The Santa Clara County Board of Education recognizes that the business and other noninstructional operations of the Santa Clara County Office of Education support the educational program by maximizing and prioritizing resources and providing a safe and healthy environment for students and staff. The Santa Clara County Superintendent of Schools or designee shall ensure that the SCCOE business and noninstructional operations are efficient and responsive to the needs of students, parents/guardians, districts, staff, and the community.

(cf. 3511 - Energy and Water Management)
(cf. 3511.1 - Integrated Waste Management)
(cf. 3512 - Equipment)
(cf. 3517 - Facilities Inspection)
(cf. 3540 - Transportation)
(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 5030 - Student Wellness)

SCCOE shall maintain high standards of safety in the operation of facilities, equipment, and services. The County Superintendent or designee shall establish a risk management program that promotes safety and protects resources.

(cf. 3530 - Risk Management/Insurance)

In the development of the SCCOE budget, the County Superintendent or designee shall establish a calendar that reflects the full budget cycle and a process that satisfies the requirements of law, including opportunities for public input. The County Superintendent or designee shall provide fiscal data and prepare a proposed budget document within established budget priorities and parameters. The County Board shall adopt a budget that is aligned with the SCCOE vision and goals and enables the organization to meet its fiscal obligations.

(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for SCCOE)
(cf. 3100 - Budget)
(cf. 9000 - Role of the Board)

The County Board expects sound fiscal management from the administration. The County Superintendent or designee shall administer the adopted budget in accordance with SCCOE policies, guidelines and accepted business practices.
CONCEPTS AND ROLES (continued)

(cf. 3110 - Transfer of Funds)
(cf. 3300 - Expenditures and Purchases)
(cf. 3311 - Bids)
(cf. 3312 - Contracts)
(cf. 3400 - Management of SCCOE Assets/Accounts)
(cf. 3440 - Inventories)

The County Board shall monitor financial operations so as to ensure the SCCOE's fiscal integrity and accountability to the community. The County Superintendent or designee shall complete all required financial reports, facilitate the independent audit process, recommend financial plans for meeting program needs, and keep the County Board informed about fiscal and noninstructional operations.

(cf. 0500 - Accountability)
(cf. 3460 - Financial Reports and Accountability)

Legal Reference:

EDUCATION CODE
1042 County Boards authority
1200 - 1205 County Superintendent of Schools, Salary and Expenses
1240 - 1240.2 Duties, responsibilities and general powers, County Superintendent
1241.5 - Audits, school districts
1252 Compensation Insurance
1297 Workers Compensation
1330 Unemployment Insurance
1340 - Payroll-related payments; procedures
1602 - 1606 County School Service Fund
1620 - 1630 County of Education Budget approval
1090 - 1096 Salaries and expenses County Board
35035 Powers and duties of superintendent
35160 Authority of governing boards
35160.1 Broad authority of school district
35161 Powers and duties of governing boards
44518-44519.2 Chief business officer training program
The Santa Clara County Board of Education (County Board) recognizes its critical responsibility for adopting a sound budget for each fiscal year which is aligned with the Santa Clara County Office of Education (SCCOE) vision, goals, and priorities. The SCCOE budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the SCCOE.

(cf. 0000 - Vision)
(cf. 3000 - Concepts and Roles)
(cf. 3300 - Expenditures and Purchases)
(cf. 3460 - Financial Reports and Accountability)
(cf. 9000 - Role of the Board)

The SCCOE budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 1621 and 42122)

Budget Development and Adoption Process

The Santa Clara County Superintendent of Schools (County Superintendent) or Superintendent’s designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127(i).

In order to provide guidance in the development of the budget, the County Board shall annually establish budget priorities based on identified SCCOE needs and goals and on realistic projections of available funds.

The County Superintendent or Superintendent’s designee shall oversee the preparation of a proposed SCCOE budget for approval by the County Board and shall involve appropriate staff in the development of budget projections.

The County Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with Education Code 1623, 42103, and 42127.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)
The budget that is formally adopted by the County Board shall be in the format prescribed by the Superintendent of Public Instruction. The County Superintendent or Superintendent’s designee may supplement this format with additional information as necessary to effectively communicate the budget to the County Board, staff, and public.

**Budget Study Committee**

The County Superintendent or Superintendent’s designee may appoint a budget study committee composed of staff, three County Board representatives, and/or members of the community.

The committee shall develop recommendations during the budget development process and its duties shall be assigned each year based on SCCOE needs. All recommendations of the committee shall be advisory only and shall not be binding on the Board or the County Superintendent or Superintendent’s designee.

(cf. 1220 – Citizen Advisory Committees)
(cf. 3101 – Budget Study Committee)
(cf. 3350 – Travel Expenses)
(cf. 9130 – Board Committees)
(cf. 9140 – Board Representatives)

**Budget Criteria and Standards**

In developing the SCCOE budget, the County Superintendent or Superintendent’s designee shall analyze criteria and standards adopted by the State Board of Education which address estimation of funded average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected Local Control Funding Formula revenues, salaries and benefits, other purpose revenues and expenditures consistent with California Education code identified services and mandates in support of school districts and community colleges in the county, facilities maintenance, deficit spending, fund balance, and reserves. The budget review shall also identify supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, and the status of labor agreements. (Education Code 33127, 33128, 33129; 5 CCR 15440-15451)

**Fund Reserve**

The County Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of law. (Education Code 33128.3; 5 CCR 15450)
1. **Level of Reserves:**

   The SCCOE shall utilize unrestricted reserves for economic uncertainty. Unrestricted reserves for economic uncertainty shall be established at a level of four percent. Any use of funds that would bring SCCOE’s unrestricted reserve below the State-mandated level of two percent shall not be permitted. Any use of funds that would bring SCCOE’s unrestricted reserve below the County Board-required level of four percent shall require prior County Board approval. Once County Board approval is received, SCCOE shall have three years in which to replenish the unrestricted reserve to the four percent level.

2. **Approved Use of Reserves:**

   Any expenditures from the SCCOE reserves shall have prior approval from the County Board, except in the following cases: emergency situations; year-end carryover transactions; and expenditures previously authorized by the County Board. The County Superintendent shall bring emergency expenditures before the County Board for its approval at the next regular County Board meeting. Emergency situations shall be understood to mean those situations which require immediate action in order to avoid jeopardy to SCCOE operations and programs or to the health and safety of SCCOE employees, students, or the public. All expenditures from the SCCOE’s reserves shall be identified in the monthly financial reports, which are approved by the County Board.

3. **Prohibited Use of Reserves:**

   The SCCOE’s unrestricted reserves should not be used to fund the ongoing operational deficits of SCCOE programs. The County Board believes that approaches other than using SCCOE’s unrestricted reserves should be sought to resolve continuing program shortfalls. If a program is faced with a projected ongoing deficit, the County Superintendent must take action to identify alternative revenue sources, to reduce program services, or to otherwise eliminate the differential between program revenues and expenditures.

**Deferred Maintenance Account**

The SCCOE recognizes that facilities have deferred maintenance needs such as Heating Ventilation and Air Conditioning (HVAC), paving, roof repairs, etc., and as such, per Education Code 17584.1 had set aside one-half of one percent of its revenue limit average daily attendance. While this requirement is eliminated with the new LCFF, the SCCOE will continue to set aside one-half of one percent of its current year LCFF average daily attendance for deferred maintenance needs.

**Facilities Fund**

SCCOE shall establish a facilities fund to provide for replacement, renovation and construction of facilities for SCCOE purposes. Provided the four percent reserve requirement in “Level of Reserve” above is met, the facilities fund shall be initially established at a level of one percent using the state-mandated reserve calculation. To the
extent that such funds are available in the budget adoption process, the fund shall be augmented each year by an allocation of one percent using the state-mandated reserve calculation.

**Indirect Cost Rate**

SCCOE indirect fees or the State-approved indirect cost rate shall be assessed against program expenditures as follows:

1. **Fund 800 programs shall not be assessed an indirect cost rate.**

2. All programs, Services and Functions of SCCOE that are not determined to be part of the office’s administrative activities necessary for the general operations (e.g., accounting, budgeting, payroll, preparation, personnel management, purchasing, centralized data processing) will be charges the State-approved indirect.

3. Grant programs shall be assessed the State-approved indirect cost rate. Waivers shall be sought from the County Superintendent wherever funding agency restrictions limit the indirect cost rate to a level less than the State-approved rate.

4. Pass-through funds in which no services are provided and where a waiver is sought and granted from the County Superintendent or designee shall not be assessed an indirect cost rate.

5. All other programs shall be assessed an indirect cost rate which is established by the County Superintendent and approved by the County Board.

6. Donations shall not be assessed an indirect cost rate.

**Ending Balances and Carryover Transactions**

1. All legally restricted programs (such as contract, grant, trust, and State categorical programs) may carry over their ending balances.

2. The facilities fund may carry over its ending balance.

3. Prior County Board approval shall not be required for approved purchase orders and grant/contract expenditures which must be carried over and re-budgeted in the next fiscal year. Such carryover transactions shall be brought to the County Board for information after the appropriate budget revisions have been processed.
The County Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, categorical program requirements and flexibility, if any, as well as other factors necessary to ensure that the budget is a realistic plan for SCCOE revenues and expenditures.

(cf. 2210 - Administrative Leeway In Absence of Governing Board Policy)
(cf. 3110 - Transfer of Funds)

**Long-Term Financial Obligations**

The SCCOE current-year budget and multi-year projections shall contain adequate provisions for addressing the SCCOE long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers' compensation claims.

(cf. 7210 - Facilities Financing)
(cf. 9250 - Remuneration, Reimbursement and Other Benefits)

The County Board shall approve a plan for meeting the SCCOE long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the SCCOE annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the SCCOE to the extent possible. The County Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the SCCOE and maintains flexibility to adjust for changing budgetary considerations.

**Budget Amendments**

Whenever revenues and expenditures change significantly throughout the year that increase beyond the adopted budget, the County Superintendent or Superintendent’s designee shall recommend budget amendments to ensure accurate projections of the SCCOE net ending balance. When final figures for the prior-year budget are available, this information will be presented for board approval four times a year or as appropriate to update the current-year budget's beginning balance and projected revenues and expenditures.

In addition, budget amendments shall be submitted for County Board approval when the state budget is adopted, collective bargaining agreements are accepted, SCCOE income declines, increased revenues or unanticipated savings are made available to the SCCOE, program proposals are significantly different from those approved during budget adoption.
Legal Reference:

EDUCATION CODE
1240 Duties of county superintendent of schools
1280 Revisions to Annual Budget
1620-1630 County office of education budget approval
33127-33131 Standards and criteria for local budgets and expenditures
35035 Powers and duties of superintendent
35161 Powers and duties, generally, of governing boards
42103 Public hearing on proposed budget; requirements for content of proposed budget
42122-42129 Budget requirements
42130-42134 Financial certifications
42140-42141 Disclosure of fiscal obligations
42238.01-42238.07 Local control funding formula
42602 Use of unbudgeted funds
42610 Appropriation of excess funds and limitation thereon
44518-44519.2 Chief business officer training program
45253 Annual budget of personnel commission
45254 First year budget of personnel commission
52060-52077 Local control and accountability plan

GOVERNMENT CODE
7900-7914 Appropriations limit

CODE OF REGULATIONS, TITLE 5
15060 Standardized account code structure
15440-15451 Criteria and standards for school district budgets
15494-15496 Local control funding formula, expenditures

Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
California School Accounting Manual
New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS
Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, September 2006

GOVERNMENT FINANCE OFFICERS ASSOCIATION
Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund, 2009

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS
Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009
Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004
Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999

WEB SITES
CSBA: http://www.csba.org
Association of California School Administrators: http://www.acsa.org
California Department of Education, Finance and Grants: http://www.cde.ca.gov/fg
BUDGET STUDY COMMITTEE

Budget Study Committee

It is the policy of the Santa Clara County Board of Education that the Santa Clara County Superintendent of Schools establish a Budget Study Committee to examine budget issues and provide information and suggestions that will assist the County Board in adopting a sound annual budget. The committee shall not vote on budget issues or on any other matters but shall take all information and suggestions forward to the County Board for its consideration. Further, the committee shall not participate in the development of the Office’s annual budget; budget development is the responsibility of the County Superintendent pursuant to the Education Code and the California Administrative Code, Title 5. The committee shall have the structure and responsibilities as outlined below.

Committee Structure

The Budget Study Committee shall consist of the following members:

- The County Superintendent, who shall serve as chair
- Three members of the County Board, appointed by the County Board president on a yearly rotating basis
- The Branch Chiefs
- The Budget Officer, who shall serve as the ex-officio secretary

Responsibilities

1. The County Superintendent shall convene the first meeting of the committee no later than January 30 of each year.

2. Annually, in the fall of each year, committee members shall develop a schedule of future meetings and shall develop tentative agendas for those meetings (subject to modification by future committee members).

3. The committee shall be responsible for studying state and federal legislation; taking a pro-active approach to budget issues at the state and federal level; informing the Board about such budget issues, as well as about forecasts, assumptions, and trends expected to affect the future funding of office programs; and suggesting fiscal strategies to assist the County Board in the adoption of a sound annual budget and the implementation the office’s vision, goals, and long-range plan.
LOTTERY FUNDS

The Santa Clara County Board of Education intends to use lottery funds for supplemental and nonrecurring expenditures which support educational programs and activities.

The County Board shall approve lottery budget allocations within the parameters of law. Lottery funds allocated for the purchase of instructional materials pursuant to Government Code 8880.4 (Proposition 20, March 2001 ballot initiative) shall be expended on instructional materials as defined in Education Code 60010.

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

(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

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

Legal Reference:
EDUCATION CODE
14600 Legislative findings and declarations: state control of lottery funds
14700-14701 Use of lottery funds
60010 Definitions
60119 Hearings, steps to ensure availability of textbooks and instructional materials
GOVERNMENT CODE
8880-8880.5 California state lottery: general provisions

Policy
adopted: October 20, 2010
Revised: May 16, 2012

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
The Santa Clara County Superintendent (County Superintendent) recognizes his/her responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the educational program are made available to them at no cost. No student shall be required to pay any fees, deposits, or other charges for his/her participation in an educational activity which constitutes an integral fundamental part of the Santa Clara County Office of Education's (SCCOE) educational program, including curricular and extracurricular activities.

As necessary, the SCCOE may approve fees, deposits, and other charges which are specifically authorized by law. For such authorized fees, deposits, and charges, the SCCOE shall consider students' and parents/guardians' ability to pay when establishing fee schedules and granting waivers or exceptions.

The prohibition against student fees shall not restrict the SCCOE from soliciting for voluntary donations, participating in fundraising activities, and providing prizes or other recognition for participants in such activities and events. However, the SCCOE shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student and shall not remove, or threaten to remove, from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

Whenever SCCOE employees, volunteers, students, parents/guardians, or educational or civic organizations participate in such events or activities, the County Superintendent or
Superintendent’s designee shall emphasize that participation in the event or activity is voluntary.

Whenever a student or parent/guardian believes that an impermissible fee, deposit, or other charge is being required of the student for his/her participation in an educational activity, the student or his/her parent/guardian may file a complaint with the principal or designee using the SCCOE's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

(cf. 1312.3 - Uniform Complaint Procedures)

The County Superintendent or Superintendent’s designee shall include information in the annual notification required by 5 CCR 4622 to be provided to all SCCOE students, parents/guardians, employees, and other interested parties about the requirements relating to the prohibition against SCCOE requiring students to pay fees, deposits or other charges in order to participate in an educational activity, unless authorized by law, and the filing of complaints for alleged violations using the uniform complaint procedures. (Education Code 49013)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

Legal Reference:
EDUCATION CODE
8239  Preschool and wraparound child care services
8263  Child care eligibility
8760-8773  Outdoor science and conservation programs
17551  Property fabricated by students
19910-19911  Offenses against libraries
32033  Eye protective devices
32221  Insurance for athletic team member
32390  Fingerprinting program
35330-35332  Excursions and field trips
35335  School camp programs
38080-38085  Cafeteria establishment and use
38120  Use of school band equipment on excursions to foreign countries
39807.5  Payment of transportation costs
39837  Transportation of students to places of summer employment
48050  Residents of adjoining states
48052  Tuition for foreign residents
48904  Liability of parent or guardian
49010-49013  Student fees
49065  Charge for copies
49066  Grades, effect of physical education class apparel
49091.14  Prospectus of school curriculum
51810-51815  Community service classes
52612  Tuition for adult classes
52613  Nonimmigrant aliens
60410  Students in classes for adults
GOVERNMENT CODE
6253  Request for copy; fee
CALIFORNIA CONSTITUTION
Article 9, Section 5  Common school system
CODE OF REGULATIONS, TITLE 5
350  Fees not permitted
4622  Notice
UNITED STATES CODE, TITLE 8
1184  Foreign students
COURT DECISIONS
Management Resources:
CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES
1030.97  Fiscal Management Advisory 97-02: Fees, Deposits and Other Charges
WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov

Policy  SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted:  October 20, 2010  San Jose, California
revised:  April 3, 2013, August 13, 2014
SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

When any Santa Clara County Office of Education instructional materials, equipment, supplies, or other personal property with a value less than $25,000 becomes unusable, obsolete, or no longer needed, the Santa Clara County Superintendent of Schools or designee shall notify the Santa Clara County Board of Education by submitting a quarterly report of recorded sales. The report shall include a list of the items sold, income received, and the method of sale. When surplus property items worth in excess of $25,000 are proposed for sale by Business Services, the County Superintendent or designee shall obtain approval of the County Board before the items are sold. This applies to items purchased using non-federal dollars. All federally funded items are subject to the guidelines outlined in 34 CFR 80.32

(cf. 0440 - SCCOE Technology Plan)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

The County Superintendent or designee shall establish procedures to be used when selling equipment for which the federal government has a right to receive all or part of the proceeds. These procedures shall ensure a reasonable amount of competition so as to result in the highest possible revenue.

(cf. 3440 - Inventories)

Replacement of School Buses

Upon receiving a state apportionment for the replacement of a school bus, the Santa Clara County Board of Education may authorize the County Superintendent to sell the bus that is being replaced to a California school district in accordance with applicable Education Code.

Legal Reference: (see next page)
SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES (continued)

Legal Reference:

EDUCATION CODE
1279 - County Superintendent of Schools; disposing of personal property
18133  Approve disposal of materials not needed
35168  Inventory, including record of time and mode of disposal
42291.5 Temporary school bus designation
42303  School bus sale to another district
60500-60530 Sale, donation, or disposal of instructional materials

GOVERNMENT CODE
25505  District property; disposition; proceeds

CODE OF REGULATIONS, TITLE 5
3944 Consolidated categorical programs, district title to equipment
3946 Disposal of equipment purchased with state and federal consolidated application funds

UNITED STATES CODE, TITLE 40
549 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 34
80.32 Equipment acquired under a grant or subgrant
SALE OR LEASE OF SCCOE-OWNED REAL PROPERTY

The Santa Clara County Board of Education believes that the Santa Clara County Office of Education should utilize its facilities and resources in the most economical and practical manner. The Santa Clara County Superintendent of Schools or designee shall periodically study the current and projected use of all facilities to ensure the efficient utilization of space and the effective delivery of instruction.

(cf. 1330 - Use of School Facilities)  
(cf. 7110 - Facilities Master Plan)  
(cf. 7111 - Evaluating Existing Buildings)  
(cf. 7160 - Charter School Facilities)

Upon determination that SCCOE property is no longer needed or may not be needed until some future time, the County Board shall offer to sell or lease SCCOE-owned real property in accordance with priorities and procedures specified in law, including, but not limited to, Education Code 17230, 17464, 17485-17500, and Government Code 54222.

(cf. 5148 - Child Care and Development)  
(cf. 5148.2 - Before/After School Programs)  
(cf. 5148.3 - Preschool/Early Childhood Education)

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

(cf. 1220 - Citizen Advisory Committees)

Resolution of Intention to Sell or Lease

Before ordering the sale or lease of any real property, the County Board shall adopt a resolution by a two-thirds vote of all of its members at a regular, open meeting. The resolution shall describe the property proposed to be sold or leased in such a manner as to identify it, specify the minimum price or rent, describe the terms upon which it will be sold or leased, and specify the commission or rate, if any, which the County Board will pay to a licensed real estate broker out of the minimum price or rent. The resolution shall fix a time, not less than three weeks thereafter, for a public meeting, held at the County Board's regular meeting place, at which sealed proposals to purchase or lease will be received and considered. (Education Code 17466)

(cf. 9323.2 - Actions by the Board)

The County Superintendent or designee shall provide notice of the adoption of the resolution and of the time and place of the meeting that will be held to consider bids by posting copies of the resolution, signed by the County Board, in three public places not less than 15 days before the date of the meeting.
SALE OR LEASE OF SCCOE-OWNED REAL PROPERTY  (continued)

The County Superintendent or designee shall take reasonable steps to provide notification to the former owners of the property of the SCCOE intent to sell it in accordance with Education Code 17470.

Acceptance/Rejection of Bids

At the public meeting specified in the resolution of intention to sell or lease property, the County Board shall open, examine, and declare all sealed bids. Before accepting any written proposal, the County Board shall call for oral bids in accordance with law. (Education Code 17472, 17473)

The County Board may reject any and all bids, either written or oral, and withdraw the properties from sale when the County Board determines that rejection is in the best public interest. If no proposals are submitted or the submitted proposals do not conform to all the terms and conditions specified in the resolution of intention to lease, the County Board may lease the property in accordance with Education Code 17477. (Education Code 17476, 17477)

Of the proposals submitted by responsible bidders which conform to all terms and conditions specified in the resolution of intention to sell or lease, the County Board shall finally accept the highest bid after deducting the commission, if any, to be paid to a licensed real estate broker, unless the County Board accepts a higher oral bid or rejects all bids. (Education Code 17472)

The final acceptance of the bid may be made either at the same meeting specified in the resolution or at any adjourned/continued meeting held within 10 days. Upon acceptance of the bid, the County Board may adopt a resolution of acceptance that directs the County Board president, or any other County Board member, to execute the deed or lease and to deliver the document upon performance and compliance by the successful bidder of all of the terms and conditions of the contract. (Education Code 17475-17478)

(cf. 1431 - Waivers)
(cf. 9320 - Meetings and Notices)

Use of Proceeds

The County Superintendent or designee shall ensure that proceeds from the sale or lease with an option to purchase of SCCOE surplus property are used in accordance with law. (Education Code 17462; 2 CCR 1700)

(cf. 3100 - Budget)
(cf. 3460 - Financial Reports and Accountability)
SALE OR LEASE OF SCCOE-OWNED REAL PROPERTY  (continued)

Until January 1, 2012, SCCOE may expend proceeds from the sale of surplus real property, along with the proceeds from any personal property located on that real property, for any one-time general fund purpose(s). Prior to exercising this authority, the County Board shall certify to the State Allocation Board that: (Education Code 17463.7)

1. SCCOE has no major deferred maintenance requirements not covered by existing capital outlay resources.

(cf. 3111 - Deferred Maintenance Funds)

2. The sale of real property pursuant to Education Code 17463.7 does not violate the provisions of a local bond act.

(cf. 7214 - General Obligation Bonds)

3. The real property is not suitable to meet projected school construction needs for the next 10 years.

Prior to exercising this authority, the County Superintendent or designee shall present to the County Board, at a regularly scheduled meeting, a plan for expending these one-time resources. The plan shall identify the source and use of the funds and shall describe the reasons that the expenditure shall not result in ongoing fiscal obligations for the SCCOE. (Education Code 17463.7)

Legal Reference: (see next page)
SALE OR LEASE OF SCCOE-OWNED REAL PROPERTY  (continued)

Legal Reference:

EDUCATION CODE
1042 County Boards, authority
8771 Approve sale, exchange or, disposal of property
17219-17224 Acquisition of property not utilized as school site; nonuse payments; exemptions
17230-17234 Surplus property
17385 Conveyances to and from school districts
17387-17391 Advisory committees for use of excess school facilities
17400-17429 Leasing property
17430-17447 Leasing facilities
17453 Lease of surplus district property
17455-17484 Sale or lease of real property, especially:
17463.7 Proceeds for general fund purposes
17485-17500 Surplus school playground (Naylor Act)
17515-17526 Joint occupancy
17527-17535 Joint use of district facilities
33050 Request for waiver
38130-38139 Civic Center Act

GOVERNMENT CODE
54220-54232 Surplus land, especially:
54222 Offer to sell or lease property
54950-54963 Brown Act, especially:
54952 Legislative body, definition

PUBLIC RESOURCES CODE
21000-21177 California Environmental Quality Act

CODE OF REGULATIONS, TITLE 2
1700 Definitions related to surplus property

COURT DECISIONS
GIFTS, GRANTS AND BEQUESTS

The Santa Clara County Board of Education may accept any bequest or gift of money or property on behalf of the Santa Clara County Office of Education. While greatly appreciating suitable donations, the County Board discourages any gifts which may directly or indirectly impair its commitment to providing equal educational opportunities for all students.

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

Before accepting a gift, the County Board shall consider whether the gift:

1. Has a purpose consistent with SCCOE vision and philosophy
2. Begins a program which SCCOE would be unable to continue when the donated funds are exhausted
3. Entails undesirable or excessive costs
4. Implies endorsement of any business or product

(cf. 1325 - Advertising and Promotion)

The County Board shall carefully evaluate any conditions or restrictions imposed by the donor in light of SCCOE philosophy and operations. If the County Board feels the SCCOE will be unable to fully satisfy the donor's conditions, the gift shall not be accepted.

Gifts of books and instructional materials shall be accepted only if they meet regular SCCOE criteria.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

All gifts, grants and bequests shall become SCCOE property. Donors are encouraged to donate all gifts to the SCCOE rather than to a particular school or program. At the Santa Clara County Superintendent of Schools or designee's discretion, a gift may be used for a particular school or program.

The County Board shall have no power to give, to lend, or to authorize the lending of County Office funds, or to make a gift of County Office funds, to any person, association or organization. (California Constitution, Article XVI, Section 6)

Legal Reference: (see next page)
GIFTS, GRANTS AND BEQUESTS  (continued)

Legal Reference:

EDUCATION CODE
1834 Acquisition of materials and apparatus
35162 Power to sue, be sued, hold and convey property
41030 School district may invest surplus monies from bequest or gifts
41031 Special fund or account in county treasury
41032 Authority of school board to accept gift or bequest; investments; gift of land requirements
41035 Advisory committee
41036 Function of advisory committee
41037 Rules and regulations
EXPENDITURES AND PURCHASES

The Santa Clara County Board of Education recognizes its fiduciary responsibility to oversee the prudent expenditure of Santa Clara County Office of Education funds. In order to best serve SCCOE interests, the Santa Clara County Superintendent of Schools or designee shall develop and maintain effective purchasing procedures that are consistent with sound financial controls and that ensure SCCOE receives maximum value for items purchased. He/she shall ensure that records of expenditures and purchases are maintained in accordance with law. The County Superintendent or designee shall also ensure that the federal procurement standards as identified in 45 CFR 74.45 be followed.

(cf. 3000 - Concepts and Roles)
(cf. 3100 - Budget)
(cf. 3350 - Travel Expenses)
(cf. 3400 - Management of SCCOE Assets/Accounts)
(cf. 3460 - Financial Reports and Accountability)
(cf. 9270 - Conflict of Interest)

Legal Reference:

EDUCATION CODE
1200-1204 Superintendent of Schools, Expenses
1275 Purchase of school supplies, delegation of authority
1276 Data processing systems, lowest bidder
1500-1510 Expenses
1600-1606 County Schools Services Fund
17604 Delegation of powers to agents; approval or ratification of contracts by governing board
17605 Delegation of authority to purchase supplies and equipment
32370-32376 Recycling paper
32435 Prohibited use of public funds, alcoholic beverages
35010 Control of district; prescription and enforcement of rules
35035 Powers and duties of superintendent
35160 Authority of governing boards
35250 Duty to keep certain records and reports
38083 Purchase of perishable foodstuffs and seasonal commodities
41010 Accounting system
41014 Requirement of budgetary accounting

GOVERNMENT CODE
4330-4334 California made materials

PUBLIC CONTRACT CODE
3410 U.S. produce and processed foods
20111 Contracts over $50,000; contracts for construction; award to lowest responsible bidder
EXPENDITURES AND PURCHASES

Santa Clara County Office of Education funds shall not be expended for the purchase of alcoholic beverages. (Education Code 32435)

Purchasing Procedures

Insofar as possible, goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs, and trade-in values shall be considered when determining the most economical purchase price. When price, fitness, and quality are equal, recycled products shall be preferred when procuring materials for use in SCCOE schools and buildings.

(cf. 3314.2 - Revolving Funds)
(cf. 3440 - Inventories)
(cf. 3511.1 - Integrated Waste Management)

All purchases shall be made by formal contract or purchase order or shall be accompanied by a receipt. In order to eliminate the processing of numerous small purchase orders, the Superintendent or designee may create a "blanket" or "open" purchase order system for the purchase of minor items as needed from a vendor. He/she shall ensure that the "open" purchase order system details a maximum purchase amount, the types of items that can be purchased under this order, the individuals authorized to approve purchases, and the expiration date of the "open" order.
1.0 PURPOSE AND SCOPE

The purpose of this regulation is to define staff expectations, responsibilities, and internal processes associated with the Santa Clara County Office of Education’s (SCCOE) purchasing procedures, including Centralized Purchasing, Purchasing Card, Petty Cash, and Reimbursements. Please see BP 3312 for the Contracts policy.

2.0 DEFINITIONS OF THE OFFICE’S PURCHASING SYSTEMS

2.1 Centralized Purchasing: The Centralized Purchasing system allows programs to purchase goods and services through the on-line financial system, thereby requiring Purchasing Services to combine orders and obtain the best, most competitive prices. Goods obtained through this system may come from external vendors or from warehouse stores. This system encumbers funds for purchases and facilitates the on-line tracking of Purchase Orders.

2.2 Purchasing Card: The Purchase Card program provides Departments the ability to make purchases in certain limited categories by selectively ordering authorized products directly from vendors via a credit card type charging system. This system does not encumber funds. See Pcard manual for further requirements.

2.3 Petty Cash: The Petty Cash system allows SCCOE programs to have a limited amount of petty cash funds, subject to approval from their Branch Chief, Accounting Services will monitor the fulfillment of fiscal requirements.

2.4 Reimbursement: In limited cases, supervisors may permit employees to make small, inexpensive purchases of goods that are required by their Department if it can’t be obtained quickly through alternate purchasing methods. Reimbursement requests are obtained by completing a “Request for Reimbursement for Travel Expense/Other Expense” form with Accounting Services. Accounting Services will monitor the fulfillment of legal and fiscal requirements.
3.0 OFFICE STANDARDS

3.1 When obtaining supplies, employees must use the purchasing systems in the following priority order:

3.1.1. Warehouse Stores (Centralized Purchasing system)
3.1.2. Outside vendors (Centralized Purchasing system)
3.1.3. Purchase Card system
3.1.4. The Reimbursement system

Deviations from the priority order listed above shall require the approval of the Purchasing Manager.

3.2 Purchasing commitments of goods and services shall only be made by individuals with the appropriate signature authority. Payment for purchases made without this approval may result in disciplinary action and may result in the expenditure being the sole responsibility and liability of the employee.

3.3 The SCCOE has established standards for ordering supplies and equipment and the acquisition of needed services.

3.4 Splitting purchases, including breaking individual purchases into component parts, or using other methods of circumventing the prescribed monetary limits in the purchasing systems is prohibited.

3.5 To the extent possible, the SCCOE shall purchase recycled products. Exceptions to this practice will exist when high costs, lack of availability, or problems with the fitness and quality of the products indicate that such purchases would not be in the SCCOE's best interests.

4.0 SCCOE STAFF RESPONSIBILITIES

4.1 Purchasing Unit Staff

Purchasing Services’ responsibilities include the following:

4.1.1 To make all authorized purchases requested through the Centralized Purchasing System and to ensure the legality of those purchases.

4.1.2 To make purchases for smaller school districts (901 ADA) upon their request.

4.1.3 To develop and maintain standard specifications for materials, supplies, and equipment whenever practicable.

4.1.4 To assist programs and departments by providing competitive pricing and product availability information.
4.1.5 To assist programs and departments in meeting the Purchasing requirements of programs utilizing (federally and state funded contracts and grants).

4.1.6 To maintain the “Purchasing Guidelines” publication and to provide related training for SCCOE staff that is user friendly and easy to follow.

4.1.7 To help resolve problems with goods and services obtained through Centralized Purchasing.

4.1.8 To administer the SCCOE’s Purchase Card program with assistance from, IBS- Accounting Services, and provide training and support for staff utilizing this system.

4.1.9 To ensure fiscally responsible practices and procedures.

Warehouse Services

4.1.10 To operate and maintain the functions of the warehouse.

4.2 Department and Program Staff

Department and program staff members have the following responsibilities:

4.2.1 To alert Purchasing Services to problems with goods and services obtained through Centralized Purchasing.

4.2.2 To abide by the Office standards (section 3.0) and internal processes (sections 5.0 and 6.0) as outlined in this regulation.

4.3 Management Staff

Management staff members have the following responsibility:

4.3.1 To ensure the appropriateness and legality of purchases made through the Purchase Order, Purchase Card, Petty Cash, and Reimbursement systems.

5.0 PROCESS FOR SELECTING VENDORS AND CONTRACTORS

Upon receipt of a purchase requisition, Purchasing Services shall confirm the selection of a vendor or contractor from one of the following processes:

5.1 Informal Bid Process

Purchasing Services shall assist in soliciting informal bids or formal for products and services.
Purchasing Services will work with and assist the requestor with identifying service providers or suppliers. The Office has established minimum limits for Purchasing Services to use when soliciting informal bids for the following:

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased.
2. Services, except construction services.
3. Repairs, including maintenance as defined in Public Contract Code Section 20115, that are not a public project as defined in subdivision (c) of Section 22002.

**Section 20115**: "maintenance" means routine, recurring, and usual work for the preservation, protection, and keeping of any publicly owned or publicly operated facility for its intended purposes in a safe and continually usable condition for which it was designed, improved, constructed, altered, or repaired. "Facility" means any plant, building, structure, ground facility, utility system, or real property.

**Section 22002 (c)**: "Public project" means any of the following:
1. Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.
2. Painting or repainting of any publicly owned, leased, or operated facility.

5.2.1 For purchases of up to $4,999.99: verification from at least a single vendor of pricing shown on the purchasing document. (Note: For capital purchase requests exceeding $2,500, three (3) pricing estimates shall be obtained.) (Reference Title 5 CCR Section 17291)

5.2.2 For purchases of $5,000 – $87,799 (annually adjusted for inflation) purchasing best practice is to secure written quote from at least 3 vendors when possible. (NOTE: Public Project work exceeding $25,000 shall require Payment Bonds from the successful contractor.)

5.2 Formal Bid Process: Contract for purchase of Equipment, material, or supplies of $87,800 (annually adjusted for inflation), or more must be competitively bid.

Contract for Public works projects (Construction works and Construction services) of $15,000 or more must be competitively bid.

Purchasing Services is responsible for processing and receiving formal bids for all qualifying acquisitions (codes) estimated to exceed the dollar amount established by Public Contract Code (PCC) Section 20111(a) for non-public works requests. In the formal bid process, the lowest responsible bidder who best meets specifications shall be selected. The bidder's current compliance with federal, state, and local laws governing nondiscrimination in employment and other pertinent requirements will be considered in awarding the contract. When the vendor or contractor has been selected, Purchasing Services will prepare a bid summary and Purchase Order. All materials will be
forwarded to the Director of General Services and the Manager of Purchasing Services for final approval.

5.3 Request for Proposal (RFP) or Request for Qualifications

For professional services exceeding $50,000, a competitive RFP process may be initiated but not required. If services are $87,800 or more than the Bid or RFP process is required. In these cases, Purchasing Services will assist departments in the preparation and advertising of the RFP and in the receipt and evaluation of proposals. Alternatively, a non-competitive Request for Qualifications may be used. Purchasing Services will assist departments in preparation and advertising, as appropriate in the receipt of RFQs.

5.3.1 Alternative Selection Processes for Selecting Professional Services Contractors

For professional services exceeding $50,000, a competitive RFP process may be initiated but not required. Professional Services can involve contracting with independent contractors or specialized services contractors. Independent contractors are defined as individuals who are not SCCOE employees and who work independently, normally contracting to receive a set fee for completing a specific work product. Independent Contractor classification must comport with U. S. Internal Revenue Service (IRS) regulations. Specialized services contractors are defined in Government Code §53060 as professionals in certain identified fields, such as architects, attorneys, engineers, and other specially trained consultants.

Departments may utilize one of the two following alternative processes to select independent and specialized services contractors in cases where the formal bid process described above is not required by law or where the informal bid process may be inappropriate because factors other than just cost will determine selection.

5.3.2 Best Source Provider

For services between $5,000 and $50,000, a memorandum must be initiated to justify the selection of services from a contractor whom the department considers to be a "best source". Data to demonstrate that the provider is the best source may include, but shall not be limited to, details from the contractor about his or her services; the quality, cost, timeliness, and availability of such services; the contractor's experience in providing such services; and the proximity of the contractor to the Office. The memorandum may also include comparisons with other contractors and shall be approved by the respective Branch Chief. Departments who do not know of appropriate sources other than the proposed provider may contact Purchasing Services for assistance. The department may also elect to use the RFP process for services under $50,000.

Best source provider requests must be approved by the originating Branch Chief. Upon approval by the Branch Chief, the Best Source provider request will be forwarded to the Purchasing Manager for filing with the purchase order.
5.4 Exceptions to the RFP and Best Source Selection Processes

Any exceptions to the processes described above must be approved in advance by the initiating branch’s Chief and the Chief Business Officer (or the concurrence of the Superintendent if the Chief Business Officer, is the initiator).

Exceptions to the approval process delineated above:

5.4.1 An emergency condition exists. See the “Purchasing Guidelines” publication.

5.4.2 Goods or services can be obtained only from a single, "sole" source, as documented by the initiator in a memorandum. A vendor or contractor may be called “sole” source when it is determined that provider is the only one capable of supplying the required goods or services; thus, a sole source is different from a best source.

5.4.3 Services provided by certified occupational, physical, or speech therapists, including medical services necessary for SCCOE staff or students.

5.4.4 Services provided by non-public schools when SCCOE schools cannot provide the needed services.

5.4.5 Legal Services approved by the Superintendent or Superintendent’s Designee

5.4.6 Building and Property Leases

When the vendor or contractor has been selected in accordance with the informal bid, formal bid or RFP process, Purchasing Services will document and provide the requesting program with a summary copy of the results.

6.0 PROCESS FOR APPROVING PURCHASING DOCUMENTS

6.1 Approval Authority

The following chart demonstrates the approval authority per designee and their specified limits. Annually Cabinet members shall submit an “Authority Approve Purchases” memo to Purchasing Services authorizing managers under their branch. A Business Services review shall occur upon initiation of the requisite purchase orders and reimbursements to ensure adequate funds are available to process payments.
### Approval Authority

<table>
<thead>
<tr>
<th></th>
<th>Authorized Managers</th>
<th>Deputy Superintendent/ Associate Superintendent/ Chiefs</th>
<th>Superintendent **</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requisitions &amp; Purchase Orders (*Non Contractual Agreements)</td>
<td>$0.01 to $9,999</td>
<td>Up to $99,999</td>
<td>$100,000 and over</td>
</tr>
<tr>
<td>Contracts</td>
<td>$0.01 to $2,999</td>
<td>Up to $99,999</td>
<td>$100,000 and over</td>
</tr>
<tr>
<td>Legal Services</td>
<td>N/A</td>
<td>Up to $9,999</td>
<td>$10,000 and over</td>
</tr>
<tr>
<td>Purchase Card</td>
<td>The approval authority for Purchase Cards for all managers is limited to $2,500 a month with up to $500 for any one vendor. Approval authority can be modified for specific circumstances using the purchasing card request – change or cancellation form.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Non Contractual Agreements – Monthly Utility Bills, Office Depot, Memberships, etc.
** Deputy Superintendent has full signature authority in the absence of the Superintendent. Superintendent is the approver of all amounts for items originating from the Superintendent’s office. Legal Services include Legal Services Agreements and settlements.

### 6.2 Agenda Development for Contracts

All contractual agreements estimated to fall within the range of $100,000 to $250,000 shall be placed on the agenda of regular County Board meetings as Information items and shall be reported on a monthly basis to the Board. Reports shall contain a list of contracts with the amount, and state whether the contract is new, a renewal, or an amendment. All contractual agreements estimated to exceed $250,000 shall be placed on the agenda of regular County Board meetings as individual Information items separately identified with a transmittal to the Board. Risk Management will be responsible for generating the County Board report/list of contracts.

### 7.0 REFERENCES

BP3312 - CONTRACTUAL AGREEMENTS AR 3310(f)

PURCHASING GUIDELINES PUBLICATION

Title 5 CCR Section 17291 (3 Estimates at $2,500 for Capital Equipment)

Civil Code Section 3247-3252 (Payment Bonds)
Santa Clara County Office of Education
Board Policy
Business and Non-instruction Operations

BP 3312 (a)
Contracts

All contracts between the Santa Clara County Office of Education (SCCOE) and outside agencies shall conform to standards required by law and will be prepared under the direction of the Santa Clara County Superintendent of Schools (County Superintendent) or designee.

All contractual agreements estimated to fall within the range of $100,000 to $250,000 shall be placed on the agenda of regular County Board meetings as Information items and shall be reported on a monthly basis to the Board. Reports shall contain a list of contracts with the amount, and state whether the contract is new, a renewal, or an amendment. All contractual agreements estimated to exceed $250,000 shall be placed on the agenda of regular County Board meetings as individual Information items separately identified with a transmittal to the Board.

Contracts shall contain a nondiscrimination clause prohibiting discrimination by contractors or subcontractors.

The County Board has the authority to approve contracts for real estate purchases and leases for the purposes of housing the offices and the services of the County Superintendent. Additionally, the County Board may contract with persons to furnish the Board with special services in those financial, economic, accounting, engineering, legal, or administrative matters in which it has authority. All contracts for real estate purchases, leases, and special services shall require County Board approval and shall be placed on the Board agenda as Action items. All contracts related to construction shall conform to all applicable codes and regulations and the Board shall be provided timely notification per this policy.

Should any Board approved contract exceed the original Board approved dollar amount by more than 10% during the term of the contract, then the contract shall be resubmitted to the Board for their approval for the changes.

Consultant contracts of $25,000 or more and that require a revision to the currently adopted budget shall be incorporated into the next scheduled interim financial report. Any contract meeting the aforementioned conditions shall be submitted with the budget revision to the County Board for approval at a regularly scheduled meeting.
Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
1042(d) Authority of county board of education to contract
1281(b) Consultant contracts
1275 Purchases of school supplies delegation of authority
1276 Data processing systems, lowest bidder
14505 Provisions required in contracts for audits
17595-17606 Contracts
35182.5 Contract prohibitions
45103.5 Contracts for management consulting service related to food service
49431-49431.5 Nutritional standards
CODE OF CIVIL PROCEDURE
685.010 Rate of interest
GOVERNMENT CODE
12990 Nondiscrimination and compliance employment programs
53260 Contract provision re maximum cash settlement
53262 Ratification of contracts with administrative officers
LABOR CODE
1775 Penalties for violations
1810-1813 Working hours
PUBLIC CONTRACT CODE
4100-4114 Subletting and subcontracting fair practices
7104 Contracts for excavations; discovery of hazardous waste
7106 Noncollusion affidavit
20111 Contracts over $50,000; contracts for construction; award to lowest responsible bidder
20104.50 Construction Progress Payments
22300 Performance retentions
UNITED STATES CODE, TITLE 20
1681-1688 Title IX, discrimination
PAYMENT FOR GOODS AND SERVICES

The Santa Clara County Board of Education recognizes the importance of developing a system of internal control procedures in order to help fulfill its obligation to monitor and safeguard Santa Clara County Office of Education resources. To facilitate warrant processing, the Santa Clara County Superintendent of Schools or designee shall ensure that purchasing, receiving, and payment functions are kept separate. He/she shall also ensure that invoices are paid expeditiously so that the SCCOE may, to the extent possible, take advantage of available discounts and avoid finance charges.

(cf. 3300 - Expenditures and Purchases)
(cf. 3312 - Contracts)
(cf. 3314.2 - Revolving Funds)
(cf. 3400 - Management of SCCOE Assets/Accounts)
(cf. 9320 - Meetings and Notices)

The warrants shall bear the signature of the County Superintendent and shall have appropriate documentary support verifying that all goods and services to be paid for have been delivered or rendered in accordance with the purchase agreement.

The SCCOE shall not be responsible for unauthorized purchases.

Legal Reference: (see next page)
PAYMENT FOR GOODS AND SERVICES (continued)

Legal Reference:

EDUCATION CODE
1240 et seq. Duties, responsibilities and general powers of county superintendents of schools
1275 Delegation of purchasing authority to county purchasing agent
1500 Expenses payable out of county school service fund
1510 Expenses payable out of county general fund
1600 et seq. County school service fund, especially
1602 Use of county school service fund by county superintendent of schools
17605 Delegation of authority for purchases
42630-42651 Orders, requisitions and warrants
42800-42806 Revolving cash fund
42810 Alternative revolving fund
42820 Prepayment funds

CODE OF CIVIL PROCEDURE
685.010 Rate of interest

GOVERNMENT CODE
16.5 Digital signatures
5500-5506 Uniform Facsimile Signatures of Public Officials Act
8111.2 Definition of public entity

PUBLIC CONTRACT CODE
7107 Retention proceeds; withholding; disbursement
9203 Payment for projects costing over $5000
20104.50 Timely progress payments

CODE OF REGULATIONS, TITLE 2
22000-22005 Digital signatures
REVOLVING FUNDS

SCCOE Revolving Fund

The Santa Clara County Board of Education has established by resolution a revolving cash fund for use by the Santa Clara County Superintendent of Schools or designee in paying for goods, services and other charges determined by the County Board, including supplemental payments required to correct any payroll errors. (Education Code 42800-42806, 45167)

Legal Reference:

EDUCATION CODE
1602 Use of county school service fund by county superintendent of schools
35160 Authority of governing boards
41020 Audits of all district funds
42238 Local taxation by school districts
42800-42806 Revolving cash fund
42810 Revolving cash funds; use; administrators
45167 Error in salary
1.0 AUTHORIZATION TO TRAVEL ON SCCOE BUSINESS

The Santa Clara County Office of Education (SCCOE) may require or allow SCCOE employees to travel for work for the purpose of attending conferences, meetings, workshops, and other temporary assignments away from their primary job location.

For the purpose of this regulation, a "conference" is a generic term and shall be defined as a formal meeting, workshop, in-service, or convention presented or conducted by a public or private national, state, or regional agency, group, individual expert, or professional organization.

This administrative regulation is designed to address the office's support system for travel, outline the employee's responsibilities for travel expenses and reimbursements, and assist with the maintenance of accurate records on all SCCOE employees' travel.

1.1 Authorization and Responsibility

Staff travel must be authorized. Staff should verify that planned travel is eligible for reimbursement before making travel arrangements. It is the responsibility of the authorized traveler to use sound, prudent, and professional judgment when requesting travel approval. It is also the responsibility of the recommending and approving authority to determine the need, benefit, and appropriate use of employee time and office funds. Designated approval authorities are responsible for the review and approval of expenditures and may deny approval if there is reason to believe that the expenditures are inappropriate or extravagant.

Allowable expense reimbursements will consist of actual and necessary expenses incurred by any employee required to attend any activity covered by the definition of conference. The SCCOE may prepay some expenses such as airline reservations and conference registration.

This regulation applies to all individuals for whom the SCCOE provides funds for reimbursement for travel.
1.2 Local Travel

Local travel is defined as travel within Santa Clara County or neighboring counties within the San Francisco Bay Area (Alameda, Contra Costa, Marin, Monterey, Napa, San Francisco, San Benito, San Mateo, Santa Clara, Santa Cruz), Sacramento, or within a 150 mile radius, that is one day only, and does not involve an overnight stay.

SCCOE employees are authorized to travel locally, as defined above, when said travel is required by the department and is considered a part of the routine or day-to-day official duties of the employee as defined and authorized by the employees immediate supervisor.

No Travel Request form is required for local travel if mileage, parking, and tolls are the only expenses.

For local travel in which there are anticipated expenses in addition to mileage, parking, and tolls, an approved Employee Travel Request form (AR 3350-1) is required. Acceptable additional expenses include conference registration fees and meals associated with a training, meeting, or conference that are not included in the registration fee. If meals are included as part of the conference fee or training, an agenda should be included with the Employee Travel Request form (AR 3350-1). Lunches may not be claimed if the normal scope of the job assignment requires multi-county travel. Reimbursement for travel outside of the normal scope of the job would be travel that includes attending conferences, meetings, workshops, and other temporary assignments away from the primary job location or job duties. Travel approval and expenses in this category shall be approved by the employee’s immediate supervisor.

1.3 Out-of-Area Travel (within California)

Out-of-area travel within California is defined as any travel that does not occur within the locally defined areas as defined in section 1.2.

When an employee travels out-of-area, but within California, an Employee Travel Request form (AR 3350-1) is required. Employees who travel on business that is not local shall request approval at least two weeks in advance of their trip, except in instances when the two weeks requirement is not feasible.

When an employee travels out-of-area, but within California, he/she must secure approval from his or her immediate supervisor, Department Head, and Branch Chief.

1.4 Out-of-State Travel

When an employee travels outside of California an Employee Travel Request form (AR 3350-1) is required prior to travel. Employees who travel outside of the State shall request approval at least 30 days in advance of their trip, except in instances when the 30-day requirement is not feasible.
When an employee travels out of California, but within the US, he/she must secure approval from his/her immediate supervisor, Department Head, Branch Chief, and Superintendent.

1.5 Out-of-Country Travel

When an employee travels outside of the country, an Employee Travel Request form (AR 3350-1) is required prior to travel.

Employees who travel outside of the U.S. shall request approval at least 30 days in advance of their trip, except in instances when the 30-day requirement is not feasible.

When an employee travels out of the country he/she must secure approval from his/her immediate supervisor, Department Head, Branch Chief, and the Superintendent.

2.0 TRAVEL EXPENSES

2.1 Lodging

An employee on approved travel requiring overnight lodging shall be reimbursed the actual and necessary lodging expenses, not to exceed the rate of single occupancy lodging, supported by itemized receipts.

Employees traveling on business shall request the Government reduced rate, if available, and may be able to obtain a waiver from paying the hotel/motel transient occupancy taxes, subject to certain conditions (e.g., only if payment will be made by a purchase order or office-issued purchase credit card (PCard). Waiver forms and requirements vary from city to city. Employees should always inquire about obtaining a waiver when making reservations.

2.2 Meal and Gratuity Allowances

Staff traveling on behalf of the SCCOE are reimbursed for the reasonable and actual cost of meals (including tips) subject to a maximum daily meal allowance determined by the General Services Administration (GSA) allowable rate. The GSA allowable rate is location-specific and the information can be found at the GSA website for allowable rates (www.gsa.gov/perdiem). The SCCOE has chosen to adopt the GSA meal rates for meal reimbursement only; SCCOE employees are not governed by the GSA travel regulations. The GSA incidental rate should not be included with an employee’s reimbursement.

Employees are allowed to spend the allowable daily rate on meals in any way as long as it is within the rate for the travel area unless meals have been provided as part of the conference or meeting.
Reimbursement for actual expenses incurred during travel that exceed the daily meal rates are not allowed.

If travel includes meals that are already paid for by the SCCOE (such as a registration fee for a conference that includes meals), the employee will need to deduct those meals from the daily meal total and submit a conference schedule or meeting agenda. Even if the employee does not take the conference meal, he/she must deduct the meal amount from the total.

If meals are part of lodging fees (such as room service), the itemized hotel bill/receipt shall be included with the Employee Expense Reimbursement form (AR 3350-2).

No allowance shall be made for the purchase of alcoholic beverages. The purchase of alcoholic beverages is prohibited by Education Code section 32435.

Reimbursement will be made upon submission of the approved Employee Travel Request form (AR 3350-1) and the Employee Expense Reimbursement form (AR 3350-2) with itemized receipts (itemized receipts are receipts that may include the name of the merchant, address or phone number, list or description of each item purchased, and the price for each item purchased).

No meal and gratuity expense reimbursement will be allowed within Santa Clara County unless meals are scheduled as an official part of conventions, conferences, workshops, or meetings. When such meals are scheduled, an employee must submit the Employee Travel Request form (AR 3350-1) and the Employee Expense Reimbursement form (AR 3350-2) plus supporting documentation in the form of itemized receipts and conference registration forms and agendas.

2.3 Incidental Expenses

Employees on approved travel outside of the county may claim incidental expenses up to a maximum of $6.00 per day for housekeeping and portage.

2.4 Webinars

If a fee is incurred, such as a registration fee, a travel approval form is required for webinars including those that take place at the SCCOE.

3.0 WIFI/INTERNET

When away from the office and the use of internet is required for business purposes, an employee may purchase internet use, if the SCCOE cannot provide the resources to access the internet in advance.
4.0 TRANSPORTATION

An employee is expected to travel in the most direct and economical manner.

4.1 Personal Vehicles

Employees and others listed in Section 4.2 below may use their personal automobiles on official business as long as the use of said vehicle is properly insured with at least the minimum required insurance coverage. Under no circumstances will the use of private aircraft or motorcycles be authorized or approved.

4.2 Mileage Reimbursement

The provisions below apply to all employees and others entitled to expense reimbursement by a county office of education that are identified in Education Code, except those covered by bargaining contracts which provide different provisions.

a. An employee can be reimbursed for the use of his or her personal automobile when used for official business. Mileage reimbursement shall be at the current IRS mileage rate.

b. All claims for mileage reimbursement shall be submitted on the online Mileage Reimbursement Request on the employee intranet or on the Mileage Expense Reimbursement Form (AR 3350-3). A separate reimbursement claim shall be prepared and filed for each calendar month by the 30th of the subsequent month after the travel has occurred or, for the month of June, on or before June 30 for fiscal year end. Employees authorized to receive a mileage stipend for routine travel within Santa Clara County only need to file a mileage reimbursement claim for travel outside of Santa Clara County.

c. An employee will be reimbursed for mileage only between points of official business.

d. An employee using his/her automobiles on an extended trip outside the county will be reimbursed in an amount that does not exceed the amount which would have been spent if the employee had used coach or economy air transportation or other commercial transportation.

e. Reimbursable mileage when travel originates or ends at an employee's residence is determined by the following formula:

   Total Mileage - Round Trip Home-to-Work Mileage (Regular Commute) = Reimbursable Mileage

Per IRS Pub 463, mileage between an employee's home and primary work location is considered commuting expense and not subject to reimbursement. However, in unique situations, special program needs may require that an employee is assigned at different work locations and must commute to one or more separate sites. An employee will only
be reimbursed for the accumulated official business mileage between locations. The computation of mileage subject to reimbursement is the total miles traveled during the day minus the daily round-trip miles from Home to the primary assigned work location.

f. Actual and necessary parking expenses shall be reimbursed. Receipts are required for this reimbursement unless the total cost is less than $10. For metered parking, employees are to provide the time, date, location and/or any other information regarding the amount of the expense for reimbursement.

4.3 Car-pooling

The office strongly encourages employees to share transportation whenever it is practicable for employees to travel together on official business. Mileage reimbursements will be made to the employee who uses his/her own vehicle.

4.4 Rental Cars

a. An employee shall use a rental car only in cases when other forms of commercial transportation (e.g., shuttle, taxi, etc.) are unavailable, too costly, or impractical. Prior approval for the use of rental cars should be obtained and documented on the Employee Travel Request form (AR 3350-1).

b. Employees shall sign up for the standard insurance package when entering into the rental agreement unless coverage is automatic through the credit card being used. No such coverage is provided through the use of a PCard. Employees should verify whether or not such coverage is automatic, if they are using a personal credit card.

c. The itemized rental agreement is to be included with the Travel Request form (AR 3350-1) and the Employee Expense Reimbursement form (AR 3350-3) when it is submitted in accordance with the provisions of section 6.0 below.

It is required to refuel the vehicle prior to the return of the vehicle; unless it is less expensive to have the rental agency fuel the vehicle.

4.5 Air Travel

Employees who need to travel by air that is expensed and reimbursed by the SCCOE, shall adhere to the following guidelines:

a. Fly economy class

b. Check multiple sources (e.g., internet sites) to find the lowest airfare

c. Plan to purchase with a minimum of 14-days advance of flying for a low fare ticket
d. Find the lowest available fare within a two-hour window from the desired departure/arrival time

e. Find the lowest available fare with direct connections to destination, if possible. Deviations from the above guideline will require a written explanation and the approval of the Chief Business Officer.

5.0 CASH ADVANCES

Cash advances are an exception to the regular practice of the office. The Branch Chief shall submit the cash advance request for her/his staff to the Chief Business Officer for approval.

If an employee finds that projected meals, travel, and incidental costs to be an extreme hardship to make payment out-of-pocket (cash or credit card) and obtain later reimbursement from the office, cash advances can be made available. These advances are to cover the following travel related costs, if advanced purchase by the office cannot be arranged:

Expenses for hotel rooms or conference/seminar registration, when employees are requested by their supervisors to be in attendance.

Expenses for hotel rooms and conference/seminar registration, when the hotels or conference/seminar organizers require cash or credit card payment and will not accept the office's purchase orders, warrants or PCard from an authorized office employee who is not the traveler, even if there is sufficient time to issue warrants for the employees to take with them for personal delivery.

No advance under $100.00 shall be made. An employee may request a cash advance by submitting the Employee Travel Request form (AR 3350-1). He/she must also have a copy of the Cash Advance Payroll Deduction form (AR 3350-4) on file with Accounting Services and Payroll Services.

Cash advances will not be approved or processed for airline tickets.

Should a cash advance be issued and travel plans subsequently canceled, an employee receiving such an advance must return the full amount of the cash advance to Accounting Services no later than three (3) days after cancellation. When travel has been completed, necessary documentation must be submitted by employees as outlined in Section 6.0. Any difference between the amount of the cash advance and the actual necessary expenditures and for which the expenses are less than the advance must be returned to the office after travel is completed.
6.0 TRAVEL COST REIMBURSEMENT AND DOCUMENTATION

Claims for reimbursements for authorized expenses are subject to the following provisions.

6.1 Documentation

All claims for out-of-pocket expenses incurred while traveling (lodging, meals, and transportation subject to the limitations established in AR 3350) shall be itemized on the Travel Request form (AR 3350-1) and the Employee Expense Reimbursement form (AR 3350-3), and accompanied with itemized receipts except that no receipt or voucher is necessary for fares, tolls, or fees under $10.00 (e.g., for taxi, limousine, bus, street car, bridge, or parking, etc.) or for incidental expenses. Receipts for transportation and lodging are required.

Reimbursement claims shall be prepared on the Employee Expense Reimbursement form (AR 3350-2) and the Mileage Reimbursement form (AR 3350-4), and shall only be approved per the noted requirements as indicated on the instructions for Employee Expense Reimbursement form (AR 3350-2) and on the instructions for the Mileage Reimbursement form (AR 3350-3).

If a P-card is used for purchases while travelling on SCCOE business, purchases must be aligned with the appropriate P-card use guidelines and the P-card statement for the time period of travel must accompany the reimbursement request with expenditures related to the travel highlighted. Meals purchased with the P-card are subject to the per diem limits. The per diem limits must be calculated using the combination of what is charged to a P-card along with any items submitted for reimbursement. If employees are found to duplicate requests for reimbursement that were provided as P-card purchases they will be subject to disciplinary action and/or loss of P-card privileges.

6.2 Timelines

All claims for reimbursement must be submitted on a monthly basis but in no case later than the end of the month following the month in which the expenditure was incurred. Exceptions shall be made when a claim is $10 or less.

7.0 RESTRICTED PROGRAMS

For any Federal and State grants which may have particular and/or more restrictive dollar requirements on travel expense than our policy, SCCOE will follow the more restrictive requirements of the funding source.
8.0 PAY STATUS WHILE TRAVELING ON BUSINESS

Employees are considered in active pay status while traveling on an approved travel request. While in approved travel status for the office, employees may request and be approved for vacation time. Specific time frames for vacation days must be identified in advance of beginning travel and approved by the immediate supervisor.

While on vacation status during authorized travel, all expenses incurred by the employee during the vacation time are the responsibility of the employee and will not be reimbursed by the SCCOE. Detailed time and expense documentation is required for all office-covered reimbursable time, excluding any transit time in route to or from the destination. SCCOE is not responsible for any claims of workers' compensation or liability while employee is on vacation status during business travel.

By____________________________
Jon R. Gundry
County Superintendent of Schools

Regulation approved:  July 1, 2013
revised, January 1, 2016, May 31, 2016, June 29, 2016
MANAGEMENT OF SCCOE ASSETS/ACCOUNTS

The Santa Clara County Board of Education recognizes its fiduciary responsibility to effectively manage and safeguard the Santa Clara County Office of Education assets and resources in order to help achieve the SCCOE goals for student learning. The Santa Clara County Superintendent of Schools or designee shall establish and maintain a robust financial management system that enhances the SCCOE’s ability to meet its fiscal obligations, produces reliable financial reports, and complies with laws, regulations, policies, and procedures. He/she shall ensure that the SCCOE accounting system supports the organizational structure, work, and authority flow, people, and IT system to help the SCCOE achieve specific goals and objectives including safeguarding assets.

(cf. 3000 - Concepts and Roles)
(cf. 3100 - Budget)
(cf. 3300 - Expenditures and Purchases)
(cf. 3312 - Contracts)
(cf. 3314 - Payment for Goods and Services)
(cf. 3460 - Financial Reports and Accountability)

Capital Assets

The County Superintendent or designee shall develop a system to accurately identify and value SCCOE assets in order to help ensure financial accountability and to minimize the risk of loss or misuse. SCCOE assets with a useful life of more than one year and an initial acquisition cost of $5,000 or more shall be considered capital assets. The County Superintendent or designee shall determine the estimated useful life of each capital asset and shall calculate and report the estimated loss of value or depreciation during each accounting period for all capital assets.

(cf. 3440 - Inventories)

Internal Controls/Fraud Prevention

The County Board expects employees, consultants, vendors, contractors, and other parties maintaining a business relationship with the SCCOE to act with integrity and due diligence in dealings involving the SCCOE assets and fiscal resources.

The County Superintendent or designee shall develop internal controls which aid in the prevention and detection of fraud, efficient and effective compliance, financial impropriety, or irregularity within the SCCOE. These internal controls may include, but are not limited to, segregating employee duties relating to authorization, custody of assets, and recording or reporting of transactions, including requiring continuous in-service training for business office staff on the importance of compliance to programs.
MANAGEMENT OF SCCOE ASSETS/ACCOUNTS (continued)

All employees shall be alert for any indication of fraud, financial impropriety, or irregularity within their area of responsibility. Any employee who suspects fraud, impropriety, or irregularity shall immediately report those suspicions to his/her immediate supervisor and/or the County Superintendent or designee. In addition, the County Superintendent or designee shall establish a method for employees and outside persons to anonymously report any suspected instances of fraud, impropriety, or irregularity.

The County Superintendent or designee shall have primary responsibility for any necessary investigations of suspected fraud, impropriety, or irregularity, in coordination with legal counsel, the SCCOE auditors, law enforcement agencies, or other governmental entities, as appropriate.

The County Superintendent or designee shall provide regular reports to the County Board on the status of the SCCOE internal control procedures and recommend any necessary revisions to related County Board policies or administrative regulations.

*Legal Reference: (see next page)*
MANAGEMENT OF SCCOE ASSETS/ACCOUNTS (continued)

Legal Reference:

EDUCATION CODE
1241.5 Audit by county superintendent
14500-14508 Financial and compliance audits
35035 Powers and duties of superintendent
35250 Duty to keep certain records and reports
41010-41023 Accounting regulations, budget controls and audits
42600-42604 Control of expenditures
42647 Drawing of warrants by district on county treasurer; form; reports, statements and other data

GOVERNMENT CODE
53995-53997 Obligation of contract
STUDENT ACTIVITY FUNDS

The Santa Clara County Board of Education recognizes that student organizations can provide students with an opportunity to conduct worthwhile cocurricular activities beyond those provided by the Santa Clara County Office of Education and can also help students learn about effective financial practices. To that end, student organizations may raise and spend funds to support activities that promote the general welfare, morale, and educational experiences of the student body.

(cf. 3260 - Fees and Charges)
(cf. 5000 - Concepts and Roles)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6145.5 - Student Organizations and Equal Access)

The Santa Clara County Superintendent of Schools or designee has authority to approve proposed associated student body organizations (ASBs) at SCCOE schools.

Fund-Raising Events

At the beginning of each school year, each principal or designee shall submit to the Santa Clara County Superintendent of Schools or designee a list of the fund-raising events that each student organization proposes to hold that year. The County Superintendent or designee shall review the proposed events and determine whether the events contribute to the educational experience and are not in conflict with or detract from the school's educational program. When reviewing proposed events, the County Superintendent or designee shall consider the effects of the activities on student health and safety, evaluate the risk of liability to the SCCOE, and ensure that the proposed activities are in compliance with law, Board policy, and administrative regulation.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 3530 - Risk Management/Insurance)
(cf. 3554 - Other Food Sales)
(cf. 5030 - Student Wellness)
(cf. 5142 - Safety)
(cf. 5143 - Insurance)

Management of Funds

Student body funds shall be managed in accordance with law and sound business procedures designed to encourage the largest possible educational return to students without sacrificing the security of funds.

The County Superintendent or designee shall develop internal control procedures to safeguard the organization's assets, promote the success of fund-raising ventures, provide reliable financial information, and reduce the risk of fraud and abuse. These procedures shall detail the oversight of activities and funds including, but not limited to, the appropriate role and provision of training for staff and students, parameters for events on campus, appropriate and prohibited uses of funds, and accounting and record-keeping processes, including procedures for handling questionable expenditures.
STUDENT ACTIVITY FUNDS  (continued)

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

The principal or designee shall be responsible for the proper conduct of all student organization financial activities. The budget adopted by the student body organization should serve as the financial plan for the school year and shall be submitted to the County Superintendent or designee at the beginning of each school year. The County Superintendent or designee shall periodically review the organization's use of funds to ensure compliance with internal control procedures.

Funds derived from the student body shall be disbursed according to procedures established by the student organization. All disbursements must be approved by the County Superintendent or designee, the certificated employee who is the student organization advisor, and a student organization representative. (Education Code 48933)

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

(cf. 3460 - Financial Reports and Accountability)

Legal Reference:

EDUCATION CODE
35182.5  Non-nutritious foods and beverages, vending machines
35564  Funds, obligation of the student body
41020  Requirement for annual audit
48930-48938  Student body organization
49431  Sale of food and beverages, elementary school
49431.5  Sale of food and beverages, middle and high schools
51520  School premise, prohibited solicitations
51521  Fund-raising projects

CODE OF REGULATIONS, TITLE 5
15500  Food sales, elementary schools
15501  Food sales, middle and junior high schools

COURT DECISIONS

Policy adopted: October 20, 2010
Revised: May 16, 2012
The Santa Clara County Board of Education is committed to ensuring the fiscal health of the Santa Clara County Office of Education and providing public accountability. The County Board shall adopt sound fiscal policies, oversee the SCCOE financial condition, and continually evaluate whether the SCCOE budget and financial operations support the SCCOE goals for student achievement.

(cf. 3100 - Budget)
(cf. 3110 - Transfer of Funds)
(cf. 3300 - Expenditures and Purchases)
(cf. 9000 - Role of the Board)

The Santa Clara County Superintendent of Schools or designee shall provide the County Board with financial reports throughout the year in accordance with law and as otherwise requested by the County Board.

The County Superintendent or designee shall ensure that all financial reports are prepared in accordance with law and in conformity with generally accepted accounting principles and financial reporting standards stipulated by the Governmental Accounting Standards Board and the California Department of Education. He/she shall establish a system of ongoing internal controls to ensure the reliability of financial reporting.

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

Based on financial reports provided by the County Superintendent or designee and in accordance with law and administrative regulation, the County Board shall:

1. Approve and file an annual statement of the SCCOE receipts and expenditures for the preceding fiscal year (Education Code 42100)

2. Adopt a resolution identifying the SCCOE estimated appropriations limit for the current fiscal year and the actual appropriations limit for the preceding fiscal year (Education Code 42132; Government Code 7910)

3. Receive interim fiscal reports and certify whether the SCCOE will be able to meet its fiscal obligations for the remainder of the fiscal year and two subsequent fiscal years (Education Code 42130, 42131)

4. Provide for an annual audit, select an independent auditor, and review the audit report (Education Code 41020, 41020.3)

The independent auditor shall present the audit report to the County Board at a public meeting and the County Board shall have an opportunity to ask questions of the auditor and request further information about the audit findings.
FINANCIAL REPORTS AND ACCOUNTABILITY  (continued)

The County Board shall regularly communicate the SCCOE financial position to the public and shall use financial reports to determine what actions and budget amendments, if any, are needed to ensure the SCCOE financial stability.

If SCCOE conditions predict fiscal distress or indicate that the SCCOE might not be able to meet its fiscal obligations, the County Board and County Superintendent or designee shall act quickly to identify and resolve these conditions. The County Board shall work cooperatively with the Superintendent of Public Instruction to improve the SCCOE fiscal health and may contract with an external individual or organization to advise the SCCOE on fiscal matters.

Legal Reference:
EDUCATION CODE
1240-1241.5 General duties; reports
1600-1630 County School Services Fund, budget approval
14500-14508 Financial and compliance audits
17150 Public disclosure of non-voter-approved debt
17170-17199.5 California School Finance Authority
33127 Standards and criteria for local budgets and expenditures
33128 Standards and criteria; inclusions
33129 Standards and criteria; use by local agencies
35035 Powers and duties of superintendent
41010-41023 Accounting system
41326 Emergency apportionment
41344 Repayment of apportionment significant audit exceptions
41344.1 Appeals of audit findings
41455 Examination of financial problems of local districts
42100-42105 Requirement to prepare and file annual statement
42120-42129 Budget requirements
42130-42134 Financial reports and certifications
42140-42142 Public disclosure of fiscal obligations
42637 County Superintendent review of district's financial and budgetary conditions
42652 Revocation or suspension of warrant authority
48300-48316 Student attendance alternatives
GOVERNMENT CODE
3540.2 School district; qualified or negative certification; proposed agreement review and comment
7900-7914 Appropriations limit
16429.1 Local agency investment fund
53646 Reports of investment policy and compliance
CODE OF REGULATIONS, TITLE 5
15060 Standardized account code structure
15070 Submission of reports using standardized account code structure
15440-15451 Criteria and standards for school district budgets
15453-15464 Criteria and standards for school district interim reports
15480-15490 Criteria and standards for county office reports
19810-19816.1 Audits
GREEN SCHOOL OPERATIONS

The Santa Clara County Board of Education believes that all citizens have a responsibility to be stewards of the environment and desires to integrate environmental accountability into all Santa Clara County Office of Education operations. The Santa Clara County Superintendent of Schools or designee shall promote green school practices that conserve natural resources, reduce the impact of SCCOE operations on the environment, and protect the health of students, staff, and community.

The County Superintendent or designee may involve SCCOE and site administrators and operations and maintenance staff; representatives of local governmental agencies, utilities, solid waste and recycling companies, and community organizations; health professionals; and/or others as appropriate in the assessment of current SCCOE operations and the development of strategies to improve the environmental impact of SCCOE operations.

In selecting and prioritizing strategies, the County Superintendent or designee shall give consideration to the initial cost, long-term potential cost savings, quality and performance of the product or service, health impacts, and environmental considerations.

Such strategies may include, but not be limited to:

1. Reducing energy and water consumption and exploring renewable and clean energy technologies

2. Establishing recycling programs in SCCOE facilities

3. Reducing the consumption of disposable materials, by reusing materials and by using electronic rather than paper communications when feasible

4. Purchasing and using environmentally preferable products and services whenever practical, including, but not limited to, products that:
   a. Minimize environmental impacts, toxins, pollutants, odors, and hazards
   b. Contain postconsumer recycled content
GREEN SCHOOL OPERATIONS (continued)

c. Are durable and long-lasting
d. Conserve energy and water
e. Produce a low amount of waste

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)
(cf. 5141.23 - Asthma Management)
(cf. 6161.3 - Toxic Art Supplies)

5. Using least toxic, independently certified green cleaning products when feasible, as well as high-efficiency cleaning equipment that reduces the need to use chemicals

6. Providing professional development to maintenance staff in the proper use, storage, and disposal of cleaning supplies

(cf. 4231 - Staff Development)

7. Focusing on green building standards, sustainability, and student health in facilities construction and modernization projects, including decisions about site selection, building design, and landscaping and grounds

(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)
(cf. 7150 - Site Selection and Development)

8. Reducing vehicle traffic by encouraging students to walk or bicycle to school or use public transportation

(cf. 3541 - Transportation Routes and Services)
(cf. 5142.2 - Safe Routes to School Program)

9. Providing fresh, unprocessed food in the food services program

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

10. Providing instruction to students on the importance of the environment and involving students in the implementation and evaluation of green school activities and projects as appropriate

(cf. 6142.5 - Environmental Education)

Legal Reference: (see next page)
LEGAL REFERENCE:

EDUCATION CODE
8700-8707 Environmental education
17070.96 Leroy F. Greene School Facilities Act of 1996, consideration of high performance standards
17072.35 New construction grants; use for designs and materials for high performance schools
32370-32376 Recycling paper
33541 Environmental education
101012 Kindergarten-University Public Education Facilities Bond Act of 2006, allocations

PUBLIC CONTRACT CODE
12400-12404 Environmentally preferable purchasing

PUBLIC RESOURCES CODE
25410-25421 Energy conservation assistance
40050-40063 Integrated waste management act
42630-42647 Schoolsite source reduction and recycling

CODE OF REGULATIONS, TITLE 2
1859.70.4 Funding for high performance incentive grants
1859.71.6 Additional grant for high performance incentive, new construction
1859.77.4 Additional grants for high performance incentive, site and modernization

CODE OF REGULATIONS, TITLE 5
14010 Standards for school site selection

MANAGEMENT RESOURCES:

CSBA PUBLICATIONS
Green Schools: An Overview of Key Policy Issues, Policy Brief, August 2009

CALIFORNIA DEPARTMENT OF GENERAL SERVICES PUBLICATIONS

COLLABORATIVE FOR HIGH PERFORMING SCHOOLS PUBLICATIONS

GLOBAL GREEN USA PUBLICATIONS
Healthier, Wealthier, Wiser: A Report on National Green Schools

GREEN SCHOOLS INITIATIVE PUBLICATIONS
Green Schools Buying Guide

HEALTHY SCHOOLS CAMPAIGN PUBLICATIONS
The Quick and Easy Guide to Green Cleaning in Schools, 2nd ed., 2008

WEB SITES
CSBA: http://www.csba.org
California Department of General Services, Green California: http://www.green.ca.gov
California Energy Commission: http://www.energy.ca.gov
Collaborative for High Performance Schools: http://www.chps.net
Global Green USA: http://www.globalgreen.org
Green Schools Initiative: http://www.greenschools.net
Healthy Schools Campaign: http://www.healthyschoolscampaign.org/programs/gcs
U.S. Environmental Protection Agency: http://www.epa.gov
ENERGY AND WATER MANAGEMENT

The Santa Clara County Board of Education recognizes the importance of minimizing the Santa Clara County Office of Education use of natural resources, providing a high-quality environment that promotes health and productivity, and effectively managing the SCCOE fiscal resources. To that end, the Santa Clara County Superintendent of Schools or designee shall develop a resource management program which includes strategies for implementing effective and sustainable resource practices, exploring renewable and clean energy technologies, reducing energy and water consumption, minimizing utility costs, reducing the amount of waste of consumable materials, encouraging recycling and green procurement practices, and promoting conservation principles.

(cf. 3100 - Budget)
(cf. 3300 - Expenditures and Purchases)
(cf. 3511.1 - Integrated Waste Management)
(cf. 3512 - Equipment)
(cf. 6142.5 - Environmental Education)

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

(cf. 7110 - Facilities Master Plan)
(cf. 7111 - Evaluating Existing Buildings)

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

The County Superintendent or designee shall periodically report to the County Board on the SCCOE progress in meeting its conservation and management goals.

Storm Water Management

The County Board desires to ensure that, to the maximum extent practicable, the SCCOE reduce the discharge of pollutants into the water system in order to minimize the threat to water quality from storm water runoff. When the SCCOE has been designated by the State Water Resources Control Board or a regional water quality control County Board, the County Superintendent or designee shall ensure that the SCCOE complies with applicable General Permit requirements.

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)
ENERGY AND WATER MANAGEMENT (continued)

The County Superintendent or designee shall develop a storm water management plan and shall submit the plan and a resolution authorizing the implementation of the plan to the County Board for approval. The plan shall describe best management practices, measurable goals, and timetables for implementation in the following areas:

1. Public education and outreach on storm water impacts
2. Public participation, such as participation in adoption and implementation of the plan
3. Illicit discharge detection and elimination, such as maps and programs to detect and eliminate illicit non-storm water discharges
4. Construction site storm water runoff control, such as reviewing construction plans, inspecting sites, and tracking construction site runoff, as well as erosion and sediment controls
5. Post-construction storm water management, such as developing design standards for preventing runoff and verifying proper maintenance and operation of control procedures
6. Pollution prevention and good housekeeping, such as evaluating waste disposal, material storage, and equipment-cleaning procedures and spill prevention, including at bus maintenance facilities

The County Superintendent or designee shall regularly report to the County Board on the status of the SCCOE implementation efforts.

Legal Reference: (see next page)
ENERGY AND WATER MANAGEMENT (continued)

Legal Reference:
- **EDUCATION CODE**
  - 41422 School term or session length, failure to comply due to disaster
  - 46392 Emergency conditions; ADA estimate
- **PUBLIC RESOURCES CODE**
  - 25410-25421 Energy conservation assistance
- **WATER CODE**
  - 13383.5 Storm water discharge monitoring requirements
- **CODE OF REGULATIONS, TITLE 23**
  - 2200 Discharge permit fees
- **UNITED STATES CODE, TITLE 33**
  - 1342 National pollutant discharge elimination system
- **CODE OF FEDERAL REGULATIONS, TITLE 40**
  - 122.1-122.64 National pollutant discharge elimination system

Management Resources:
- **CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES**
  - 0118.01 California's Energy Challenge
  - 0706.90 Water Conservation Advisory, 90-09
  - 0222.90 Average Daily Attendance Credit During Periods of Emergency 90-01
- **WEB SITES**
  - CSBA: http://www.csba.org
  - Alliance to Save Energy: http://www.ase.org
  - California Energy Commission: http://www.energy.ca.gov
  - California State Water Resources Control Board: http://www.swrcb.ca.gov
  - Department of General Resources, Green California, Sustainable Schools: http://www.green.ca.gov/GreenBuildings/schools
INTEGRATED WASTE MANAGEMENT

The Santa Clara County Board of Education believes that the conservation of water, energy and other natural resources as well as the protection of the environment are essential to the health and well-being of the community. The Santa Clara County Superintendent of Schools or designee shall develop an integrated waste management program to reduce waste, conserve natural resources and protect the environment.

(cf. 3511 - Energy and Water Management)
(cf. 3514 - Environmental Safety)
(cf. 3514.2 - Integrated Pest Management)

The program shall include specific strategies designed to help reduce SCCOE waste generation and improve efficiency in using natural resources in all areas of its operations.

The County Superintendent or designee may collaborate with city, county and state agencies in developing and implementing the SCCOE integrated waste management program.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 7131 - Relations With Local Agencies)

The County Superintendent or designee shall make every effort to identify funding opportunities for the SCCOE integrated waste management program including applying for available grants or other cost-reducing incentives.

The County Superintendent or designee shall provide appropriate training opportunities to students and staff regarding the benefits and methods of conserving natural resources and protecting the environment.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6142.5 - Environmental Education)
(cf. 6142.93 - Science Instruction)

Legal Reference: (see next page)
INTEGRATED WASTE MANAGEMENT (continued)

Legal Reference:

**EDUCATION CODE**
32370-32376 Recycling paper
33541 Environmental education

**PUBLIC RESOURCES CODE**
25410-25421 Energy conservation assistance
40050-40063 Integrated waste management act
41780 Waste diversion
42620-42622 Source reduction and recycling programs
42630-42647 Schoolsite source reduction and recycling

Management Resources:

Reusable School News

WEB SITES

CSBA: http://www.csba.org
California Department of Resources Recycling and Recovery: http://www.calrecycle.ca.gov
California Division of State Architect: http://www.dsa.ca.gov
California Energy Commission: http://www.energy.ca.gov
California Environmental Protection Agency: http://www.calepa.ca.gov
U.S. EPA: http://www.epa.gov
Santa Clara COE
Board Policy
Business and Noninstructional Operations

BP 3513.3
Tobacco Free Schools
The Santa Clara County Board of Education recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

(cf. 4159/4259/4359 - Employee Assistance Programs) (cf. 5131.62 - Tobacco)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

In the interest of public health the County Board of Education prohibits the use of products containing tobacco or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, and clove cigarettes, on SCCOE-owned or leased property, and in SCCOE vehicles at all times. This prohibition also applies to electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products any time. This policy applies to all students, staff, visitors, and civic use permit holders. However, this section does not prohibit the use or possession of prescription products, or other FDA-approved cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property.” (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 Public Health, Tobacco Control: http://www.cdph.ca.gov/programs/tobacco
Occupational Safety and Health Standards Board: http://www.dir.ca.gov/OSHSB/oshsb.html
Environmental Protection Agency: http://www.epa.gov

Policy
adopted: October 20, 2010
revised: April 9, 2014

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
DISRUPTIONS

The Santa Clara County Board of Education is committed to providing a safe environment for Santa Clara County Office of Education students, staff, and others while they are on SCCOE property or engaged in school activities.

The Santa Clara County Superintendent of Schools or designee shall remove any individual who, by his/her presence or action, disrupts or threatens to disrupt normal office or school operations, threatens the health or safety of anyone on SCCOE property, or causes or threatens to cause damage to SCCOE property or to any property on school grounds.

(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 staff responsibilities and actions to be taken 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)

The County Superintendent or designee shall provide training to school staff on how to identify and respond to actions or situations that may constitute a disruption.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Any employee who believes that a disruption may occur shall immediately contact their supervisor. The supervisor or designee shall notify law enforcement in accordance with Education Code 48902 and 20 USC 7151 and in other situations, as appropriate.

Safe School Zone

Possession of a firearm within 1000 feet of any school is prohibited except when authorized by law. (Penal Code 626.9)

Possession of any other unauthorized weapon or dangerous instrument is prohibited on school grounds or buses and at school-related or school-sponsored activities without the written permission of school authorities.
DISRUPTIONS (continued)

(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))

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
48902 Notification of law enforcement authorities
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
626.85 Misdemeanor for specified drug offender presence on school grounds
626.9 Gun Free School Zone Act
627-627.10 Access to school premises
653b Loitering about schools or public places
12556 Imitation firearms

UNITED STATES CODE, TITLE 20
7151 Gun-Free Schools Act

COURT DECISIONS

ATTORNEY GENERAL OPINIONS

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/ls/ss
U.S. Department of Education, Emergency Planning:
http://www.ed.gov/admins/lead/safety/emergencyplan

Policy adopted: October 20, 2010
RECOVERY FOR PROPERTY LOSS OR DAMAGE

The Santa Clara County Board of Education desires to create a safe and secure learning environment and to minimize acts of vandalism and damage to Santa Clara County Office of Education property. To discourage such acts, the SCCOE shall seek reimbursement of damages, within the limitations specified in law, from any individual, or from the parent/guardian of any minor, who has committed theft or has willfully damaged SCCOE or employee property.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515 - Campus Security)
(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)
(cf. 5131 - Conduct)
(cf. 5131.5 - Vandalism and Graffiti)
(cf. 5136 - Gangs)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

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/guardian for willful misconduct
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
53069.6 Actions to recover damages
54951 Local agency, definition
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

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
In order to protect students while they are traveling to and from school, or attending school or a school-related activity, the Santa Clara County Board of Education believes it is important that the Santa Clara County Office of Education respond appropriately when a law enforcement agency notifies the SCCOE about registered sex offenders who may reside or work near SCCOE schools or programs.

The Santa Clara 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 SCCOE 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

Management Resources:

WEB SITES
California Department of Justice, Megan's Law mapping: http://www.meganslaw.ca.gov
The Santa Clara County Board of Education recognizes that the condition of school facilities may have an impact on safety, student achievement, and employee morale and desires to provide school 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)
(cf. 3514 - Environmental Safety)

The Santa Clara County Superintendent of Schools or designee shall develop a facilities inspection and maintenance program to ensure that school facilities are maintained in good repair in accordance with law. At a minimum, the program shall analyze those facility conditions specified on the facilities inspection tool developed by the Office of Public School Construction, including the following:


2. Mechanical Systems: Heating, ventilation, and air conditioning systems as applicable are functional and unobstructed.

3. Windows/Doors/Gates/Fences (interior and exterior): Conditions that pose a safety and/or security risk are not evident.

4. Interior Surfaces (floors, ceilings, walls, and window casings): Interior surfaces appear to be clean, safe, and functional.

5. Hazardous Materials (interior and exterior): There does not appear to be evidence of hazardous materials that may pose a threat to students or staff.

6. Structural Damage: There does not appear to be structural damage that could create hazardous or uninhabitable conditions.

7. Fire Safety: The fire equipment and emergency systems appear to be functioning properly.

8. Electrical (interior and exterior): There is no evidence that any portion of the school has a power failure and electrical systems, components, and equipment appear to be working properly.

9. Pest/Vermin Infestation: Pest or vermin infestation is not evident.

10. Drinking Fountains (inside and outside): Drinking fountains appear to be accessible and functioning as intended.
FACILITIES INSPECTION (continued)

11. Restrooms: Restrooms appear to be accessible during school hours, are clean, functional, and in compliance with Education Code 35292.5 (operational and supplied).

12. Sewers: Sewer line stoppage is not evident.

13. Roofs (observed from the ground, inside/outside the building): Roof system appears to be functioning properly.


15. Overall Cleanliness: School grounds, buildings, common areas, and individual rooms appear to be cleaned regularly.

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 SCCOE facility inspection program and updates of any visits to SCCOE schools.

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
1859.300-1859.330 Emergency Repair Program

Management Resources:

CSBA PUBLICATIONS
Williams Settlement and the Emergency Repair Program, Policy Brief, January 2008
COALITION OF ADEQUATE SCHOOL HOUSING PUBLICATIONS
Facility Inspection Tool Guidebook, February 2008
WEB SITES
CSBA: http://www.csba.org
California County Superintendents Educational Services Association: http://www.ccsesa.org
Coalition of Adequate School Housing: http://www.cashnet.org
State Allocation Board, Office of Public School Construction: http://www.opsc.dgs.ca.gov

Policy
adopted: October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
The Santa Clara County Board of Education strongly supports a risk management program that protects district resources and promotes the safety of students, staff and the public.

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

To attempt to minimize the Santa Clara County Office of Education's exposure to liability, the County Board shall adopt clear policies related to discrimination, harassment and safety procedures. The County Superintendent or designee shall ensure that these policies and related procedures are enforced fairly and consistently.

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
(cf. 3320 - Claims and Actions Against the SCCOE)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4119.11/4219.11/4319.11- Sexual Harassment)
(cf. 4132/4232/4332- Publication or Creation of Materials)
(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)
(cf. 4158/4258/4358- Employee Security)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 6162.6 - Use of Copyrighted Materials)
(cf. 9260 - Legal Protection)

Legal Reference: (see next page)
RISK MANAGEMENT/INSURANCE (continued)

Legal Reference:

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

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

LABOR CODE
3200-4855 Workers' compensation
Santa Clara County Office of Education
Administrative Regulation
Vehicle Use for SCCOE Business

AR  3540
Business and Noninstructional Operations

The following methods of transportation for employees of the Santa Clara County Office of Education (SCCOE) are authorized by the County Superintendent of Schools (County Superintendent) for use in conducting official SCCOE business during business hours:

1. SCCOE owned vehicles
2. Privately owned vehicles for use in SCCOE business

School buses are not covered by this administrative regulation. School bus use and school bus drivers are covered under Administrative Regulation 3542 (School Bus Drivers), Superintendent Policy 4112.42/4212.42/4312.42 (Drug and Alcohol Testing for School Bus Drivers).

When driving SCCOE owned vehicles, employees are representing the SCCOE and should act accordingly. The following requirements shall be adhered to by SCCOE employees authorized to operate SCCOE owned vehicles or using privately owned vehicles for SCCOE business purposes:

- Carry and maintain a valid California driver license.
- Employees must submit to Risk Management an Authorized for Release of Driver Record Information form, a copy of their current driving license, and current proof of insurance at least two weeks prior to the driving event, or upon employment when described within employee’s job responsibilities.
- A safe driving record which meets the County Office of Education’s insurance requirements.

USE OF SCCOE OWNED/LEASED VEHICLES

SCCOE owned or leased vehicles will be used by SCCOE employees for official SCCOE business only. The use of SCCOE owned or leased vehicles shall be authorized by the County Superintendent or designee. Employees of the SCCOE who are authorized to use SCCOE vehicles on SCCOE business must be informed of and comply with the following laws and regulations:

1. Employees must have completed a SCCOE Vehicle Safety Training session or online course every two years, or as directed by the County Superintendent or designee, to be permitted to drive a SCCOE owned vehicle.
2. Employees shall sign out and sign in for use of SCCOE owned vehicles garaged at the SCCOE. When using vehicles, employees should indicate the date and time. Vehicles should be checked out no earlier than 30 minutes prior to departure. SCCOE owned vehicles shall not be checked out for personal use or for the purpose of going to lunch unless it’s part of a work conference or meeting.

3. Employees shall be registered with the California Department of Motor Vehicles (DMV) Employee Pull Notice (EPN) program. The EPN program allows the SCCOE to monitor employee’s driving license records.

4. An employee may drive a SCCOE owned vehicle home for an overnight stay only when duties require attendance at a location other than the employee's work site before 8 a.m. or after 5 p.m. and when authorized by the branch chief. Every attempt should be made to return the vehicle to the SCCOE garage at the end of the work day. No weekend stays shall be authorized.

5. A mileage report for each SCCOE vehicle must be completed by the driver and a log book shall be maintained in each vehicle. Employees who are assigned a SCCOE vehicle shall submit a monthly usage report to the site administrator or designee.

6. The purchase of gas and emergency needs such as maintenance of the vehicle, tires, hoses, belts, etc., for SCCOE vehicles are the responsibility of each department. Major repairs are the responsibility of the department and authorized by the immediate supervisor.

7. Drivers of SCCOE vehicles are responsible for the upkeep of the vehicle or vehicles they are assigned to drive and are responsible for vehicle inspection. The employee is responsible for reporting any damage, faulty equipment, or needed repairs to his/her supervisor. The employee is responsible for keeping the vehicle clean and orderly as job conditions permit.

SCCOE vehicles shall be supplied with the following:

- Current SCCOE insurance information
- Seat belts and restraint systems as required by law and appropriate for the SCCOE business to be conducted
- Fire extinguisher
- First aid kit
- Reflector kit
- Binder with the following information:
  - Mileage
  - Inspection forms
  - Emergency phone numbers
  - SCCOE contact numbers

8. Employees shall observe the following rules when operating a SCCOE vehicle:
A. The use of alcohol or drugs, or driving under the influence of alcohol or drugs, is prohibited and in violation of the law.

B. The use of tobacco products is prohibited by SCCOE board policy and regulation.

C. The use of a wireless phone while driving a motor vehicle is prohibited by law unless the phone is operated in a hands-free mode (Vehicle Code 23123).

D. The use of an electronic wireless communications device to write, send, or read a text-based communication while driving a motor vehicle is prohibited by law (Vehicle Code 23123.5).

E. All drivers shall wear safety belts and shall ensure that all passengers are properly secured in seat belts or child passenger restraint systems in accordance with law. (Vehicle Code 27315, 27360, 27360.5, 27363)

F. Employees who transport children with disabilities must comply with any transportation requirements specified in the students’ individualized education program (IEPs) and shall be appropriately trained to perform this duty.

REPORT OF TRAFFIC ACCIDENTS

1. Non-injury vehicle accidents must be reported immediately to employee’s supervisor or designee and a copy of the Vehicle Accident Report and police report, if available, must be provided to Risk Management within 24 hours.

2. Personal injury accidents shall be reported immediately to the Department of the California Highway Patrol or local police agency and the employee’s supervisor and a copy of the Vehicle Accident Report and police report must be provided to Risk Management within 24 hours.

If an accident occurs in which an employee is determined to be to any extent “at fault,” the following provisions shall apply:

A. For any accident in which property damage exceeds $750, the employee driver must provide their supervisor a copy of the California Department of Motor Vehicles (DMV) form SR1, Report of Traffic Accident Occurring in California that has been completed and filed with the DMV in accordance with law.

B. If an employee is determined to be at fault in two accidents within a three-year period, the employee’s privilege of using SCCOE vehicles will be suspended for three months. A third accident within the same three-year period with a determination that the employee is at fault will result in an indefinite suspension of SCCOE vehicle use.
8. Traffic and/or parking citations issued to an employee while on official business shall be the responsibility of the employee.

In the event that an employee fails to follow the regulations specified above or otherwise abuses the privilege of using an SCCOE vehicle, the County Superintendent or designee may suspend or deny the employee’s use privileges.

USE OF PRIVATELY OWNED VEHICLES

Employees of the SCCOE who use their privately-owned vehicles on SCCOE business must be informed of and comply with the following laws and regulations:

- Carry and maintain a valid California driver license.

- Show proof of automobile liability insurance pursuant to the California Financial Responsibility Act. Liability insurance must meet or exceed California mandatory liability insurance requirements as provided in California Vehicle Code sections 12500, 16054, and 16430 and in accordance with mileage reimbursement (AR 3350).

All employees driving on SCCOE business are required to maintain personal automobile insurance coverage as follows:

- $15,000 Injury to or death of any one person in any one accident
- $30,000 Injury to or death of more than one person in any one accident
- $5,000 for property damage caused by any one accident

- Collision and Comprehensive insurance coverage is not provided by the SCCOE for an employee’s privately-owned vehicle whether owned, leased or borrowed. The SCCOE does not pay for damage to the employees’ vehicle.

The employee’s personal automobile liability insurance shall be primary in the event of an accident resulting in property damage or bodily injury to another party. Excess coverage will be provided by the SCCOE only when the private vehicle use falls within the course and scope of SCCOE business.

- The SCCOE will not pay for any of the following for an employee’s privately-owned vehicle while used for SCCOE business:
  - Collision damage
  - The deductible amount of any insurance claim or adjustment
  - Repair or replacement of vehicle damaged by vandalism or theft of vehicle
  - Damage or theft of vehicle contents
  - Traffic and/or parking citations issued to the employee while on SCCOE business
Drivers must not transport more persons than the vehicle was originally designed to safely carry or more than the number of seat belts equipped in the vehicle.

Drivers and passengers must wear seat belts at all times while occupying a private passenger vehicle to carry out SCCOE business activities. Under no circumstances shall students or any other person be transported in trailers or the cargo space of trucks or vans, including the cargo space of open pick-up trucks.

Suspension or Revocation of Driving Privileges

Each time a driver is convicted of a moving traffic law violation, the court notifies the DMV. The DMV in turn notifies the SCCOE if the driver is included on the SCCOE’s Employer Pull Notice (EPN) program list. SCCOE’s EPN program allows Risk Management to monitor driving records of employees who are required to drive a SCCOE vehicle or authorized to use their privately-owned vehicle for SCCOE business.

RELATED RESOURCES:

California Education Code sections 35330-35332
California Vehicle Code sections 12500 and 16000 et seq.
Santa Clara County Administrative Regulation 3550
www.dmv.ca.gov

Approved by SCCOE Cabinet on 4/27/16

By: Jon R. Gundry
County Superintendent of Schools
The Santa Clara County Office of Education (SCCOE) shall use SCCOE-owned school buses and vehicles for the purpose of transporting students to and from school or school-related activities that are part of a regularly scheduled series or sequence of events.

Transportation by SCCOE buses is conducted pursuant to Administrative Regulation 3542 and Superintendent Policy 4112.42/4212.42/4312.42.

Transportation for SCCOE students with disabilities is conducted pursuant to Board Policy 3541.2.

Transportation of students in SCCOE-owned vehicles other than buses and in privately owned vehicles is subject to the conditions and regulations within this regulation and pursuant to AR 3540.

**Transportation Regulations**

When transportation is authorized to be provided in a SCCOE owned vehicle or in a privately owned vehicle, the following regulations shall be followed:

1. Employees must carry and maintain a valid California driver license.
2. Employees must submit to Risk Management an *Authorized for Release of Driver Record Information* form, a copy of their current driving license, and current proof of insurance at least two weeks prior to the driving event, or upon employment when described within employee’s job responsibilities.
3. All drivers shall have a good driving record and possess at least the minimum insurance required by law.
4. The driver will provide the SCCOE with authorization to check his/her driving record through the California Department of Motor Vehicles Driver Record Program. The driver’s license must be valid, and driving records must be acceptable to the SCCOE.
5. Timelines shall be established for the submission of all required documents prior to the transportation of students, and no activity shall be authorized unless all required documents are submitted on a timely basis.
6. If driving a SCCOE owned vehicle, employees must have completed a Fleet Vehicle Safety Training session or online course every two years, or as directed by the County Superintendent or designee.
7. Employees shall be registered with the California Department of Motor Vehicles (DMV) Employee Pull Notice (EPN) program. The EPN program allows the SCCOE to monitor employee’s driving license records.

8. Private vehicle users should be aware that their automobile liability insurance will be primary and the SCCOE automobile liability coverage is in excess.

9. All occupants, including driver, shall have operable seat belts available to them.

10. Prior to departure, the driver shall be instructed as follows:
- Follow the most direct route
- Avoid unnecessary stops
- Do not transport non-SCCOE personnel, non-students or other guests as passengers
- Shall not transport more than ten (10) occupants, including the driver

Drivers shall receive safety and emergency instructions which shall be kept in their vehicle.

The number of passengers, including the driver, shall not exceed the capacity for which the vehicle was designed. Trucks may not transport more persons than can safely sit in the passenger compartment. The driver shall ensure that the manufacturer’s recommendations for his/her vehicle are followed regarding the seating of children in seats equipped with airbags.

The driver or any other person shall not smoke or have in his/her immediate possession a lighted pipe, cigar, or cigarette containing tobacco or any other plant when there is a minor in the motor vehicle, whether the motor vehicle is in motion or at rest. (Health and Safety Code 118948)

A minimum of two adults must be in the vehicle transporting students.

Employees are prohibited from renting vehicles for the transportation of students.

**Signed Waivers**

If a SCCOE employee is authorized to drive a student or students, a signed Transportation Waiver Form from the parent or guardian of each student must be provided and kept on record in the student’s file and with Risk Management along with the employee’s updated license information.

A completed and signed Private Automobile Driver’s Liability Insurance Certification form for each driver must be obtained and kept on record.

In addition to a signed waiver, a minimum of two adults must be in the vehicle transporting students.

**Transportation of SCCOE Students by Private Vehicle**

Except in the case of exigent circumstances involving a threat to student safety and/or security, employees are prohibited from transporting students in privately owned vehicles without explicit,
situation-specific permission from the parent or guardian and the responsible program administrator.

Privately owned vehicles can be used to transport SCCOE student only under the following conditions:

When a student is ill or injured and must be taken home or to a medical treatment facility under non-emergency circumstances or when the safety of the student may be in question and one or more of the following:

1. The school has been unable to contact the student's parent or the parent or responsible adult designated by the parent is not available to provide the transportation.

2. Proper adult supervision of the student is available at the location to which the student is being transported; school personnel taking the student home need to make sure that the approved adult responsible for the student is present.

3. The transportation is approved by the site administrator or designee authorized to grant or deny such approval.

If the school has been unable to contact the parent or guardian prior to the transportation, the school shall continue to seek to contact the parent or guardian until the school is able to notify the parent or guardian of the transportation and the pertinent circumstances. The school should also review the student’s emergency card to see if it names an adult to contact in an emergency when the parent or guardian cannot be contacted. If you contact that person, that person should be the person to transport the student. If that person cannot transport, follow the above. Never leave a student unsupervised. If a student is taken to a medical facility, school personnel need to stay with the student until the approved adult arrives and takes responsibility for the student.

**Passenger Restraint Systems**

All drivers shall wear safety belts and shall ensure that all passengers are properly secured in seat belts or child passenger restraint systems in accordance with law. (Vehicle Code 27315, 27360, 27360.5, 27363)

A child who is under age 8 years shall be properly secured in a rear seat in an appropriate child passenger restraint system meeting federal safety standards, except under any of the following circumstances: (Vehicle Code 27360, 27363)

1. The child is four feet nine inches or taller, in which case a safety belt may be used.

2. Use of a child passenger restraint system would be impractical by reason of physical unfitness, medical condition, or size and an appropriate special needs child passenger restraint system is not available.
3. There is no rear seat, the rear seats are side-facing jump seats or rear-facing seats, the child passenger restraint system cannot be installed properly in the rear seat, all rear seats are already occupied by children under age 8 years, or medical reasons necessitate that the child not ride in the rear seat.

4. The child is otherwise exempted by law.

Legal Reference:
EDUCATION CODE
35330 Excursions and field trips
35350 Authority to transport pupils
39800-39860 Transportation, especially:
39800 Powers of governing board to provide transportation for pupils to and from school; definition of "municipally owned transit system"
39801 Contract with County Superintendent of Schools to provide transportation
39802-39803 Bids and contracts for transportation services
39806 Payments to parents in lieu of transportation
39807 Food and lodging payments in lieu of transportation
39807.5 Transportation fees
39808 District transportation of private school students
41850-41854 Allowances for transportation
41860-41862 Supplemental allowances for transportation
45125.1 Criminal background checks for contractors
GOVERNMENT CODE
3540-3549.3 Educational Employment Relations Act
CODE OF REGULATIONS, TITLE 5
14100-14103 Use of school buses and school pupil activity buses
15240-15343 Allowances for student transportation, especially:
15253-15272 District records related to transportation
VEHICLE CODE
2807 School bus inspection
COURT DECISIONS

Approved by SCCOE Cabinet on April 7, 2016

By: Jon R. Gundry
County Superintendent of Schools

Regulation adopted: April 7, 2016

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
TRANSPORTATION FOR STUDENTS WITH DISABILITIES

The Santa Clara County Board of Education shall ensure that appropriate transportation services are provided for students with disabilities as specified in their individualized education program (IEP) or accommodation plan. The Santa Clara County Office of Education 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 and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

The Santa Clara 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)
The Santa Clara County Board of Education recognizes that students need adequate, nourishing food in order to grow, learn, and maintain good health. Foods and beverages available through the Santa Clara County Office of Education food service program shall:

1. Be carefully selected so as to contribute to students' nutritional well-being and the prevention of disease
   
   (cf. 5141.27 - Food Allergies/Special Dietary Needs)

2. Meet or exceed nutritional standards specified in law and administrative regulation
   
   (cf. 3554 - Other Food Sales)
   (cf. 5030 - Student Wellness)
   (cf. 5148 - Child Care and Development)
   (cf. 5148.2 - Before/After School Programs)
   (cf. 5148.3 - Preschool/Early Childhood Education)

3. Be prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits
   
   (cf. 6142.8 - Comprehensive Health Education)

4. Be served in age-appropriate portions

5. Be sold at reasonable prices

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

The SCCOE food service program shall give priority to serving unprocessed foods and fresh fruits and vegetables that are not deep fried.

The Santa Clara County Superintendent of Schools or designee shall encourage the participation of students and parents/guardians in the selection of foods of good nutritional quality for school menus.

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

The County Superintendent or designee shall periodically review the adequacy of school facilities for cafeteria eating and food preparation.

   (cf. 1312.4 - Williams Uniform Complaint Procedures)
   (cf. 3517 - Facilities Inspection)
   (cf. 7110 - Facilities Master Plan)
FOOD SERVICE/CHILD NUTRITION PROGRAM (continued)

In accordance with law, the County Superintendent or designee shall develop and maintain a food safety program in order to reduce the risk of foodborne hazards at each step of the food preparation process, from receiving to service.

The County Superintendent or designee shall annually report to the County Board regarding the SCCOE compliance with state and federal nutritional standards for foods and beverages.

(cf. 0500 - Accountability)

Legal Reference:
EDUCATION CODE
35182.5 Contracts, non-nutritious beverages
38080-38103 Cafeteria, establishment and use
45103.5 Contracts for management consulting services; restrictions
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001
49490-49494 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
49550-49561 Meals for needy students
49565-49565.8 California Fresh Start pilot program
49570 National School Lunch Act

HEALTH AND SAFETY CODE
113700-114437 California Retail Food Code

CODE OF REGULATIONS, TITLE 5
15510 Mandatory meals for needy students
15530-15535 Nutrition education
15550-15565 School lunch and breakfast programs
15566-15568 California Fresh Start Program
15575-15578 Requirements for foods and beverages outside federal meals 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

CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

Management Resources: (see next page)
FOOD SERVICE/CHILD NUTRITION PROGRAM  (continued)

Management Resources:

CSBA PUBLICATIONS

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS
06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Healthy Children Ready to Learn, January 2005

CALIFORNIA PROJECT LEAN PUBLICATIONS
Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS
Guidance for School Food Authorities: Developing a School Food Safety Program Based on the Process Approach to HACCP Principles, June 2005
Dietary Guidelines for Americans, 2005

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Nutrition Services Division: http://www.cde.ca.gov/ls/nu
California Department of Public Health: http://www.cdph.ca.gov
California Healthy Kids Resource Center: http://www.californiahealthykids.org
California Project LEAN (Leaders Encouraging Activity and Nutrition): http://www.californiaprojectlean.org
California School Nutrition Association: http://www.calsna.org
Centers for Disease Control and Prevention: http://www.cdc.gov
National Alliance for Nutrition and Activity: http://www.cspinet.org/nutritionpolicy/nana.html
National Association of State Boards of Education: http://www.nasbe.org
School Nutrition Association: http://www.schoolnutrition.org
U.S. Department of Agriculture, Food and Nutrition Information Center: http://www.nal.usda.gov/fnic
The Santa Clara County Board of Education authorizes the Santa Clara County Superintendent of Schools to provide a food service program which may be used by employees and visitors. Selection of the appropriate means of accomplishing this shall be at the discretion of the County Superintendent.

Legal Reference:

**EDUCATION CODE**
- 38080-38085 Cafeteria, establishment and use
- 38090-38095 Cafeterias, funds and accounts
- 38100-38103 Cafeterias, allocation of charges
- 42646 Alternate payroll procedure
- 45103.5 Contracts for management consulting services; restrictions
- 49490-49493 School breakfast and lunch programs
- 49500-49505 School meals

**HEALTH AND SAFETY CODE**
- 113700-114437 California Retail Food Code

**UNITED STATES CODE, TITLE 42**
- 1751-1769h School lunch programs
- 1771-1791 Child nutrition, including:
  - 1773 School breakfast program

**CODE OF FEDERAL REGULATIONS, TITLE 7**
- 210.1-210.31 National School Lunch Program
- 220.1-220.21 National School Breakfast Program

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT ADVISORIES**
- 0701.00 Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, No. 00-111

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**
- California School Accounting Manual

**WEB SITES**
- California Department of Education, Nutrition Services Division: http://www.cde.ca.gov/ls/nu
- California School Nutrition Association: http://www.calsna.org
Santa Clara County Office of Education
Business and Noninstructional Operations

AR 3552
Cafeteria Committee

The Santa Clara County Office of Education (SCCOE) contracts with a cafeteria services provider that provides food and catering services for SCCOE students, staff, and visitors.

A Cafeteria Committee (Committee) shall be established for the purpose of advising the County Superintendent of Schools (County Superintendent) on issues relating to cafeteria, catering, vending operations and expenditures. The County Superintendent or designee shall appoint a Committee composed of SCCOE staff from each branch and a member of Cabinet.

The Committee will advise the County Superintendent on how to disperse funds; review cafeteria, catering, and vending operations; solicit feedback from SCCOE staff regarding the cafeteria and catering services; coordinate the annual SCCOE Holiday Luncheon; and address other cafeteria and catering related issues as they relate to SCCOE staff, students, and business.

Profit-Sharing Budget

Pursuant to the signed contract with the cafeteria service provider and in compliance with all applicable rules and regulations, a profit-sharing budget shall be established. If such a budget is established, the Committee shall develop recommendations on how the profit-sharing funds are used. All recommendations of the Committee shall be advisory only; the County Superintendent or designee will authorize all expenditures related to the profit sharing budget above $500.

The Committee may develop its recommendations based on feedback from SCCOE staff and funds shall be used for the improvement of SCCOE Ridder Park facilities and for the benefit of SCCOE students and staff.

Terms of Membership

Members of the Committee shall be appointed by the County Superintendent or designee. The cafeteria committee shall consist of one staff member from each branch in the SCCOE. One member of Cabinet, selected by the County Superintendent or designee, will serve as a liaison between the Cabinet and the Committee. The County Superintendent or designee will appoint one member of the Committee as the Committee Chair.

Staff appointed to the Committee will serve for one year but may be appointed for additional terms at the request of the County Superintendent or designee.

If a vacancy occurs on the Committee, the County Superintendent or designee shall appoint a replacement from the appropriate branch.
Meetings

The Committee shall meet every other month or at the request of the Committee Chair and shall have a minimum of six (6) meetings in one calendar year. The Committee shall meet in November for purposes of planning the Annual Holiday Luncheon. The Committee shall establish a calendar of meetings at the first meeting of each new calendar year.

The Committee Chair or designee shall prepare an agenda for each regular meeting. The agenda shall be made available at least two (2) days prior to the date of a regular meeting and shall be posted on the SCCOE website.

The agenda shall provide SCCOE staff members the opportunity to address the Committee on any item listed on the agenda. The agenda shall also provide SCCOE staff members the opportunity to address the Committee on matters which are not on the agenda but which are within the scope of the Committee’s purpose.

A Committee member or a SCCOE staff member may request that a matter within the scope of the Committee be placed on the agenda of a regular meeting.

The Committee’s agenda shall have a standing agenda item related to SCCOE employee feedback and satisfaction regarding cafeteria and catering operations. Committee members shall solicit feedback from SCCOE staff in the branch they represent and report back to the Committee at a regular meeting.

The Committee Chair or designee shall keep minutes of all meetings the Committee. The County Committee minutes shall be maintained as outlined below:

- The date, time, and place of each meeting.
- Members present and members absent by name.
- Time called to order.
- Date (if known) of next meeting.
- Time of adjournment of the meeting.
- Approval or amended approval of the minutes of preceding meetings.
- A written record of all motions.
- The roll call record of the vote on a motion if not unanimous.

Copies of the minutes shall be distributed or mailed to the Committee members at least two (2) days prior to the next scheduled Committee meeting. Minutes shall be maintained on the SCCOE website.

Approval of action items requires the affirmative vote of a majority of the members present at the meeting.
OTHER FOOD SALES

The Santa Clara County Board of Education believes that sales of foods and beverages at school during the school day should be aligned with the Santa Clara County Office of Education goals to promote student wellness. Any food sales shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the established food service program.

(cf. 3550 - Food Service/Child Nutrition Program)  
(cf. 3551 - Food Service Operations/Cafeteria Fund)  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 5030 - Student Wellness)  
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

The County Board authorizes the Santa Clara County Superintendent of Schools or designee to approve the sale of foods and beverages outside the SCCOE food service program, including sales by student or school-connected organizations, sales through vending machines, and/or sales at secondary school student stores for fundraising purposes.

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

When vending machines are sponsored by the SCCOE, the County Superintendent or designee shall determine how and where vending machines may be placed at school sites, SCCOE offices, or other school facilities.

(cf. 3312 - Contracts)

Legal Reference: (see next page)
OTHER FOOD SALES (continued)

Legal Reference:

EDUCATION CODE
35182.5 Contracts, non-nutritious beverages
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
15575-15578 Requirements for foods and beverages outside federal meals program

HEALTH AND SAFETY CODE
113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42
1751 Note Local wellness policy
1771-1791 Child nutrition, School Breakfast Program

CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS
06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006

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

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Nutrition Services Division: http://www.cde.ca.gov/ls/nu
California Department of Public Health: http://www.cdph.ca.gov
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
Fiscal Crisis and Management Assistance Team: http://www.fcmat.org
U.S. Dept. of Agriculture, Food and Nutrition Information Center: http://www.nal.usda.gov/fnic