computers and related equipment, he/she shall maintain complete and accurate inventories, specify user responsibilities for damages, and provide appropriate supervision in areas where computers are used.

Classification of Records

Before January 1, the County 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 County Office. (5 CCR 16022)

Class 1 - Permanent Record (5 CCR 16023)

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) Record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022:

1. Annual Reports
 - a. Official budget
 - b. Financial reports of all funds, including cafeteria and student body funds
 - c. Audit of all funds
 - d. Average daily attendance, including Period 1 and Period 2 reports
 - e. Other major annual reports, including:
 - (1) Those containing information relating to property, activities, financial condition or transactions
 - (2) Those declared by Tuolumne County Superintendent of Schools Office minutes to be permanent
2. Official Actions
 - a. Minutes of the County Board or County Board committees, including the text of rules, regulations, policies or resolutions included by reference only

DISTRICT RECORDS (continued)

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

3. Personnel Records

- a. Employees

All detailed records relating to employment, assignment, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same data may be classified as Class 1 (Permanent), and the detailed records may then be classified as Class 3 (Disposable).

Information of a derogatory nature as defined in Education Code 44031 shall be Class 1 (Permanent) only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

- b. Students

The records of enrollment and scholarship for each student required by 5 CCR 432, and all records pertaining to any accident or injury involving a minor for which a claim for damages had been filed as required by law. This includes any related policy of liability insurance except that these records cease to be Class 1 (Permanent) one year after the claim has been settled or the statute of limitations has run.

4. Property Records

All detailed records relating to land, buildings, and equipment. In lieu of detailed records, a complete property ledger may be classified as Class 1 (Permanent). The detailed records may then be classified as Class 3 (Disposable) if the property ledger includes all fixed assets, an equipment inventory and, for each piece of property, the date of acquisition, name of previous owner, a legal description, the amount paid, and comparable data if the unit is disposed of.

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 County Board and County Superintendent or designee, classification of the prior year records has not been made before January 1, all records of the prior year may be classified Class 2 (Optional) until they are classified as required by 5 CCR 16022. Such classification must occur within one year.

Class 3 - Disposable Records (5 CCR 16025, 16026, 16027)

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). These include but are not limited to: detailed records basic to audit, including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent); and periodic reports, including daily, weekly and monthly reports, bulletins and instructions.

Class 3 (Disposable) records shall be destroyed during the third school year after the later of the following:

1. The completion of any legally required audit
2. The retention period required by any agency other than the State of California
3. The school year in which the records originated

CONSULTANTS

The Tuolumne County Superintendent of Schools Office 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 County Office 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 Tuolumne County Superintendent of Schools or designee shall determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. County Office 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 County Board for approval.

(cf. 3312 - Contracts)

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

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

(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 County Superintendent or designee, depending on the range of duties to be performed by the consultant. The County Superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment.

(cf. 9270 - Conflict of Interest)

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

Legal Reference: (see next page)

CONSULTANTS (continued)

Legal Reference:

EDUCATION CODE

1281 Hiring of consultants which County Superintendent has an interest

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