

Butte County Office of Education

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SP 3000

CONCEPTS AND ROLES

Philosophy

The Administrative Services Division is dedicated to providing quality financial services and support to all school districts and Butte County Office of Education programs.

Basic Services

The County Superintendent employs Administrative Services staff to monitor and account for all K-12 public education funding, and:

1. to serve as a resource to Butte County Office of Education departments and programs;
2. to serve as the fiscal oversight agency;
3. to ensure compliance for legal requirements;
4. to process claims for reimbursements;
5. to provide services in the areas for payroll, accounting and budgeting;
6. to provide similar services to school districts and joint powers agencies;
7. to provide technology support

The Administrative Services Division carries additional responsibility for maintaining a safe healthful environment in support of educational programs, with high standards of safety in the operations and maintenance of facilities, equipment and services.

Role of Business and Administration

The County Superintendent believes that adequate funding and money management includes support of the entire Butte County Office of Education program. To make that support as effective as possible, it is the County Superintendent's intent to:

1. prepare the detailed annual budget and present it to the Butte County Board of Education for adoption;
2. encourage advance planning through the best possible budget procedures;
3. advocate for and secure additional sources of revenue to ensure adequate support for high quality programs and services;
4. process and audit payrolls;
5. direct the expenditure of funds to ensure the greatest possible education returns;
6. expect sound fiscal management from administrators;
7. adopt and administer an insurance program which complies with law and reflects prudent financial management.

Delegation of Authority

The Administrative Services Division is responsible for the operation of Administrative Services. The Deputy Superintendent or the Senior Director of Fiscal Services is authorized to sign all documents approved by the County Superintendent and may authorize the signing of specified documents to other staff as appropriate.

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Legal Reference:

EDUCATION CODE

35035 Additional powers and duties of superintendent; § 35160 Authority of governing boards

35160.1 Broad authority of school district; county boards of education or county superintendent

35161 Powers and duties of governing boards

Approved: July,2004

Revised: July, 2016; August, 2016

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SP 3100

BUDGET DEVELOPMENT

It is the responsibility of the County Superintendent to develop an annual budget based on the priorities and needs of the programs and the clients they serve. Responsibility for overseeing the budget development process is assigned to the Assistant Superintendent of Administrative Services who shall work directly with each department manager or director in drafting the annual budget. Once the annual budget is prepared as required by law, the Butte County Board of Education shall adopt a budget.

Following budget adoption, the Assistant Superintendent of Administrative Services shall determine all financial policies not specifically defined by law and shall exercise supervision over the finances of the Butte County Office of Education in keeping with regular budgetary procedures.

Budget Management

The County Superintendent desires to maximize efficiency in the management of program revenues and expenditures. The County Superintendent assigns responsibility for monitoring program budgets to program managers or directors. Program managers or directors shall use financial reports, program reports, and other pertinent data to ensure maximum effectiveness of program operation.

Appropriation for Contingencies

Fund balances that are budgeted for contingencies may be transferred to an expenditure appropriation as needed, upon authorization of the responsible Assistant Superintendent.

Fund Balance Reporting

Consistent with the Criteria and Standards for the fiscal solvency adopted by the State Board of Education, the COE maintains a Reserve for Economic Uncertainties to safeguard the COE's financial stability. The minimum recommended reserve for a County Office of Education of this size is the greater of three percent of budgeted general fund expenditures, transfers out and other financing uses or a specific number provided in the Criteria and Standards. The Butte County Office of Education's policy is to maintain the reserve at the greater of three percent or the number provided in the Criteria and Standards. No appropriation from the Reserve for Economic Uncertainties shall be made without the prior approval of the Butte County Board of Education.

Committed fund balance designations and Assigned fund balance designations shall only be made by the County Superintendent representing the highest level of decision-making authority for Butte County Office of Education. Committed and Assigned funds designation may only be changed by the County Superintendent and imposed before the end of the reporting period.

General fund unrestricted Unassigned fund balance may be transferred to an expenditure appropriation as needed, upon authorization of the County Superintendent or Assistant Superintendent of Administrative

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Services. Transfers in excess of \$25,000 shall be approved by the Butte County Board of Education through means of the First Interim, Second Interim, or by Board action.

Budget Adjustments

The County Superintendent recognizes that additional budget revisions may become necessary during the course of a year to cover expenditures brought about by a change in legislation, demand for services, increase in prices, etc. Budget revisions that are not in excess of \$25,000 may be authorized by the County Superintendent or Assistant Superintendent. If a revision is in excess of \$25,000, the revision shall be incorporated in the next interim financial report or other board report when the report is submitted to the Butte County Board of Education for discussion and approval at a regularly scheduled public meeting of the Butte County Board of Education.

Legal Reference:

EDUCATION CODE

1620-1630 County Office of Education Budget Approval

33128 Standards and criteria

33129 Standards and criteria, use by local agencies

35035 Powers and duties of superintendent

35161 Powers and duties, generally, of governing boards

42103 Proposed budget; public hearing; public inspection; publication

42122-42129 Budget requirements

42132 Resolutions identifying estimate appropriations limit

42602 Use of unbudgeted funds

42610 Appropriation of excess funds and limitation thereon

45253 Annual budget of personnel commission

GOVERNMENT CODE

7900-7914 Expenditure limitations

Approved: July,2011

Revised:

Butte County Office of Education

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SP 3230

FEDERAL GRANT FUNDS

The County Superintendent recognizes Butte County Office of Education's responsibility to maintain fiscal integrity and transparency in the use of all funds awarded through federal grants. Butte County Office of Education shall comply with all requirements detailed in any grant agreement with an awarding agency and with the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards specified in 2 CFR 200.0-200.521 and any stricter state laws and Butte County Office of Education Superintendent's Policy and Administrative Regulations.

Any goods or services purchased with federal funds shall be reasonable in cost and necessary for the proper and efficient performance or administration of the program.

The County Superintendent or designee shall ensure that the Butte County Office of Education's financial management systems and procedures provide for the following (2 CFR 200.302, 200.303):

1. Identification in accounts of each federal award received and expended and the federal program under which it was received
2. Accurate, current, and complete disclosure of the financial and performance results of each federal award or program in accordance with the reporting requirements of 2 CFR 200.328 and 200.329
3. Records and supporting documentation that adequately identify the source and application of funds for federally funded activities, including information pertaining to federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest
4. Effective controls and accountability for all funds, property, and other assets and assurance that all assets are used solely for authorized purposes
5. Comparison of actual expenditures with budgeted amounts for each federal award
6. Written procedures to implement provisions governing payments as specified in 2 CFR 200.305
7. Written procedures for determining the allowability of costs in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award

The County Superintendent or designee shall develop and implement appropriate internal control processes to reasonably assure that transactions are properly executed, recorded, and accounted for so that Butte County Office of Education can prepare reliable financial statements and federal reports, maintain accountability over assets, and demonstrate compliance with federal laws, regulations, and conditions of the federal award. (2 CFR 200.61, 200.62, 200.303)

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

All staff involved in the administration or implementation of programs and activities supported by federal funds shall receive information and training on the allowable use of federal funds, purchasing procedures, and reporting processes commensurate with their duties.

Butte County Office of Education shall submit financial and performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency.

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As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted no later than 120 calendar days after the ending date of the grant.

Legal Reference:

EDUCATION CODE

42122-42129 Budget requirements

64001 School plan for student achievement, consolidated application programs

CODE OF FEDERAL REGULATIONS, TITLE 2

180.220 Amount of contract subject to suspension and debarment rules

200.0-200.521 Federal uniform grant guidance, especially:

200.1-200.99 Definitions

200.100-200.113 General provisions

200.317-200.327 Procurement standards

200.327-200.329 Monitoring and reporting

200.333-200.337 Record retention

200.400-200.475 Cost principles

200.500-200.521 Audit requirements

CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731 Records related to federal grant programs

CODE OF FEDERAL REGULATIONS, TITLE 48

2.101 Federal acquisition regulation; definitions

9/16 GAMUT

Approved: July 2017

Revised: October 2021

Butte County Office of Education

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AR 3230

FEDERAL GRANT FUNDS

Allowable Costs

Prior to obligating or spending any federal grant funds, the County Superintendent or designee(s) shall determine whether a proposed purchase is an allowable expenditure of federal funds in accordance with 2 CFR 200.400-200.475 and the terms and conditions of the federal grant award. The County Superintendent or designee(s) shall also determine whether the expense is a direct or indirect cost as defined in 2 CFR 200.413 and 200.414 and, if the purchase will benefit other programs not included in the grant award, the appropriate share to be allocated to the federal grant.

The County Superintendent or designee(s) shall review and approve all transactions involving federal grant funds and shall ensure the proper coding of expenditures consistent with the California School Accounting Manual.

Period of Performance

All obligations of federal funds shall occur on or between the beginning and ending dates of the grant project and shall be paid no later than 120 days after the end of the funding period, unless specifically authorized by the grant award to be carried over beyond the initial term of the grant.

The County Superintendent or designee shall submit financial and performance reports to the awarding agency in accordance with the schedule and indicators required for that federal grant by law and the awarding agency. As required, such reports may include a comparison of actual accomplishments to the objectives of the federal award, the relationship between financial data and performance accomplishments, the reasons that established goals were not met if applicable, cost information to demonstrate cost effective practices, analysis and explanation of any cost overruns or high unit costs, and other relevant information. The final performance report shall be submitted no later than 120 calendar days after the ending date of the grant. (2 CFR 200.301, 200.328, 200.329)

Procurement

The County Superintendent or designee(s) shall comply with the standards specified in 2 CFR 200.317-200.327 and Appendix II of Part 200 when procuring goods and services needed to carry out a federal grant as well as any applicable state laws and/or Butte County Office of Education Policies concerning the procurement of goods and services that may be more restrictive.

As appropriate to encourage greater economy and efficiency, the County Superintendent or designee(s) shall avoid acquisition of unnecessary or duplicative items, give consideration to consolidating or breaking out procurements, analyze lease versus purchase alternatives, consider entering into an interagency agreement for procurement of common or shared goods and services, and/or use federal excess or surplus property. (2 CFR 200.318)

The procurement of goods or services with federal funds shall be conducted in a manner that provides full and open competition in accordance with state laws and Butte County Office of Education regulations and shall include the following requirements:

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1. Any purchase of supplies or services that does not exceed the "micro-purchase" threshold specified in 48 CFR 2.101 may be awarded without soliciting competitive quotes, provided that Butte County Office of Education considers the price to be reasonable and maintains written evidence of this reasonableness in the record of all micro-purchases.
2. For any purchase that exceeds the micro-purchase threshold but is less than the bid limit required by Public Contract Code 20111, the County Superintendent or designee(s) shall utilize "small-purchase" procedures that include obtaining price or rate quotes from an adequate number of qualified sources.
3. Contracts for goods or services over the bid limits required by Public Contract Code 20111 shall be awarded pursuant to California law and AR 3311 - Bids, unless exempt from bidding under the law.
4. If a purchase is exempt from bidding and Butte County Office of Education's solicitation is by a request for proposals, the award may be made by either a fixed-price or cost-reimbursement type contract awarded to the entity whose proposal is most advantageous to the program, with price and other factors considered.
5. Procurement by non-competitive proposals (sole sourcing) may be used only when the item is available from a single source, the need or emergency will not permit a delay resulting from competitive solicitation, the awarding agency expressly authorizes sole sourcing in response to Butte County Office of Education's request, and/or competition is determined inadequate after solicitation of a number of sources.
6. Time and materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract for which the cost is the sum of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general administrative expenses, and profit.

For any purchase of \$25,000 or more, the County Superintendent or designee(s) shall verify that any vendor which is used to procure goods or services is not excluded or disqualified by the federal government.

All solicitations shall incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description shall avoid detailed product specifications to the extent possible, but may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a brand name or equivalent description may be used to define the performance or other salient requirements of procurement, clearly stating the specific features of the named brand which must be met by offers. In addition, every solicitation shall identify all requirements which the offer must fulfill and any other factors to be used in evaluating bids or proposals.

The County Superintendent or designee(s) shall maintain sufficient records to document the procurement, including, but not limited to, the rationale for the method of procurement, selection of the contract type, contractor selection or rejection, and the basis for the contract price.

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The County Superintendent or designee(s) shall ensure that all contracts for purchases using federal grant funds contain the applicable contract provisions described in Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts under Federal Awards.

Equipment purchased with federal funds shall be properly inventoried and adequately maintained to safeguard against loss, damage, or theft of the property.

Capital Expenditures

The County Superintendent or designee(s) shall obtain prior written approval from the awarding agency before using federal funds to make capital expenditures, including the acquisition of land, facilities, equipment, and intellectual property and expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life.

Conflict of Interest

No Butte County Board of Education Member, Butte County Office of Education employee, or Butte County Office of Education representative shall participate in the selection, award, or administration of a contract supported by federal funds if he/she has a real or apparent conflict of interest, such as when he/she or a member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of them has a financial interest in or a tangible personal benefit from a firm considered for a contract. Such persons are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or subcontractors unless the gift is an unsolicited item of nominal value.

Employees engaged in the selection, award, and administration of contracts shall also comply with Superintendent's Policy SP 2300 - Conflict of Interest, and Superintendent's Policies SP 4119.21, 4219.21, 4319.21 – Code of Ethics.

Employees involved in the selection, award, or administration of a contract supported by federal funds shall be subject to discipline for any violation of conflict of interest standards (2 CFR 200.318)

Cash Management

The County Superintendent or designee(s) shall ensure Butte County Office of Education's compliance with 2 CFR 200.305 pertaining to payments and cash management, including compliance with applicable methods and procedures that minimize the time elapsing between the transfer of funds to Butte County Office of Education and Butte County Office of Education's disbursement of funds.

When authorized by law, Butte County Office of Education may receive advance payments of federal grant funds, limited to the minimum amounts needed and timed in accordance with the actual immediate cash requirements of Butte County Office of Education for carrying out the purpose of the program or project. Except under specified conditions, Butte County Office of Education shall maintain the advance payments in an interest-bearing account. Butte County Office of Education shall remit interest earned on the advanced

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payment to the awarding agency on an annual basis, but may retain interest amounts specified in 2 CFR 200.305 for administrative expenses.

When required by the awarding agency, Butte County Office of Education shall instead submit a request for reimbursement of actual expenses incurred. Butte County Office of Education may also request reimbursement as an alternative to receiving advance payments.

The County Superintendent or designee(s) shall maintain source documentation supporting the expenditure of federal funds, such as invoices, time sheets, payroll stubs, or other appropriate documentation.

Personnel

All Butte County Office of Education employees who are paid in full or in part with federal funds, including employees whose salary is paid with state or local funds but is used to meet a required match or in-kind contribution to a federal program, shall document the amount of time they spend on grant activities.

Records

Except as otherwise provided in 2 CFR 200.333, or where state law or Butte County Office of Education's Policy requires a longer retention period, financial records, supporting documents, statistical records, and all other Butte County Office of Education records related to a federal award shall be retained for a period of three years from the date of submission of the final expenditure report or, for a federal award that is renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report.

Audits

Whenever Butte County Office of Education expends \$750,000 or more in federal grant funds during a fiscal year, it shall arrange for either a single audit or a program-specific audit in accordance with 2 CFR 200.507 or 200.514.

The County Superintendent or designee(s) shall ensure that the audit meets the requirements specified in 2 CFR 200.500-200.521.

Specified records pertaining to the audit of federal funds expended by Butte County Office of Education shall be transmitted to the clearinghouse designated by the federal Office of Management and Budget and shall be made available for public inspection. Such records shall be transmitted within 30 days after receipt of the auditor's report or within nine months after the end of the audit period, whichever is sooner, unless a longer period is agreed to in advance by the federal agency or a different period is specified in a program-specific audit guide.

In the event that the audit identifies any deficiency, the County Superintendent or designee(s) shall promptly act to either correct the identified deficiency, produce recommended improvements, or demonstrate that the audit finding is invalid or does not warrant action.

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Legal Reference:

EDUCATION CODE

1620-1630, 42126, 41020

PUBLIC CONTRACTS CODE

20111

CODE OF FEDERAL REGULATIONS, TITLE 2

180.220, 200.0-200.521 (200.1-200.99, 200.100-200.113, 200.317-200.326, 200.327-200.329, 200.333-200.337, 200.400-200.475, 200.500-200.521)

CODE OF FEDERAL REGULATIONS, TITLE 34

76.730-76.731

CODE OF FEDERAL REGULATIONS, TITLE 48

2.101

Approved: July 2017

Revised: October 2021

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SP 3231

SPECIALLY FUNDED PROJECTS

The County Superintendent wishes to encourage staff to seek outside funding for special projects that will assist in meeting the mission and goals of the Butte County Office of Education.

Staff is encouraged to submit applications for the support of special projects to federal, state, foundation, corporate, individual, or other funding sources. Project summaries and budgets for all applications shall be reviewed and approved by the department directors and appropriate Assistant Superintendent. For grant applications which exceed \$20,000, the Assistant Superintendent shall present the proposal to Administrative Cabinet for review and consideration. Budgets shall include the maximum allowable indirect costs, unless County Superintendent approval is obtained.

Funded projects shall be subject to all existing Butte County Office of Education's Superintendent's Policies and Administrative Regulations.

The County Superintendent may make reports to the Butte County Board of Education regarding the funding and operations of special projects and programs. These may include the following:

1. State grants;
2. Federal grants;
3. Categorical programs;
4. Regional programs;
5. Direct service contracts;
6. Joint powers agreement

The County Superintendent will prescribe the policies, procedures, and guidelines to be followed in the development and operation of such specially funded projects.

Legal Reference:

EDUCATION CODE

1042 Powers of Boards

1943 Employment of personnel for research projects

12400 et seq. Authority to receive and expend funds

Approved:

Revised:

Butte County Office of Education

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SP 3270

SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

The County Superintendent and the Butte County Board of Education recognize that the Butte County Office of Education may own personal property which is unusable, obsolete, or no longer needed. The County Superintendent or designee shall have authority to sell or dispose of Butte County Office of Education personal property in accordance with this policy and the requirements of state law.

The County Superintendent or designee shall identify all items not needed together with their estimated value and a recommended disposition.

All equipment costing more than five hundred dollars (\$500.00) shall be labeled, numbered, and recorded by the Administrative Services Department, through an authorized agent, in a permanent inventory file.

Instructional Materials

Instructional materials may be considered obsolete or unusable when they:

1. Contain information rendered inaccurate or incomplete by new discoveries or technologies.
2. Have been replaced by more recent versions or editions of the same material, and they are of no foreseeable value in other instructional areas.
3. Contain demeaning, stereotyping or patronizing references to either sex, to members of racial, ethnic, religious, vocational or cultural groups, or to persons with physical or mental handicaps.
4. Have been inspected and discovered to be damaged beyond use or repair.
5. Are otherwise unsuitable for Butte County Office of Education use.
6. Are not aligned with Butte County Office of Education's academic standards or course of study.

Legal Reference:

EDUCATION CODE

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

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

642291.5 Temporary school bus designation

60420 Disposal of old textbooks

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

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CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired under a grant or subgrant

Approved: November, 2009

Revised:

Butte County Office of Education

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AR 3270

REGULATIONS REGARDING SALE AND DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES

Butte County Office of Education's property may be disposed of by any of the following methods:

1. The County Superintendent may advertise for bids and either sell the property to the highest responsible bidder or reject all bids. Timely notice for bids shall be posted or published. Property for which no qualified bid has been received may be sold, without further advertising, by the County Superintendent or designee.
2. The County Superintendent may authorize the sale of the property by public auction.
3. Without advertisement for bids, the County Superintendent may sell or lease the property to agencies of federal, state or local government, to any other school district, or to any agency eligible under the federal surplus property law. In such cases, the sale price shall be equal to the value of the property plus estimated cost of purchasing, storing, and handling. Excess equipment or materials with a value of less than one hundred dollars (\$100.00) may be sold directly to an agency without advertising with the approval of the Assistant Superintendent of Administrative Services or designee.
4. If the County Superintendent agrees that the property is worth no more than \$2,500, the County Superintendent may designate any Butte County Office of Education employee to sell the property without advertising.
5. If the County Superintendent finds that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the County Superintendent or may be disposed of by dumping.
6. Surplus or undistributed obsolete instructional materials may be donated or sold at a nominal price to organizations or individuals who will use them for educational purposes.

Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district, in which case all of the proceeds of the sale shall be available to acquire basic instructional materials, supplemental instructional materials, or technology-based materials.

Such materials also may be donated to another district, county free library, or other state institution; a United States public agency or institution; a nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing the general literacy of the people. Any organization, agency, or institution receiving obsolete instructional materials donated by Butte County Office of Education shall certify to the County Superintendent that it agrees to make no charge to any persons to whom it gives or lends these materials.

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified in item 6 above may be:

1. Mutilated so as not to be saleable and sold for scrap at the highest obtainable price, or
2. Destroyed by any economical means at least 30 days after the County Superintendent has given notice to all persons who have requested such notice.

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Money received from the sale of property shall be, at the County Superintendent's discretion, either deposited in the reserve or general fund or credited to the fund from which the original purchase was made.

The County Superintendent recognizes that various equipment items are purchased for grants/contracted programs with grant/contract monies. The County Superintendent agrees to follow their respective guidelines as to disposition of such equipment upon termination of the grant/contract. Should guidelines be absent, Butte County Office of Education programs will assume ownership of such equipment throughout its useful life.

Should guidelines require the return of purchased equipment to the contracting agency, the County Superintendent agrees to such. Contracting agency equipment utilized by Butte County Office of Education will be disposed of as prescribed in this section.

Approved: November, 2009

Revised:

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SP 3280

SALE OR LEASE OF OWNED REAL PROPERTY

It is the responsibility of the County Superintendent and the Butte County Board of Education to provide students and staff a suitable, safe, and healthful environment. Therefore, it is the policy of the County Superintendent that adequate and appropriate real property be provided to meet the housing needs for the programs and services of the Butte County Office of Education.

The County Superintendent assigns responsibility to the Assistant Superintendent of Administrative Services to develop and implement procedures that will comply with all laws, codes, and regulations. Lease purchases, purchases, or sale agreements shall be subjected to the County Superintendent's approval. Real property purchases are subject to approval by the Butte County Board of Education.

Title to real property is held in the name of the Butte County Board of Education and is referred to as the Butte County Office of Education.

It shall be the responsibility of the Maintenance and Operations Manager to negotiate facility rental and lease agreements with guidance and confirmation from the appropriate Assistant Superintendent or designee. Facility rental and lease agreements shall include provisions for space, utilities, maintenance, custodial, grounds, insurance, and lease-hold improvements.

The County Superintendent or designee shall periodically study the current and projected use of all Butte County Office of Education facilities to ensure the efficient utilization of space and the effective delivery of instruction.

Legal Reference:

Education Code

17219- 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

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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

Approved: November, 2009

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3280

REGULATIONS REGARDING SALE OR LEASE OF OWNED REAL PROPERTY

Facility Rentals and Leases

It shall be the responsibility of the Maintenance and Operations Manager to negotiate facility rental and lease agreements with guidance and confirmation from the appropriate Assistant Superintendent or designee. The recommended term for facility rental and lease agreements is 60 months with variations permitted based on program needs and funding. Facility rental and lease agreements shall include provisions for space, utilities, maintenance, custodial, grounds, insurance, and lease-hold improvements.

Approved: July, 2005

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3290

CONTRIBUTIONS AND GIFTS

The County Superintendent acknowledges that individuals may donate goods and/or services that can be of use to the Butte County Office of Education. Goods and/or services shall be received and accounted for appropriately.

The County Superintendent believes that gifts, donations, bequests and devices provided by businesses, vendors, and/or individuals are the possession of the Butte County Office of Education and not of any individual employee. The County Superintendent directs that employees notify the County Superintendent or designee of any gifts, donations, bequests and devices prior to accepting such on behalf of the Butte County Office of Education. Such gifts should contribute to the enhancement of students, classes, projects, and/or programs and may be made subject to conditions or restrictions that the County Superintendent may prescribe or conditions specified by the donor. All donations of technology related items shall comply with the adopted Information Technology Council guidelines. All donations received shall be determined to be free of hazardous materials (examples – refrigerators, air conditioners, mercury, lead, art supplies, etc) to comply with the Butte County Office of Education guidelines.

All gifts and bequests shall be acknowledged with appreciation by a letter signed by the Assistant Superintendent or respective Director of the program receiving the gift or contribution.

Items of sufficient value shall be included on the Butte County Office of Education's fixed assets inventory. Funds received in the form of cash and/or securities will be deposited in the appropriate program account as specified by the donor. In the event no specification is made, the funds and/or securities will be deposited in the Butte County Office of Education general fund to be used for general operating purposes unless otherwise designated by the County Superintendent.

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

Approved: July 1, 2004

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3300

EXPENDITURES

For purposes of economic and effective control, the County Superintendent directs that all expenditures for the Butte County Office of Education be coordinated through Administrative Services. The County Superintendent directs that the Assistant Superintendent of Administrative Services develop and implement expenditure procedures which include but are not limited to the following:

1. Process and monitor payrolls;
2. Process and issue all purchase orders;
3. Purchasing procedures;
4. Develop and implement bid specifications;
5. Establish departmental petty cash funds;
6. Oversee contractual agreements

The County Superintendent assigns responsibility for expenditures to Assistant Superintendents, Budget Managers or Directors. Assistant Superintendent, Program Managers or Directors shall approve expenditures in accordance with established procedures. Because purchasing for the Butte County Office of Education is largely decentralized, Assistant Superintendents, Program Managers or Directors are assigned responsibility for program purchases. Assistant Superintendents, Program Managers or Directors are expected to make sound purchasing decisions based upon the proper evaluation of options available to obtain goods and services. Supplies and equipment purchased shall be ordered on a requisition signed by the Assistant Superintendent, Program Manager, Director, or authorized designee. Following this, a purchase order will be issued to the vendor. All applicable laws, regulations, and procedures must be followed when obtaining goods and services as well as conformance to accepted purchasing practices. Every effort will be made to secure the lowest possible price by utilizing group bids, quantity discounts, prompt payment discounts, and other available pricing incentives. It should be noted that federal and state funded programs may be subject to special purchasing requirements by their funding source.

The County Superintendent assigns responsibility for obtaining authorization for expenditures to individual employees. Expenditures made without prior authorization and not in compliance with purchasing procedures may become the responsibility of the employee.

The Butte County Office of Education shall purchase recycled products, whenever possible, except when high costs, lack of availability, and/or problems with the fitness and quality of the products indicate that such purchases would not be in the Butte County Office of Education's best interests.

Open purchase orders will be established annually and departments advised of all vendors. Purchases will comply with Administrative Services office procedures established for open purchase orders. Only under extreme urgency will emergency purchases be authorized.

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Legal Reference:

Education Code

17604 Delegation of powers to agents; liability of agents

17605 Delegation of authority to purchase supplies, equipment, and services; limitations on expenditures; review; personal liability

33127 Standards and criteria for local budgets and expenditures; review and adoption by state board

33128 Standards and criteria; inclusions

33129 Standards and criteria use by local agencies

35010 Control of district; prescription and enforcement of rules

35035 Powers and duties of superintendent

35272 Educational and athletic materials

38083 Purchase of perishable foodstuffs and seasonal commodities

41040 Accounting system

41014 Requirement of budgetary accounting

42127 Formulation, adoption, approval and revision of budget; procedure

Approved: July, 2004

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3300

REGULATIONS REGARDING EXPENDITURES

It is the policy of the County Superintendent to support the concepts set forth in the Purchasing Code of Ethics (California Association Public School Business Officials' Handbook of Public School Purchasing, 1963):

1. To regard public service as a sacred trust, giving primary consideration to the interests of the Butte County Office of Education office by which we are employed.
2. To purchase without prejudice, seeking to obtain the maximum benefit for each tax dollar expended.
3. To avoid unfair practices, giving all qualified vendors equal opportunity. To respect our obligation and to require that obligations to us and the Butte County Office of Education be respected.
4. To accord vendor representatives the same courteous treatment we would like to receive.
5. To strive constantly for improvement of purchasing methods and of the materials we buy.
6. To counsel and assist fellow purchasing agents in the performance of their duties, whenever occasion permits.
7. To conduct ourselves with fairness and dignity and to demand honesty and truth in buying and selling.
8. To cooperate with all organizations and individuals engaged in enhancing the development and standing of the purchasing profession.
9. To remember that everything we do reflects on the Butte County Office of Education and to govern our every action accordingly.

Vehicle Purchasing, Replacement and Leasing

1. Decisions for lease/purchase of a new or used Butte County Office of Education vehicle will be a Superintendent decision based upon the condition and safety levels of existing vehicles, program needs and the availability of funds.
2. It shall be the responsibility of the department to locate the vehicle, obtain a minimum of two quotes, and generate a purchase order. The department may delegate, by mutual consent, this responsibility to the Maintenance and Operations Manager. The purchase order will be approved and signed by the department's Assistant Superintendent and the County Superintendent.
3. It is important that the dealership ensure that the licensing of the vehicle shall include the "exempt" status. This means the dealer will obtain "E" license plates through the Department of Motor Vehicles.
4. Once the sales documentation has been completed and the sale is finalized, all documentation including the sales contract, purchase order, ownership documents (pink slip), warranty information, etc., will be forwarded to Administrative Services, Maintenance/Operations and Facilities.
5. Administrative Services will produce a check for the purchase price of the vehicle.
6. A duplicate set of keys will be sent to Administrative Services, Maintenance/Operations and Facilities.
7. Administrative Services will add vehicle to the insurance policy. Insurance documentation, accident reporting procedures, copy of registration, and a "No Smoking" placard will be placed in the vehicle.

Technology Purchases

This section promotes technology standards and facilitates service by Butte County Office of Education's Information Technology staff, preventing duplication of purchasing efforts in research for best price, part

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numbers and versions of applications. This section also reinforces Butte County Office of Education compliance with statutory governmental procurement practices.

Technology Purchases (continued)

These are the steps for hardware, software, staff technology training, and service purchases:

1. Departments shall request all purchases for hardware, software, and service through the Help Desk for comparison to Butte County Office of Education technology standards and for cost, vendor, availability, and concurrent buys.
2. Information Technology will return the relevant information to the requesting department.
3. The requesting department then sends approval and account information via email to the IT Department. Billing party is Butte County Office of Education and shipping party is Information Technology. (Note: All materials ship directly to IT, unless otherwise specified.)
4. Once hardware/software is received, Help Desk will schedule installation of the items with the customer according to the approved "Priority Matrix."
5. ITS will retain all licenses for compliance with a software audit. The purchasing department should retain a copy of all licenses and original manuals for compliance with a site software audit.

Approved: December, 2008

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SP 3310

MONEY IN BUTTE COUNTY OFFICE OF EDUCATION FACILITIES

Money collected by Butte County Office of Education employees and by student organizations shall be handled with good and prudent business procedures established by the County Superintendent, or designee.

All money collected shall be receipted, accounted for, and directed without delay to the proper location of deposit.

In no case shall money be left overnight except in safes provided for safekeeping of valuables. All facilities shall provide for making bank deposits after regular hours to avoid leaving money in school or facilities overnight.

Money turned into the accounting staff shall be deposited in the Butte County Office of Education clearing account or County Treasury, as appropriate.

Legal Reference:

EDUCATION CODE

48933 Deposit or investment of student funds

48936 Additional uses of student funds

48937 Supervision and audit of student funds

48938 Trustee for funds of unorganized student body

Approved: July, 2004

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3311

BIDS

In order to ensure transparency and the prudent expenditure of public funds, the Butte County Office of Education shall award contracts in an objective manner and in accordance with law. Equipment, supplies, and services shall be purchased using competitive bidding when required by law or if the Butte County Office of Education determines that it is in the best interest of the organization to do so.

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

Bid specifications shall be carefully designed and shall describe in detail the quality, delivery, and service required.

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

Legal Reference:

EDUCATION CODE

17595 Purchases through Department of General Services

38083 Purchase of perishable foodstuffs and seasonable commodities

38110-38120 Apparatus and supplies

39802 Transportation services

GOVERNMENT CODE

4330-4334 Preference of California made materials

6252 Definition of public record

53060 Special services and advice

54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE § EMERGENCIES

2001 Responsive bidders

3400 Bids, specifications by brand or trade name not permitted

3410 United States produce and processed foods

6610 Bid visits

12200 Definitions, recycled goods, materials and supplies

20103.8 Award of contracts

20107 Bidder's security

0111-20118.4 Contracting by school districts

20189 Bidder's security, earthquake relief

22002 Definition of public project

Butte County Office of Education

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22030-22045 Alternative procedures for public projects (UPCCAA)

22050 Alternative emergency procedures

22152 Recycled product procurement

Approved: July, 2008

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3311

REGULATIONS REGARDING BIDS

Advertised/Competitive Bids

Butte County Office of Education shall seek competitive bids through advertisement for contracts exceeding the amount specified in law, and as annually adjusted by the Superintendent of Public Instruction, for any of the following:

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased
2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
3. Repairs, including maintenance that is not a public project
 - a. Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting, or decorating other than touchup.

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as required, or else all bids shall be rejected.

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, Butte County Office of Education may contract with any one of the three lowest responsible bidders.

Butte County Office of Education shall secure bids pursuant to Public Contract Codes 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported. Butte County Office of Education may let this contract to other than the lowest bidder.

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements for contracting after competitive bidding.

Instructions and Procedures for Advertised Bids

The County Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the county, or if no such newspaper exists, then in some newspaper of general circulation circulated in the county. The County Superintendent or designee also may post the notice on their web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. Bids may be accepted that have been submitted electronically or on paper.

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

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

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold.
2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security:
 - a. Cash
 - b. A cashier's check
 - c. A certified check
 - d. A bidder's bond executed by an admitted surety insurer and made payable to the Butte County Office of Education
 - i. The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded.
3. When a standardized proposal form is provided, bids not presented on the standard form shall be disregarded.
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time.
5. When two or more identical lowest or highest bids are received, the County Superintendent or designee may determine by lot which bid shall be accepted.
6. If it is required that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a below shall be used.
 - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed before the ranking of all bidders from lowest to highest has been determined.
7. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.

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8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Butte County Office of Education's Superintendent's Policy and Administrative Regulations.

Alternative Bid Procedures for Technological Supplies and Equipment

Rather than seek competitive bids, the County Superintendent may use competitive negotiation when it makes a finding that procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public.

The competitive negotiation process shall include, but not be limited to, the following requirements:

1. The County Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The County Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.
4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The County Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.
6. The County Superintendent or designee shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous with price and all other factors considered.
7. If the County Superintendent or designee does not award the contract to the bidder whose proposal contains the lowest price, then the County Superintendent or designee shall make a finding setting forth the basis for the award.
8. The County Superintendent or designee, at its discretion, may reject all proposals and request new RFPs.
9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

Bids Not Required

Without advertising for bids and upon a determination that it is in the best interest of Butte County Office of Education, the County Superintendent or designee may authorize by contract, lease, requisition, or purchase order, another public corporation or agency to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback").

Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of personal property, the County Superintendent or designee may authorize the lease or purchase

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of personal property directly from the vendor by contract, lease, requisition, or purchase order and make payment to the vendor under the same terms that are available to the public corporation or agency under the contract.

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

Perishable commodities, such as foodstuffs, needed in the operations of cafeterias may be purchased through bid or on the open market.

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the County Superintendent or designee may contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose.

Bids shall also not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis.

Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the County Superintendent or designee shall not draft the bid specification in a manner that, either directly or indirectly, limits bidding to any one specific concern or calls for a designated material, product, thing, or service by a specific brand or trade name, unless the specification designating the specific material, product, thing, or particular brand name is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In such cases, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract.

When the bid is for a roof project, a material, product, thing, or service is considered "equal" to the one designated if it is equal in quality, durability, design, and appearance; will perform the intended function equally well; and conforms substantially to the detailed requirements in the bid specification.

However, the County Superintendent or designee may designate a specific concern, material, product, thing, or service by brand or trade name (sole sourcing), described in the invitation for bids or RFP, that a particular material, product, thing, or service is designated for any of the following purposes:

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the declaration of an emergency

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Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the County Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. The information shall be verified under oath in the manner in which civil law pleadings are verified. The questionnaires and financial statements shall not be public records and shall not be open to public inspection.

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids.

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

Butte County Office of Education may establish a procedure for pre-qualifying bidders on a quarterly basis and may authorize that pre-qualification be considered valid for up to one calendar year following the date of the initial prequalification.

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award is inconsistent with Butte County Office of Education Superintendent's Policy, the bid's specifications, or is not in compliance with law.

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

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

The bidder may appeal the County Superintendent or designee's decision to the Butte County Board of Education. The County Superintendent or designee shall provide reasonable notice to the bidder of the time for consideration of the protest. The Butte County Board of Education's decision shall be final.

School Facilities and New Construction per California Uniform Public Construction Cost Accounting Act

Procedures for awarding contracts for public projects shall be determined on the basis of the amount of the project, as specified under the California Uniform Public Construction Cost Accounting Act ("CUPCCAA"), Public Contract Code 22000 et seq., and indicated below. In the event of a conflict with any other provision of law relative to bidding procedures, CUPCCAA shall apply (Public Contract Code 22030). The Board's approval authority remains the same under CUPCCAA.

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1. Public projects of \$60,000 or less may be performed by district employees by force account, negotiated contract, or purchase order. (Public Contract Code 22032)
 - a. The Superintendent or designee shall solicit a minimum of three (3) proposals from the list of qualified contractors maintained by the Butte County Office of Education pursuant to Paragraph 2.b. below for the category or categories of work required.
 - b. Each such solicitation shall identify all significant evaluation factors, including price, and their relative importance.
 - c. An award shall be made to the qualified contractor whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.
 - d. If an award is not made to the proposer whose proposal contains the lowest price, then the district shall make a finding setting forth the basis for the award.
 - e. The Butte County Office of Education, in its discretion, may reject all proposals and request new proposals.
2. Contracts for public projects of \$200,000 or less may be awarded through the following informal bidding procedures: (Public Contract Code 22032, 22034, 22038)
 - a. The Superintendent or designee shall maintain a list of qualified contractors, identified according to categories of work.
 - b. The Superintendent or designee shall prepare a notice inviting informal bids which describes the project in general terms, explains how to obtain more information about the project, and states the time and place for submission of bids. The notice shall be disseminated by one or both of the following alternatives, not less than ten calendar days before bids are due: (i) by mail, fax, or email to all contractors on the Butte County Office of Education's list of qualified contractors for the category of work being informally bid, unless the product or service is proprietary in nature, such that it can be obtained only from a certain contractor or contractors, in which case the notice inviting informal bids may be sent exclusively to such contractor or contractors; and/or (ii) by mail, fax, or email to all construction trade journals identified pursuant to Public Contract Code 22036.

Additional contractors and/or construction trade journals may be notified at the Butte County Office of Education's discretion.
 - c. The Butte County Office of Education shall review the informal bids and may award the contract. However, if all bids received through the informal process are in excess of \$200,000, the contract may be awarded to the lowest responsible bidder if the Governing Board adopts a resolution with a four-fifths vote to award the contract at \$212,500 or less and the Board determines the district's cost estimate is reasonable.
3. Public projects of more than \$200,000 shall be subject to formal bidding procedures, as modified by CUPCCAA, as follows: (Public Contract Code 22032, 22037, 22038)
 - a. Notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the project. The notice shall be disseminated in both of the following ways:

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- (i) Through publication in a newspaper of general circulation printed and published in the Butte County Office of Education's jurisdiction or, if there is no such newspaper, in a newspaper of general circulation that is circulated in the Butte County Office of Education's jurisdiction or, if there is no such newspaper, then by posting the notice in at least three places within the Butte County Office of Education's jurisdiction designated by Butte County Office of Education resolution or regulation as places for posting its notices. Such notice shall be published at least 14 calendar days before the date that bids will be opened.
- (ii) By mail and electronically, if available, by either fax or email, to all construction trade journals identified pursuant to Public Contract Code 22036. Such notice shall be sent at least 15 calendar days before the date that bids will be opened.

In addition to the notice required above, the Butte County Office of Education may give such other notice as it deems proper.

4. The Butte County Office of Education shall award the contract as follows:
 - a. The contract shall be awarded, if at all, to the lowest responsible bidder. If two or more bids are the same and the lowest, the Butte County Office of Education may accept the one it chooses.
 - b. At its discretion, the Butte County Office of Education may reject any bids presented if the Butte County Office of Education, prior to rejecting all bids and declaring that the project can be more economically performed by Butte County Office of Education employees, notifies an apparent low bidder, in writing, of the Butte County Office of Education 's intention to reject the bid. Such notice shall be mailed at least two business days prior to the hearing at which the Butte County Office of Education intends to reject the bid.
 - c. If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates for the project, the Butte County Office of Education shall have the option of either of the following:
 - i. Abandoning the project or re-advertising for bids in the manner described by CUPCCAA.
 - ii. By passage of a resolution by a four-fifths vote of the Board declaring that the project can be performed more economically by Butte County Office of Education employees, may have the project done by force account without further compliance with Public Contract Code 22030 et seq.
 - d. If no bids are received through the formal or informal bid procedure, the project may be performed by Butte County Office of Education employees by force account or negotiated contract.

In cases of emergency when repairs or replacements are necessary, the Superintendent may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details or giving notice for bids to let contracts. The work may be done by day labor under the direction of the Superintendent, by contractor, or by a combination of the two, as follows: (Public Contract Code 22035.)

1. Pursuant to the Superintendent, the Butte County Office of Education may repair or replace a public facility, take any directly related and immediate action required by the emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let

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contracts.

2. Before taking any action pursuant to paragraph 1 above, the Board shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.
3. The Board, by a four-fifths vote, may delegate to the Butte County Office of Education Superintendent or designee, the authority to order any action pursuant to paragraph 1 above.
4. If a person with authority delegated pursuant to paragraph 3 above orders any action specified in paragraph 1, that person shall report to the Board, at its next meeting, pursuant to this section, the reasons justifying why the emergency would not permit a delay resulting from a competitive solicitation for bids and why the action was necessary to respond to the emergency.
5. If the Board orders any action pursuant to paragraph 1 or 2 above, the Board shall review the emergency action at its next regularly scheduled meeting and, except as specified below, at every regularly scheduled meeting thereafter, until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action.
6. If a person with delegated authority pursuant to paragraph 3 above orders any action specified in paragraph 1, the Board shall initially review the emergency action not later than 7 days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action, and at least at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a four-fifths vote, that there is a need to continue the action, unless a person with delegated authority has terminated that action prior to the Board reviewing the action and making a determination pursuant to this subdivision.

When the Board reviews the emergency action, it shall terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts. (Public Contract Code 22050)

Approved: November 2010

Revised: October 2021

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3312

CONTRACTS

All contracts between the County Superintendent and outside agencies shall conform to prescribed standards as required by law.

All contracts between the County Superintendent and outside agencies shall be prepared under the supervision of the appropriate Assistant Superintendent, and, where appropriate, subject to approval of the legal advisor of the Butte County Office of Education.

Affirmative Action:

The County Superintendent shall not enter into any contract with a person, agency, or organization if he / she has knowledge that such person, agency or organization discriminates on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, disability, or sexual orientation, either in employment practices or in the provision of benefits or services to students or employees.

Contracting with Butte County Office of Education Employees, Spouses, or Registered Domestic Partners

Butte County Office of Education and its agents will not contract for goods or services with any Butte County Office of Education employee, the spouse of an employee, or the registered domestic partner of an employee, who participates in any way in the awarding of the contract, or the decision to award the contract.

In addition, Butte County Office of Education and its agents will not award any contract to a Butte County Office of Education employee, the spouse of an employee, or a registered domestic partner, unless the award is preceded by sufficient notice to the general public, which will include at least two notices in local newspapers and posting of the awarding of the contract in the usual posting places. If the contract is to be awarded to a Butte County Office of Education employee, the spouse, or registered domestic partner of a Butte County Office of Education employee, the employee, spouse, or registered domestic partner must be shown to be the lowest responsible bidder.

Legal Reference:

GOVERNMENT CODE

1090 Prohibitions Applicable to Specified Officers

Approved: July, 2010

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3315

GIFTS FROM VENDORS

Butte County Office of Education employees and Butte County Board of Education members shall not accept personal gifts, commissions, or expense-paid trips from individuals or companies selling equipment, materials, or services required in the operation of the Butte County Office of Education programs. Gifts include any gift purchased specifically for an employee, which are not generally offered by other buyers.

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

Butte County Office of Education employees shall not accept any gift, commission, or expense-paid trip in excess of \$100.00, from individuals or companies doing business with Butte County Office of Education. Butte County Office of Education may reject bids from vendors who offer such incentives.

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

Legal Reference:

EDUCATION CODE

60071 Prohibited offers to influence adoption or purchase of instructional materials

60072 Acceptance of consideration or inducements by school official

60073 Penalties for violation of article

60074 Supplying sample copies

60075 Receiving sample copies

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

Approved: July, 2004

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3320

CLAIMS AND ACTIONS AGAINST BUTTE COUNTY OFFICE OF EDUCATION

The County Superintendent desires to ensure that operations are conducted in a manner that minimizes risk, protects resources, and promotes the health and safety of students, staff, and the public. Any and all claims for money or damages against Butte County Office of Education shall be presented to and acted upon in accordance with law, Butte County Office of Education Superintendent's Policy, and Administrative Regulations as well as the Butte Schools Self-Funded Program Joint Powers Authority (JPA) agreement or insurance coverage.

Any claim for money or damages not governed by the Government Claims Act or excepted by Government Code § 905 shall be presented consistent with the manner and time limitations in the Government Claims Act, unless a procedure for processing such claims is otherwise provided by state or federal law.

Upon notice of a claim, the County Superintendent or designee shall take all necessary steps to protect the Butte County Office of Education rights under any applicable contractual agreements, including the right to indemnification from its insurance or other coverage provider.

The County Superintendent delegates to the Assistant Superintendent of Administrative Services the authority to allow, compromise, or settle claims of \$20,000 or less pursuant to any conditions of coverage in the Butte Schools Self-Funded Program JPA agreement or insurance.

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

Roster of Public Agencies

The Superintendent or designee shall file the information required for the Roster of Public Agencies with the Secretary of State and the County Clerk. This information shall include the name of the County Office, the mailing address of the Butte County Board of Education, the names and addresses of the Butte County Board of Education's Presiding Officer, the Butte County Board of Education's Clerk or Secretary, and other members of the Butte County Board of Education.

Any changes to such information shall be filed within 10 days after the change has occurred.

Legal Reference:

EDUCATION CODE

35200 Liability for debts and contracts

35202 Claims against districts; applicability of Government Code

CODE OF CIVIL PROCEDURE

340.1 Damages suffered as result of childhood sexual abuse

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

GOVERNMENT CODE

800 Cost in civil actions

810-996.6 Claims and actions against public entities

53051 Information filed with secretary of state and county clerk

PENAL CODE

72 Fraudulent claims

Approved: March, 2010

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3320

REGULATIONS REGARDING CLAIMS AND ACTIONS AGAINST BUTTE COUNTY OFFICE OF EDUCATION

Time Limitations

The following time limitations apply to claims against Butte County Office of Education:

1. Claims for money or damages relating to a cause of action for death or for injury to person, personal property, or growing crops shall be presented to the County Superintendent not later than six months after the accrual of the cause of action.
2. Claims for money or damages, not included in item #1 above, including claims for damages to real property, shall be presented not later than one year after the accrual of the cause of action.

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

Upon receipt of a claim the County Superintendent or designee shall promptly provide written notice to the Butte Schools Self-Funded Program JPA or insurance carrier in accordance with the applicable conditions of coverage.

Review of Contents of the Claim

The Superintendent or designee shall review any claim received to ensure that the claim contains all of the following information:

1. The name and post office address of the claimant;
2. The post office address to which the person presenting the claim desires notices to be sent;
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred insofar as it may be known at the time of presentation of the claim;
5. The name(s) of the public employee(s) causing the injury, damage, or loss if known;
6. The amount claimed if it totals less than \$10,000 as of the date of the presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds \$10,000, the dollar amount shall not be included in the claim and the claimant shall indicate whether the claim is a "limited civil case;"
7. The signature of the claimant or the person acting on his/her behalf;

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Notice of Claim Insufficiency

If a claim is found insufficient the County Superintendent or designee shall, within 20 days of receipt of the claim, personally deliver or mail to the claimant, at the address stated in the claim or application, a notice that states the particular defects or omission in the claim.

The County Superintendent shall not act upon the claim until at least 15 days after such notice is given.

Amendment to Claims

Within the time limits provided under the section entitled "Time Limitations" above or prior to final action by the County Superintendent, whichever is later, a claim may be amended if, as amended, it relates to the same transaction or occurrence which gave rise to the original claim.

Late Claims

For claims under item #1 in the section entitled "Time Limitations" above, any person who presents a claim later than six months after the accrual of the cause of action shall present, along with the claim, an application to present a late claim. Such claim and the application to present a late claim shall be presented not later than one year after the accrual of the cause of action.

If the claim is presented late and is not accompanied by an application to present a late claim, the County Superintendent or designee may, within 45 days, give written notice that the claim was not presented timely and that it is being returned without further action.

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

The County Superintendent shall grant the application to present a late claim where one or more of the following conditions are applicable:

1. The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect and Butte County Office of Education was not prejudiced in its defense regarding the claim by the claimant's failure to present the claim within the time limit.
2. The person who sustained the alleged injury, damage, or loss was a minor during all of the time specified for presentation of the claim.
3. The person who sustained the alleged injury, damage, or loss was physically or mentally incapacitated during all of the time specified for presentation of the claim and the disability was the reason he/she failed to present the claim.
4. The person who sustained the alleged injury, damage, or loss died before the expiration of the time specified for the presentation of the claim.

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

If the application to present a late claim is denied, the claimant shall be given notice in substantially the same form as set forth in Government Code § 911.8.

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

Action on Claims

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

The County Superintendent may act on the claim in one of the following ways:

1. If the County Superintendent finds that the claim is not a proper charge against the district, the claim shall be rejected.
2. If the County Superintendent finds that the claim is a proper charge against the district and is for an amount justly due, the claim shall be allowed.
3. If the County Superintendent finds that the claim is a proper charge against the district but is for an amount greater than is justly due, the County Superintendent shall either reject the claim or allow it in the amount justly due and reject it as to the balance.
4. If legal liability of Butte County Office of Education or the amount justly due is disputed, the County Superintendent may reject or compromise the claim.
5. If the County Superintendent takes no action on the claim, the claim shall be deemed rejected.

If the County Superintendent allows the claim in whole or in part or compromises the claim and the claimant accepts the amount allowed or offered to settle the claim, the County Superintendent may require the claimant to accept it in settlement of the entire claim.

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

Approved: March, 2010

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

EXHIBIT A (AR 3320)

CLAIM FORM AGAINST BUTTE COUNTY OFFICE OF EDUCATION

CALIFORNIA CODES / GOVERNMENT CODE / SECTION 910

A claim shall be presented by the claimant or by a person acting on his or her behalf and shall show all of the following:

1. The name and post office address of the claimant.
2. The post office address to which the person presenting the claim desires notices to be sent.
3. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
4. A general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of the claim.
5. The name or names of the public employee or employees causing the injury, damage, or loss, if known.
6. The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

CALIFORNIA CODES / GOVERNMENT CODE / SECTION 910.2

The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment, or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

Name of Claimant:

Address:

Phone Number: (day) _____ (evening) _____

Date the injury/damage occurred:

Place the injury/damage occurred:

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

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

What particular action by Butte County Office of Education and/or its employees caused the alleged damage or injury: (List employee name(s), if known):

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

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

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

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

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

Signature:

Date:

Butte County Office of Education – Mary Sakuma, Superintendent

1859 Bird Street, Oroville, CA 95965 (530)532-5650

Approved: March, 2009

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

EXHIBIT B (AR 3320)

RETURN OF DEFECTIVE CLAIM FORM

CALIFORNIA CODES / GOVERNMENT CODE / SECTION 910.4

The board shall provide forms specifying the information to be contained in claims against the state or a judicial branch entity. The person presenting a claim shall use the form in order that his or her claim is deemed in conformity with Sections **910** and **910.2**. A claim may be returned to the person if it was not presented using the form. Any claim returned to a person may be resubmitted using the appropriate form.

TO:

[Claimant]

[Address]

RE: Claim Filed:

[date]

The claim you presented to the County Superintendent or designee on [date] is being returned because it was not presented on the Butte County Office of Education's claim form as required by Government Code § 910.4 and in accordance with Butte County Office of Education Superintendent's Policy and Administrative Regulations. Because the claim was not presented on Butte County Office of Education's claim form, no action was taken on the claim.

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

Butte County Office of Education – Mary Sakuma, Superintendent

1859 Bird Street Oroville, CA 95965 (530)532-5650

Approved: March, 2009

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

EXHIBIT C (AR 3320)

NOTICE OF INSUFFICIENCY FORM

CALIFORNIA CODES / GOVERNMENT CODE / SECTION 910.8

If, in the opinion of the board or the person designated by it, a claim as presented fails to comply substantially with the requirements of Sections **910** and **910.2**, or with the requirements of a form provided under Section **910.4** if a claim is presented pursuant thereto, the board or the person may, at any time within 20 days after the claim is presented, give written notice of its insufficiency, stating with particularity the defects or omissions therein. The notice shall be given in the manner prescribed by Section 915.4. The board may not take action on the claim for a period of 15 days after the notice is given.

TO:

[Claimant]

[Address]

RE: Claim Filed:

[date]

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

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

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

Signature

Date

Typed Title of Officer

Butte County Office of Education – Mary Sakuma, Superintendent
1859 Bird Street Oroville, CA 95965 (530)532-5650

Approved: March, 2009

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

EXHIBIT D (AR 3320)

NOTICE OF FAILURE TO FILE IN A TIMELY MANNER

CALIFORNIA CODES / GOVERNMENT CODE / SECTION 911.3

- (a) When a claim that is required by Section 911.2 to be presented not later than six months after accrual of the cause of action is presented after such time without the application provided in Section 911.4, the board or other person designated by it may, at any time within 45 days after the claim is presented, give written notice to the person presenting the claim that the claim was not filed timely and that it is being returned without further action.

The notice shall be in substantially the following form: "The claim you presented to the (insert title of board or officer) on (indicate date) is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the **Government Code**. Because the claim was not presented within the time allowed by law, no action was taken on the claim. Your only recourse at this time is to apply without delay to (name of public entity) for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the **Government Code**. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the **Government Code**."

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

- (b) Any defense as to the time limit for presenting a claim described in subdivision (a) is waived by failure to give the notice set forth in subdivision (a) within 45 days after the claim is presented, except that no notice need be given and no waiver shall result when the claim as presented fails to state either an address to which the person presenting the claim desires notices to be sent or an address of the claimant.

TO:

[Claimant]

[Address]

RE: Claim Filed:

[date]

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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

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

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

Butte County Office of Education – Mary Sakuma, Superintendent

1859 Bird Street Oroville, CA 95965 (530)532-5650

Approved: March, 2009

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

EXHIBIT E (AR 3320)

DENIAL OF APPLICATION TO FILE A LATE CLAIM

CALIFORNIA CODES / GOVERNMENT CODE / SECTION 911.8

- (a) Written notice of the board's action upon the application shall be given in the manner prescribed by Section 915.4.
- (b) If the application is denied, the notice shall include a warning in substantially the following form:
"WARNING
"If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of **Government Code** Section 945.4 (claims presentation requirement). See **Government Code** Section 946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied. "You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."

TO:

[Claimant]

[Address]

RE: Claim Filed:

[date]

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

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

WARNING

If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code Section 945.4 (claims presentation requirement). See Government Code Section 946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied.

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

Butte County Office of Education – Mary Sakuma, Superintendent

1859 Bird Street Oroville, CA 95965 (530)532-5650

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

EXHIBIT F (AR 3320)

NOTICE OF ACTION TAKEN ON CLAIM

CALIFORNIA CODES / GOVERNMENT CODE / SECTION 913

- (a) Written notice of the action taken under Section 912.6, 912.7, or 912.8 or the inaction which is deemed rejection under Section 912.4 shall be given in the manner prescribed by Section 915.4. The notice may be in substantially the following form: "Notice is hereby given that the claim which you presented to the (insert title of board or officer) on (indicate date) was (indicate whether rejected, allowed, allowed in the amount of \$___ and rejected as to the balance, rejected by operation of law, or other appropriate language, whichever is applicable) on (indicate date of action or rejection by operation of law)."
- (b) If the claim is rejected in whole or in part, the notice required by subdivision (a) shall include a warning in substantially the following form:

"WARNING

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

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

Dear _____ :

Notice is hereby given that the claim you presented to Butte County Office of Education on

[date]

was

[rejected, allowed, allowed in the amount of \$ () and rejected to the balance, rejected by operation of law or other appropriate language, whichever is applicable]

on

[date of action or rejection by operation of law]

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

WARNING

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

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

Signature

Date

Typed Title of Officer

Butte County Office of Education – Mary Sakuma, Superintendent

1859 Bird Street Oroville, CA 95965 (530)532-5650

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3350

TRAVEL EXPENSES

The County Superintendent recognizes employees may incur expenses in the course of performing their assigned duties and responsibilities. To ensure the prudent use of public funds, the County Superintendent and/or designee shall establish rules to keep such expenses to a minimum while affording employees a reasonable level of safety and convenience.

The County Superintendent shall authorize payment for actual and necessary travel expenses incurred by any employee performing authorized services for Butte County Office of Education, whether within or outside county boundaries.

The County Superintendent and/or designee shall establish procedures for the approval of travel requests and the submission and verification of expense claims. He/she shall also establish reimbursement rates in accordance with law, Butte County Office of Education Superintendent's Policy and Operating Procedures.

An employee shall obtain approval from their immediate Supervisor prior to any travel. The Supervisor may approve travel requests in accordance with the adopted budget and upon determining that the travel is necessary to the performance of the employee's duties, and/or is otherwise necessary to attend a conference or other staff development opportunity that will enhance employee performance. Travel expenses not previously budgeted may be approved on a case-by-case basis if it is determined that the travel is essential and that resources may be obtained or redirected for this purpose.

All out-of-state travel for which reimbursement will be claimed shall be approved in advance by the County Superintendent.

Reimbursable travel expenses may include, but are not limited to, costs of transportation, parking fees, bridge or road tolls, lodging when Butte County Office of Education business reasonably requires an overnight stay, registration fees for seminars and conferences, telephone and other communication expenses incurred on business, and other necessary incidental expenses.

Butte County Office of Education will not reimburse ANY personal travel expenses including, but not limited to, tips or gratuities [excluding 20% for meals], tobacco, alcohol, entertainment, laundry, expenses of any family member who is accompanying the employee on business, optional flight or auto insurance, early check-in fees, personal use of an automobile, and personal losses or traffic violation fees incurred while on business.

Except as otherwise provided, reimbursement of travel expenses shall be based on actual expenses as documented by receipts. Travel expenses incurred with an overnight stay away from the employee's assigned headquarters / duty assignment, but exceeding the Federal approved amounts for the location of travel are taxable as income to the employee and will appear on the employee's W-2.

Authorized employees shall be reimbursed for the use of their own private vehicles in the performance of assigned duties, on either a mileage or monthly basis as determined by the County Superintendent.

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

The mileage allowance provided for the employees' use of their private vehicles shall be equal to the rate established by the Internal Revenue Service, and updated annually.

Vehicles should be shared whenever possible to minimize travel costs. No employee shall be entitled to reimbursement for automobile travel when he/she is transported free of charge or by another employee who is entitled to the expense reimbursement.

Meal costs will be reimbursed according to guidelines established in the Administrative Services Operating Procedures.

All expense reimbursement claims shall be submitted on a Butte County Office of Education form, within 10 working days following return from travel when possible. The form shall be accompanied by receipts and any explanation necessary to document that the expenses meet the criteria for reimbursement.

The Division Assistant Superintendent or designee shall approve expense claims only upon verifying that all necessary documentation is provided and that all expenses are appropriate and related to office business. If an expense claim is disallowed due to lack of documentation or inappropriate expenses, the employee may be personally responsible for any improper costs incurred.

When approved by the County Superintendent and/or designee, an employee may be issued a Butte County Office of Education credit card for use while on authorized business trips. Receipts documenting the expenses incurred on a credit card shall be submitted promptly following return from travel. Under no circumstances shall personal expenses be charged on a Butte County Office of Education credit card, even if the employee intends to subsequently reimburse Butte County Office of Education for the personal charges.

When necessary, the Assistant Superintendent or designee may approve a cash advance, not to exceed the estimated out-of-pocket reimbursable expenses, to an employee authorized to travel on official business. Within 10 working day following return from travel, the employee shall submit a final accounting with all necessary supporting documentation. He/she shall refund to Butte County Office of education any amount of cash advance exceeding the actual approved reimbursable expenses.

Travel costs incurred for a federal award will be charged consistent with those normally allowed within BCOE's written travel expenses operating procedures. Prior to obligating or incurring any charges for travel, the County Superintendent of Schools or designee shall determine whether a proposed purchase is an allowable expenditure in accordance with 2 CFR 200.475 and the terms and conditions of the award.

This policy contains a brief summary of the Butte County Office of Education Superintendent's Policy for travel reimbursements. Administrative Services Operating Procedures are to be used as the official guidelines for travel expense reimbursement and is located on the Butte County Office of Education website.

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Legal Reference:

EDUCATION CODE

42634 Itemization of expenses

44016 Travel expense to employment interview

44032 Travel expenses

44033 Automobile allowance

44802 Student teacher's travel expense

Approved: April, 2016

Revised: November, 2021

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3430

INVESTING

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

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

The County Superintendent and Butte County Board of Education recognize the importance of overseeing investments made with the Butte County Office of Education funds, including investments by the Butte County Treasurer. The Board of Education shall select a representative to the Butte County Treasury Oversight Committee. The County Superintendent or designee shall maintain ongoing communication with this representative and shall keep the Butte County Board of Education well informed about the policies that guide the investment of these funds.

The County Superintendent or designee may periodically provide to the Butte County Board of Education and any oversight committee a statement of the Butte County Office of Education's investment policy. At a public meeting, the Butte County Board of Education shall review this policy and discuss any changes to be made. In accordance with law and administrative regulations, the County Superintendent or designee shall also provide the Butte County Board of Education with quarterly reports with specified components, including a statement of how the Butte County Office of Education portfolio compares with the county office's investment policy.

Legal Reference:

EDUCATION CODE

41001 Deposit of money in county treasury; General fund deposits and exceptions

41002.5 Deposit of certain funds in insured institutions

41003 funds received from rental of real property

41015 Authorization of and limitation investment of county office funds

41017 Deposit of miscellaneous receipts

41018 Disposition of money received

42840-42843 Special reserve fund

GOVERNMENT CODE

16430 Eligible securities for investment of surplus monies

27130-27137 County treasury oversight committees

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

53600-53609 Investment of surplus

53630-53684 Deposit of funds, especially

53635 Local agency funds; deposit or investment

53646 Treasurer reports and statements of investment policy

53852.5 Investment term for funds designated for repayment of notes

53859.02 Borrowing by local agency

CIVIL CODE

2261-2262 Obligations of trustees; investments

Approved: July, 2004

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3430

REGULATIONS REGARDING INVESTING

All Butte County Office of Education monies shall be deposited with the County Treasurer unless designated by the Butte County Board of Education for other legally authorized purposes. Butte County Office of Education monies, in the County Treasury and other public agencies' funds are invested by the County Treasurer so as to produce the highest interest income possible, based upon length of investment and other restraints. Such interest income shall be distributed to all public agencies based upon case balances available for investment. Interest income earned by the Butte County Office of Education shall be deposited into the fund in which the interest is earned.

Approved: July, 2004

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3440

INVENTORIES

An inventory of equipment shall be maintained in a manner authorized by law. All items whose current value exceeds five hundred dollars (\$500.00) (Education Code 35168) shall be included in the inventory. All equipment items purchased with state and/or federal categorical funds that have a useful life of more than one year with an acquisition cost of \$500 or more per unit. In addition, the Superintendent or designee may maintain a list of specific items which shall be inventoried for internal control purposes regardless of their initial cost or current value.

The equipment inventory shall serve both the functions of control and conservation. The inventory shall include at least the name and description of the property, date of acquisition, identification numbers, original cost or a reasonable estimate of the original cost of an item shall be made when the original cost is unknown, location of use of all items and the date and method of disposal. - (Education Code 35168; 5 CCR 3946)

In addition to the information specified in items #1-6 above, the following information shall be recorded for equipment acquired with state and/or federal categorical funds unless otherwise specified in law: (5 CCR 3946; 2 CFR 200.313)

1. Source of the property (funding source)
2. Titleholder
3. Percentage of federal participation in the cost of the property
4. Use and condition of property
5. Sale price of the property upon disposition and method used to determine current fair market value

At the time of purchase, the Superintendent or designee shall affix a label to the equipment containing the identification number and the district name. Equipment items purchased with categorical program funds shall also be labeled with the name of the project in accordance with 5 CCR 3946.

Whenever an equipment item is moved to a new location or the equipment is used for a new purpose, the new location or purpose shall be recorded in the inventory.

A copy of the inventory shall be kept at the county office and at the appropriate program site.

The Superintendent or designee shall annually submit an inventory listing of federally owned property in its custody to the federal agency that granted the award. (2 CFR 200.312)

The inventory shall include all instructional equipment as well as supplies for food services, maintenance and other operating departments of the Butte County Office of Education. Information shall be maintained on the

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

appropriate data management system used by the Butte County Office of Education and updated according to the inventory schedule established in procedures and regulations.

Physical Inventory

At least once every two years, a physical inventory of equipment shall be conducted and the results reconciled with the property records. (2 CFR 200.313)

The Superintendent or designee shall establish procedures for conducting the physical inventory which shall include, but not be limited to, designation of person(s) responsible for coordinating and conducting the inventory, preparation and distribution of count sheets, procedures for implementing the inventory, and procedures for conducting a recount to substantiate the validity of the inventory.

The Superintendent or designee shall investigate any differences between the quantities determined by the physical inspection and those in the accounting records.

FIXED ASSETS

Items whose value exceeds fifty thousand dollars (\$50,000) shall be recorded as a fixed asset for financial reporting purposes. Also, any item purchased with federal funds whose value exceeds (\$5,000) shall be recorded as a fixed asset as well.

Legal Reference:

EDUCATION CODE

41015 Authorization of and limitation of investment of district funds

41017 Deposit of miscellaneous receipts

41018 Disposition of money received

42840-42843 Special reserve fund

GOVERNMENT CODE

16430 Eligible securities for investment of surplus monies

53600-53609 Investment of surplus

53646 Treasurer reports and statements of investment policy

Approved: July, 2010

Revised: November, 2021

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3440

REGULATIONS REGARDING INVENTORIES

Administrative Services shall maintain a master inventory list and update it annually. This master list will be maintained in the financial system software.

Inventory of Furniture and Equipment

All furniture and equipment acquired for use by the Butte County Office of Education with value exceeding \$500.00 is inventoried. The inventory system allows the Butte County Office of Education to track its fixed assets. All fixed assets are verified annually against the inventory. The inventory system allows for pertinent information to be kept on each item inventoried:

1. Purchase price and / or value;
2. Date acquired;
3. Brand name and serial number;
4. Location and / or disposition.
5. For categorical programs, the funding source; titleholder; percentage of federal participation in cost of property; use/condition of property; sale price of property upon disposition/method used to determine current fair market value

This inventory provides the Butte County Office of Education with the means to ensure that adequate insurance is carried in the event of loss due to theft, fire, etc.

Inventory of Items Assigned to Employees

In addition to maintaining an inventory of fixed assets, an inventory of items assigned to employees shall be maintained. Items in the inventory shall include keys, credit cards, access codes, fixed assets, and any other item deemed appropriate to track.

Annual Verification Procedure

1. Annual verification of all fixed assets will occur on or before May 1st of each fiscal year.
2. Each department will assign an Inventory Agent (or Agents) to complete the annual physical inventory and make all necessary updates within the financial software system.
3. The Inventory Agent will generate the inventory listing for the associated department from the financial system software and will verify furniture and equipment against inventory lists noting any discrepancies;
4. Any discrepancies shall be communicated by the Inventory Agent to the department manager and to the Executive Director of Fiscal Services or designee;
5. The Executive Director of Fiscal Services or designee shall make any necessary revisions to inventory.

New Items

1. The financial system software will be used to track all fixed assets. When purchasing an item classified as a fixed asset, the correct object code to use is 4400 for Inventory items or 6400 for Capital Asset

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items. The use of these object codes in the purchase order process will automatically flag the item(s) in the financial system software as a fixed asset.

2. Fixed asset tags are required for all inventory items. Tags will include the item's asset identification number, location, purchase order number, manufacturer and barcode tracking. Technology items received from the Information Technology (IT) department will have tags placed upon delivery. Contact Fiscal Services to request tags for non-technology items, or for any replacement tags. Purchaser affixes an inventory tag on to equipment or furniture in such a manner that it can be easily seen when inventory is verified
3. When an employee is assigned equipment or inventory items, the assigning department manager will send an Employee Issued Asset Agreement to the employee to sign as an acknowledgment of receipt and agreement to use the assigned equipment for business-related purposes only. This Asset Agreement will be generated through the financial system software.
4. The employee will sign and return the Employee Issued Asset Agreement to the applicable department. Each time an additional item is assigned to an employee, a new Employee Issued Asset Agreement will be sent to the employee for signature and return.

Adjustment, Return or Transfer of Assigned Equipment/Inventory Items

If an employee is resigning, terminating, or transferring, the assignment of equipment/items belonging to that employee will need to be adjusted in the financial system software. In order to initiate the appropriate adjustments, Fiscal Services should be notified along with the appropriate department manager.

1. It is the department manager's responsibility to ascertain, verify, and collect all equipment/items assigned to the exiting/transferring employee prior to the employee's departure, as well as communicate with and return all applicable assigned items to the appropriate departments.
2. Any resignation/termination/transfer paperwork submitted by management to Human Resources should include a copy of the employee's Employee Issued Asset Agreement with notations indicating the return of any applicable equipment. A copy will be filed with Administrative Services, as well as in the employee's personnel file.

Approved: July, 2005

Revised: November, 2021

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3500

RECOVERY FOR PROPERTY LOSS OR DAMAGE

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

Rewards

If the County Superintendent or designee of law enforcement officials is unable to fix responsibility for the theft or vandalism, the County Superintendent or designee may offer a reward in any amount deemed appropriate for information leading to the identification and apprehension of the guilty party.

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

Legal Reference:

EDUCATION CODE

19910 Malicious cutting, tearing, defacing, breaking, or injuring

19911 Willful detention of property

44810 Willful interference with classroom conduct

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

CIVIL CODE

1714.1 Liability of parents or guardians for willful misconduct by a minor

GOVERNMENT CODE

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

53069.6 Actions to recover civil damages for damaging or taking property

61601.1 Abatement of graffiti

PENAL CODE

484 Theft defined

594 Vandalism; § Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Approved: July, 2004

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3513.1

MOBILE COMMUNICATION DEVICE REIMBURSEMENT

Butte County Office of Education understands that mobile communication devices are an efficient and important method of conducting Butte County Office of Education business and can help to ensure the safety and security of staff, students, and others, as well as helping to protect Butte County Office of Education property.

The County Superintendent or designee shall determine, in accordance with Butte County Office of Education Administrative Regulations, whether an employee needs a mobile communication device in order to perform his/her job responsibilities.

Legal References:

Education Code

35213 Reimbursement for loss or damage of personal property

44032 Travel expense payment

48901.5 Electronic signaling devices

Vehicle Code

23123 Wireless telephones in vehicles

23125 Wireless telephones in school buses

Code of Federal Regulations

Title 26 1.132-5 Working conditions fringe benefits

Approved: November 18, 2008

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3513.1

REGULATIONS REGARDING MOBILE COMMUNICATION DEVICE REIMBURSEMENT

Butte County Office of Education may provide an allowance to an employee for the use of his/her personally owned mobile communication device for Butte County Office of Education related business. The allowance shall be based on the business requirements of the employee. The allowance shall be paid to the employee, who shall be responsible for payment to his/her service provider.

At such time that it is no longer necessary for the employee to have a mobile communication device to conduct Butte County Office of Education business, or the employee terminates employment with Butte County Office of Education, the allowance will be discontinued. Any mobile communication device contracts entered into by the employee will be the sole responsibility of the employee. All costs related to the purchase, maintenance and/or repair of the employee-owned mobile communication device are the sole responsibility of the employee.

If an employee is not receiving an allowance, Butte County Office of Education will not require employees to provide their personal mobile communication device number for business use.

Butte County Office of Education may purchase mobile communication devices for use by employees for Butte County Office of Education related business.

The County Superintendent or designee shall develop a uniform system for identifying employee mobile communication device needs and the most cost-effective method of providing necessary equipment to employees. Butte County Office of Education shall also develop a system for monitoring employee use and reimbursement of costs. If an employee misuses the mobile communication device or leaves Butte County Office of Education employment, he/she shall be responsible for fees or charges associated with cancellation of the service contract.

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

Documentation of Records for Tax Purposes

When an employee receives a monthly allowance for the use of his/her personally owned mobile communication device, the amount of the allowance shall be reported as taxable income by Butte County Office of Education and the employee.

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

When an employee has been provided the use of a Butte County Office of Education owned device, he/she shall identify the personal calls, text messages, and/or other charges on the monthly bill and shall reimburse Butte County Office of Education for the cost of the personal use.

Mobile Communication Device – Safety Measures

1. Employees must follow laws related to driving and use of a mobile communication device.
2. Employees charged with traffic infractions as a result of the improper use of a communication device while driving, will be responsible for paying any fines or other associated costs.
3. If improper use of communication devices while driving becomes a recurring problem, the employee will be subject to employee discipline.

Mobile Communication Device Criteria

Mobile Communication Device Issuance – Individual

1. With approval of an Assistant Superintendent, an employee may be issued a Butte County Office of Education owned mobile communication device if at least one of the following criteria is met:
 - a. There exists a 24-hour responsibility due to mission critical systems
 - b. The incoming message is program specific due to the absence of a landline
2. A two-way data option is at the discretion of the Division Assistant Superintendent.
3. Employees upon issuance of a Butte County Office of Education owned mobile communication device, will sign an agreement indicating that the device will be used only for business-related purposes.
4. The Assistant Superintendent or designee shall monitor each monthly bill and certify that all charges are business-related.

Employee Allowance

1. With approval of an Assistant Superintendent, an employee may receive an allowance for use of a personally owned mobile communication device, if there is a program need requirement and at least four of the five following criteria are met:
 - a. Lack of access to landline
 - b. Multiple site management responsibilities
 - c. Constant accessibility during work hours
 - d. Student and/or staff safety
 - e. Frequent business-related travel (applicable only for mobile communication device with data access)
2. Allowance amounts will be in the amount of \$30.00 for regular mobile communication device use, and in the amount of \$60.00 for mobile communication device with data access use. Assistant Superintendents will determine whether an employee's position requires data access.
3. An employee using a mobile communication device may request access to Outlook e-mail and calendar only if the device qualifies to meet current Butte County Office of Education information technology standards and available support.

Mobile Communication Device Expenses – Program

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

1. Mobile communication device expenses, associated with Butte County Office of Education issued mobile communication devices checked out to employees, will be paid through Butte County Office of Education if the following criteria are met:
 - a. Site security needs
 - b. Necessity of connection with districts and staff, and other government agencies
 - c. Necessity of direct connection, staff to staff
2. Butte County Office of Education owned mobile communication devices purchased by program, are to be checked out to employees at the beginning of the day or week, and checked back in at the end of the day or week.
3. The Assistant Superintendent or designee shall monitor each monthly bill and certify that all charges are business related.

Mobile Communication Device – Proper Use

1. Employees are expected to use Butte County Office of Education issued mobile communication devices for business related purposes only.
2. Employees will be expected to reimburse Butte County Office of Education for any personal use, whether accidental or purposeful, of a Butte County Office of Education issued mobile communication device, and may be subject to disciplinary action.
3. Butte County Office of Education reserves the right to collect funds owed from employee, due to violation of mobile communication device regulations, by use of payroll deduction.

Approved: November, 2008

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3513.3

TOBACCO-FREE SCHOOLS

Butte County Office of Education recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with goals to provide a healthy environment for students and staff.

Butte County Office of Education prohibits the use of tobacco products at any time in Butte County Office of Education owned or leased buildings, property, and vehicles.

This prohibition applies to all employees, students, and visitors at any Butte County Office of Education sponsored instructional program, activity, or athletic event held on or off property. Any written joint use agreement governing community use of Butte County Office of Education facilities or grounds shall include notice of the tobacco-free schools policy and consequences for violations of the policy.

The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited

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

[119405](#) Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

[3300](#) Employer, definition

[6304](#) Safe and healthful workplace

[6404.5](#) Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

[6083](#) Nonsmoking policy for children's services

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

7100-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

Approved: April, 2014

Revised: November, 2015

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3513.3

REGULATIONS REGARDING TOBACCO-FREE SCHOOLS

Notifications

Information about the tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community.

The County Superintendent or designee may disseminate this information through annual written notifications, Butte County Office of Education's web sites, student and parent handbooks, and/or other appropriate methods of communication.

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

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

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

The County Superintendent or designee shall not be required to physically eject a non-employee who is smoking or to request that the non-employee refrain from smoking under circumstances involving a risk of physical harm to Butte County Office of Education property or any employee.

Approved: March, 2011

Revised: November, 2015

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3514.1

HAZARDOUS SUBSTANCES

The County Superintendent desires to provide a safe school environment that protects students and employees from exposure to potentially hazardous substances that may be used in educational programs and in the maintenance and operation of facilities and equipment.

Insofar as reasonably possible, the County Superintendent or designee shall minimize the quantities of hazardous substances stored and used on Butte County Office of Education's property. When hazardous substances must be used, the County Superintendent or designee shall give preference to materials that cause the least risk to people and the environment.

The County Superintendent or designee shall ensure that all potentially hazardous substances on Butte County Office of Education properties are inventoried, used, stored, and regularly disposed of in a safe and legal manner.

The County Superintendent or designee shall develop, implement, and maintain a written hazard communication program and shall ensure that employees, students, and others as necessary are fully informed about the properties and potential hazards of substances to which they may be exposed.

The County Superintendent or designee shall develop specific measures to ensure the safety of students and staff in school laboratories where hazardous chemicals are used. Such measures shall include the development and implementation of a chemical hygiene plan and instruction to students about proper handling of hazardous substances.

Legal Reference:

EDUCATION CODE

32240-32245 Lead Safe Schools Protection Act

49340-49341 Hazardous substances education

49401.5 Legislative intent; consultation services

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

FOOD AND AGRICULTURAL CODE

12981 Regulations re: pesticides and worker safety

HEALTH AND SAFETY CODE

25163 Transportation of hazardous wastes; registration; exemption; inspection

25500-25520 Hazardous materials release response plans; inventory

LABOR CODE

6360-6363 Hazardous Substances Information and Training Act

6380-6386 List of hazardous substances

CODE OF REGULATION, TITLE 8

339 List of hazardous substances

3203 Illness and injury prevention program

3204 Records of employee exposure to toxic or harmful substances

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

5139-5230 Control of hazardous substances, especially

5154.1-5154.2 Ventilation

5161 Definitions

5162 Emergency eyewash and shower equipment

5163 Control of spills

5164 Storage of hazardous substances

5191 Occupational exposure to hazardous chemicals in laboratories; chemical hygiene plan

5194 Hazard communication

CODE OF REGULATIONS, TITLE 22

67450.40-67450.49 School hazardous waste collection, consolidation, and accumulation facilities

Approved: July 1, 2004

Revised: November, 2015

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3514.1

REGULATIONS REGARDING HAZARDOUS SUBSTANCES

Hazardous substance means a substance, material, or mixture which is likely to cause illness or injury by reason of being explosive, flammable, poisonous, corrosive, oxidizing, an irritant, or otherwise harmful. Hazardous substances, are identified by the Department of Industrial Relations in the California Code of Regulations.

Storage and Disposal of Chemicals

The County Superintendent or designee shall adopt measures to ensure that hazardous substances on any Butte County Office of Education property are stored and disposed of properly in accordance with law. Such measures shall include, but are not limited to, the following:

1. Substances which react violently or evolve toxic vapors or gases when mixed, or which in combination become toxic, flammable, explosive, or otherwise hazardous, shall be separated from each other in storage by distance, partitions, secondary containment, or otherwise so as to preclude accidental contact between them.
2. Hazardous substances shall be stored in containers which are chemically inert to and appropriate for the type and quantity of the hazardous substance.
3. Containers of hazardous substances shall not be stored in such locations or manner as to result in physical damage to or deterioration of the container or where they are exposed to heat sufficient to rupture the container or to cause leakage.
4. Containers used to package a substance which gives off toxic, poisonous, corrosive, asphyxiant, suffocant, or anesthetic fumes, gases, or vapors in hazardous amounts, excluding small quantities of such materials kept in closed containers or materials kept in tank cars or trucks, shall not be stored in locations where it could be reasonably anticipated that persons would be exposed.

The County Superintendent or designee shall regularly remove and dispose of all chemicals whose estimated shelf life has elapsed.

Hazard Communication Program

Butte County Office of Education's written hazard communication program shall include at least the components listed below and shall be available upon request to all employees and their designated representatives. The program shall apply to any hazardous substance which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a reasonably foreseeable emergency resulting from workplace operations.

1. Container Labeling
No container of hazardous substance, unless exempted by law, shall be accepted by the district or any district school unless labeled, tagged, or marked by the supplier with the identity of the hazardous substance, hazard warning statements, and the name and address of the chemical manufacturer or importer. No label on an incoming container shall be removed or intentionally defaced unless the container is immediately marked with the required information.

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Whenever hazardous substances are transferred from their original containers to other containers, the secondary containers shall likewise be labeled with the identity and hazard warning statement, unless the substances are intended only for the immediate use of the employee who performs the transfer.

2. Safety Data Sheets

Upon receiving a hazardous substance or mixture, the County Superintendent or designee shall ensure that the manufacturer or importer has furnished a safety data sheet (SDS) as required by law. If the SDS is missing or obviously incomplete, the Superintendent or designee shall, within seven working days of noting the missing or incomplete information, request a new SDS from the manufacturer or importer. If a response is not received within 25 working days, the County Superintendent or designee shall send a copy of the written inquiry to the California Occupational Safety and Health Division (Cal/OSHA).

The County Superintendent or designee shall maintain the required SDS for each hazardous substance in the workplace and shall ensure that it is readily accessible to employees in their work area during working hours. The SDS may be maintained in paper copy, electronically, or through other means, provided that employees have immediate access and understand how to use the alternative system.

3. Employee Information and Training

Employees shall receive information and training on hazardous substances in their work area at the time of their initial assignment and whenever a new hazard is introduced into their work area. The information and training shall include, but are not limited to, the following topics:

- a. The requirements of a hazard communication program, including employee rights described therein
- b. The location and availability of the written hazard communication program, including the list of hazardous materials and all SDS
- c. Any operations in the work area where hazardous substances are present
- d. The physical and health effects of the hazardous substances in the work area
- e. Methods and observations that may be used to detect the presence or release of hazardous substances in the work area
- f. Measures that employees can take to protect themselves from exposure to hazardous substances, including specific procedures implemented to protect employees, such as appropriate work practices, emergency procedures, and personal protective equipment to be used
- g. How to read and use the labels and SDS

4. List of Hazardous Substances

The written hazard communication program shall include a list of the hazardous substances known to be present in the workplace as a whole or for individual work areas.

5. Hazardous Non-routine Tasks

When employees are required to perform hazardous non-routine tasks or to work on unlabeled pipes that contain hazards, they shall first receive information about the specific hazards to which they may be exposed during this activity and the protective/safety measures which must be used, such as ventilation, respirators, other personal protective equipment, and/or the

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

presence of another employee. They shall also receive information about emergency procedures to follow if accidentally exposed to the hazardous substance.

6. Information to Contractors

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

Chemical Hygiene Plan

The chemical hygiene plan shall address exposure to hazardous chemicals in school laboratories and shall include the following components:

1. Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals
2. Criteria used to determine and implement control measures to reduce exposure to hazardous chemicals, including engineering controls, the use of personal protective equipment, and hygiene practices
3. A requirement that protective equipment comply with state regulations and that specific measures be taken to ensure proper and adequate performance of such equipment
4. Provision of specified information at the time of an employee's initial assignment to a work area where hazardous chemicals are present and prior to assignments involving new exposure situations
5. Provision of specified employee training in accordance with the schedule determined by the County Superintendent or designee
6. The circumstances under which a particular laboratory operation, procedure, or activity shall require prior approval of the County Superintendent or designee before implementation
7. Provisions for medical consultations and examinations whenever there is evidence, as specified, that the employee may have been exposed to a hazardous chemical
8. Designation of an employee, who is qualified by training or experience, to serve as the chemical hygiene officer to provide technical guidance in the development and implementation of the chemical hygiene plan
9. Provisions for additional employee protection for work with particularly hazardous substances, as specified

The plan shall be readily available to employees and employee representatives, and, upon request, to Cal/OSHA.

The County Superintendent or designee shall review and evaluate the effectiveness of the chemical hygiene plan at least annually and shall update it as necessary.

Approved: November, 2015

Butte County Office of Education

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Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3515

WORKPLACE SAFETY AND SCHOOL BUILDING SECURITY

The County Superintendent is committed to maintaining safe schools for students and employees.

The County Superintendent believes that safety is every employee's responsibility. The Butte County Office of Education will not knowingly permit unsafe working conditions to exist nor will it permit employees to engage in unsafe work practices. Violations of established safe work practices will result in disciplinary action.

Since employees are more apt to be aware of unsafe conditions, they are encouraged to make recommendations, suggestions and / or criticism of potential hazardous or unsafe conditions to their immediate supervisor. In addition, employees shall actively participate in Butte County Office of Education safety programs and observe all established precautionary measures.

Supervisors shall promote safety and correct, as appropriate, any unsafe work practices through education, training and enforcement. No employee shall be required to work under unsafe or hazardous conditions or perform tasks, which endanger their health, safety or well-being. Protective equipment will be supplied and issued through the department. Each supervisor will be responsible for seeing that all employees are issued the necessary protective equipment and that said equipment is worn and used in accordance with safe work practices and Material Safety Data Sheets (MSDS). Working conditions and equipment shall be maintained in compliance with standards prescribed by federal, state and local law and regulation.

The County Superintendent assigns responsibility for implementing this policy to the Assistant Superintendent of Administrative Services who will ensure that adequate education; training and enforcement procedures are developed. A training program, which complies with applicable law, will be implemented and maintained. Procedures for communicating requirements to employees and the enforcement of conditions shall be part of the program. Appropriate records shall be maintained to ensure there is documentation of Butte County Office of Education compliance with the applicable code sections.

The County Superintendent directs that the purchase and use of known hazardous materials which are considered inappropriate for public schools per hazardous material labeling protocol in Butte County Office of Education programs except under unusual circumstances. Employees shall seek and use suggested safe alternative chemicals.

Administrative regulations shall be developed to outline specific procedures to require that workplaces are safe and security is provided for Butte County Office of Education buildings and grounds.

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Legal Reference:

EDUCATION CODE

32020 Access gates

322101 Willful disturbance, public schools or meetings

35294.10 -35294.15 School Safety Violence Protection Act

39672 School facilities

PENAL CODE

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

626-626.11 Schools

627 – 627.10 Access to school premises

CALIFORNIA STATE CONSTITUTION

“Rights to Safe Schools” Article 1, Section 28(f)(1)

Approved: July 1, 2004

Revised: November, 2015

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3515

REGULATIONS REGARDING WORKPLACE SAFETY AND BUILDING SECURITY

Security

Incidents of illegal entry, theft of school property, vandalism, or damage to Butte County Office of Education property from other causes will be reported to appropriate law enforcement, specifying Butte County Office of Education as the victim, and Administrative Services as soon after discovery as possible. A written report of the incident will be made within 24 hours of discovery. Written reports will be prepared on forms supplied by Administrative Services. The original should go to the Executive Assistant of Administrative Services, a copy to the department Assistant Superintendent, and a copy to the Maintenance and Operations Manager, which shall be retained for the facility files.

Keys

Security of materials, supplies, equipment, and physical facilities is of utmost importance to any organization. To the greatest extent possible, access to real and personal property of the Butte County Office of Education should be restricted to staff with a definite need to use them. No central office can adequately control access; therefore, the responsibility for control rests with department heads and program managers who can reasonably limit access to real and personal property.

The various buildings housing Butte County Office of Education's personnel have been provided with exterior and interior door locks to control access. It is the responsibility of Administrative Services to order any changes or repairs to door locks. A department head may request any number of keys to spaces used by personnel within his/her department. Reasonable limits should be placed on access to those spaces by the department head. A general guide is that exterior door keys should only be given to personnel who must have access to the space before or after business hours or who are the first to arrive and, therefore, must open the space to other personnel and the general public. As a general rule, no part-time or temporary personnel will be issued keys to spaces. Any exceptions to this rule are at the department head's discretion and will be based on the reasonableness of such an action and the overriding needs of the department versus the specific goal of security for real and personal property.

All keys used in the Bird Street building shall be the responsibility of Administrative Services. Inventory and tracking of all keys used in other facilities shall be the responsibility of the site administrators. Requests for permanent issuance of keys shall be made only where the employee regularly needs a key in order to carry out the normal activities of his/her position. When need for a key is temporary, the key shall be issued on that basis to be returned immediately when the need has ended.

All keys shall be issued through the office of each site administrator or through Administrative Services. The recipient shall sign a receipt showing the number of the key and the room(s) or building(s), which it opens. This receipt shall be returned to the employee upon return of the key.

It shall be the responsibility of administrative services to maintain a complete set of master keys for all facilities in which the Butte County Office of Education houses its programs. Administrative Services will

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issue keys to those employees who regularly need keys in order to carry out their normal duties as employees.

Each site administrator and Administrative Services shall set up key-control systems with records of each key number, the locks they open, and a record of the persons to whom the keys have been issued.

Keys shall be used only by authorized employees and shall never be lent to pupils. Master and sub-master keys shall not be used by anyone other than the person to whom they are issued, nor shall they be lent for any purpose.

The person issued a key shall be responsible for it and shall pay for a duplicate if it is lost. Duplicate keys for the Bird Street building may be obtained only through the Administrative Services. Duplicate keys for other sites may be obtained from the site administrator. Duplication through any other agency is absolutely forbidden and employees are to be reminded of Penal Code consequences.

Employee final pay will be withheld until the Administrative Services department is in receipt of all Butte County Office of Education property being returned at time of termination. The department head of each department shall be responsible for retrieving such property. This would apply to terminations as well as employee transfers to another department when access to current property is no longer necessary or required. Inability to obtain issued key(s) may cause Butte County Office of Education to re-key the building. In such case, the department will be held accountable and that department's budget may be charged for the re-keying if determined by the County Superintendent.

The following staff personnel will be issued keys to their respective buildings:

1. Management employees as designated and determined by the County Superintendent or designee;
2. Staff personnel whose function and responsibility is to open the premises to the public and to employees;
3. Those staff whose day-to-day operations are critical enough to warrant access to a building at times other than normal working hours;
4. Those exceptions agreed upon between the department head and the Maintenance/Operations/Facilities Supervisor.

Each department will be required to maintain two (2) loaners for overnight issuance only when a non-manager is requested to gain access to Butte County Office of Education property during non-working hours, such as late evening or weekends.

Safe Work Practices Training

Federal and state law mandates training for safe work practices. There are general and specific work practices for Butte County Office of Education employees. Safe work practices eliminate and / or reduce

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the possibility of injury and / or illness. General work practices apply to all employees while specific safe work practices apply to groups or classes of employees doing the same or similar type of work.

Administrators will coordinate with the Manager of Maintenance, Operations & Facilities to provide training to employees on safe work practices.

Identifying and Reducing Hazards

Employee safety on the job is the responsibility of every employee and administrator. The Manager of Maintenance, Operations & Facilities coordinates Health and Safety standards and training.

Most accidents involve both the employee and the work environment. Administrators and employees must be alert for conditions that have the potential for causing illness or injury. Acts of negligence, disregard for rules or procedures, haste, failure to wear protective clothing, and improperly guarded or maintained equipment can and do cause accidents.

Employees will be advised of safe working conditions, safe work practices and required personal protection through employee orientation and training. Employees will be instructed on the use of the Hazard Report form and will not suffer from any reprisals or other job discrimination for expressing any concern, comment, suggestions or complaint.

The identification of potential hazards is a significant and required part of the Injury and Illness Prevention Program (IIPP) guidelines outlined by the California Office of Safety and Health Administration (Cal/OSHA).

Accident prevention benefits the employee, promotes efficiency, saves money and provides for maximum delivery of services.

All employees and administrators are responsible for knowing and following the requirements of the Butte County Office of Education Injury and Illness Prevention Plan.

Reporting Hazards

1. Employee reports a hazard immediately upon discovering a potentially unsafe or hazardous condition and forwards the report to his / her immediate supervisor.
2. Administrator investigates conditions to determine severity of hazard.
3. Administrator notifies the Manager of Maintenance, Operations & Facilities of conditions and requests immediate corrective action for imminent hazard or future corrective action for less severe hazards.
4. The Manager of Maintenance, Operations & Facilities takes necessary steps to correct conditions.
5. Administrator responds in writing to employee within five days from receipt of Hazard Report.
6. For leased facilities, Manager of Maintenance, Operations & Facilities will be contacted as needed.

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Visitors on Campus

1. The County Superintendent recognizes the importance of securing a safe environment for students. To ensure the safety of students enrolled in Butte County Office of Education programs, employees shall report all strangers observed on school sites. Butte County Office of Education programs located on a district campus shall review site procedures for reporting non-school personnel on campus.
2. Immediately upon entering any Butte County Office of Education building, school building or grounds where school is in session, any person who is not a student of the school or a school employee shall report his / her presence and the reason for visiting the school to the receptionist or school office.
3. Any individual who fails to register within a reasonable time after entering the school grounds or who fails to leave upon request of the administrator or who returns after leaving pursuant to such a request has committed an unlawful act and may be prosecuted according to law.

Approved: July 1, 2004

Revised: November, 2015

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3515.6

CRIMINAL BACKGROUND CHECKS FOR CONTRACTORS

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

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

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

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

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

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

These steps may include, but are not be limited to, ensuring that the employee is working during non-school hours, providing supervision of the employee by Butte County Office of Education personnel, ensuring that the employee is not working alone when students are present, limiting the employee's access to school grounds.

Other Facility Contractors

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

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

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

Legal Reference:

EDUCATION CODE

41302.5 Appropriations, sources, conditions, amounts of support per average daily attendance

45122.1 Employment

45125.1 Employment

45125.2 Employment

PENAL CODE

667.5 General provisions

1192.7 The judgment

Approved: July 1, 2004

Revised:

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SP 3516

EMERGENCIES AND DISASTER PREPAREDNESS PLAN

In order to save lives and protect property, all Butte County Office of Education office staff and students must be prepared to respond quickly and responsibly to emergencies, disasters and events, which threaten to result in a disaster.

The County Superintendent or designee shall develop and maintain a disaster preparedness plan, which details provisions for handling all foreseeable emergencies and disasters.

The principal or designee shall augment the Butte County Office of Education plan with working plans and procedures specific to each school, including specific details and procedures to aide students and staff with disabilities. He / she shall present a copy of these site plans and procedures to the County Superintendent.

Butte County Office of Education and site plans shall address at least the following situations:

1. Fire on or off school grounds which endangers students;
2. Natural or man-made disasters;
3. Bomb threat or actual detonation;
4. Attack or disturbance by individuals or groups.

The County Superintendent or designee should ensure that the plan includes:

1. Procedures for personal safety and security;
2. Ways to ensure smooth administrative control of operations during a crisis;
3. Procedures to establish a clear, effective communications system;
4. Guidelines for law enforcement involvement, including specific steps for law enforcement intervention depending upon the intensity of the crisis.

The County Superintendent or designee may use state-approved Standard Emergency Management System guidelines when updating the Butte County Office of Education and site-level emergency and disaster preparedness plans.

The County Superintendent or designee shall consult with city and / or county agencies so that the Butte County Office of Education and site plans may provide the best possible way of handling each situation and also provide for emergency communications systems between these agencies and each school site. Disaster preparedness exercises shall be held regularly at each school site and shall demonstrate how safety procedures may be applied to various types of emergencies. All students and employees shall receive instruction regarding emergency plans.

Legal Reference:

EDUCATION CODE

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

32000-32004 School safety

32040 First aid equipment

35295-35297 Earthquake emergency procedures

38132 Use of school property

46390-46392 Emergency average daily attendance

49505 Meals

GOVERNMENT CODE

3100 Oath or affirmation of allegiance for disaster service workers and public employees

8607 Disaster preparedness

CODE OF REGULATIONS, TITLE 5

550

560

CODE OF REGULATIONS, TITLE 19

2400 et seq.

CODE OF REGULATIONS, TITLE 19

2400 et seq.

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Revised: November, 2015

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3516

REGULATIONS REGARDING EMERGENCY POWER OUTAGES

In case of a power outage at any of our administration building sites, the following procedures will be in effect:

If Outage Exists When Staff Is Arriving At The Office

1. Staff will report to their respective offices and communicate with their supervisor;
2. If immediate supervisor is not available, staff will report to either the Assistant Superintendent of Administrative Services or the Maintenance, Operations & Facilities Manager for short-term direction;
3. Depending on available lighting, staff will be expected to stay in the vicinity of their respective office for at least one hour after arrival. This will allow the Maintenance and Operations section to assess the seriousness and estimated duration of the outage and determine "next steps". After one hour, the decision will be made whether or not to dismiss staff. Due to the early morning hour, if staff are released, they will be expected to call in 2 hours later to determine if power has been restored and they are able to return to the office. Staff will be informed of the telephone number to call before leaving the premises;
4. Some offices have more lighting than others and can therefore function for longer periods of time under such conditions. Based on this, supervisor will determine for his/her office what can be accomplished as to tasks. Understanding that the work for most staff revolves around their desktop computer, this would be a consideration of the supervisor as to the length of stay of various staff. Releasing of staff after one hour is at the sole discretion of each individual supervisor, or due to a lack of supervisor, at the discretion of the County Superintendent, or in his absence, Assistant Superintendent of Administrative Services or Maintenance, Operations & Facilities Manager, and may differ by department depending upon available resources;
5. Supervisor must also consider health and safety matters, as a power outage in some buildings also negates use of lavatory facilities. If such is the case, supervisor may have no choice but to release staff and have them check back as referenced in #3 above;
6. Staff being told at the time of their two-hour callback that power has not been restored will not be expected to call back a second time. The office will remain closed to staff for the rest of the day except for managers who may desire to remain in the building;
7. Staff leave is not charged due to an emergency office closure. Staff who had scheduled and taken pre-approved leave for that day remain on such and will still have their available leave charged for the period of time originally planned. Should power be restored before the 2 hour call back, staff failing to call back to determine status will have their leave charged for the amount of time not in the office.

If Power Outage Occurs During Morning Working Hours

1. Same procedures as above will be followed, except that staff will be expected to call in during their normal lunch period to check on power status. Employee told at that time that power is still out will not be expected to call again. The office remains closed to staff for the remainder of the day;
2. Same leave conditions exist.

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If Power Outage Occurs In The Afternoon

1. Staff will be expected to stay for one hour after the occurrence. Should conditions still exist after one hour, staff will be released for the remainder of the day;
2. Same leave conditions exist.

General Guidelines

1. During such an emergency, should a manager feel he/she could benefit from the use of another departmental employee(s) who is unable to perform his/her duties, such is allowable. It would be understood this would occur for a "reasonable amount of time" considering restraints mentioned above;
2. Regardless of individual departmental arrangements, at all times a manager will remain in the building as long as staff are present. In the main Administrative building in Oroville, this will be the Assistant Superintendent of Administrative Services, the Maintenance and Operations Manager or another designated manager. For obvious security and personal safety reasons, this must be adhered to in all Butte County Office of Education buildings. No staff will be present during an emergency without a manager present.
3. Each Butte County Office of Education building/program site must have a plan in effect similar to the above. It is the responsibility of each Assistant Superintendent to insure that his/her program managers housed in other building sites have a plan in effect. Should an emergency present itself and no manager is on site, staff are to make contacts in the following order until resolution:
 - a. Department Assistant Superintendent;
 - b. Maintenance, Operations & Facilities Manager;
 - c. Assistant Superintendent of Administrative Services;
 - d. Other Department Assistant Superintendents

Approved: July 1, 2004

Revised: November, 2015

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SP 3517

FACILITIES INSPECTION

The County Superintendent recognizes that the condition of school facilities may have an impact on safety, student learning and achievement, and employee morale, and desires to provide school facilities that are safe, clean, and functional.

The County Superintendent or designee shall develop a facilities inspection and maintenance program to ensure that Butte County Office of Education schools are maintained in good repair in accordance with law. At a minimum, the inspection program shall determine facility conditions specified on the facilities inspection and evaluation instrument developed by Office of Public School Construction, including, but not limited to, any evidence of:

1. Gas Leaks: Gas systems and pipes appear safe, functional, and free of leaks
2. Mechanical Systems: Heating, ventilation, and air conditioning systems as applicable are functional and unobstructed; appear to supply an adequate amount of air to all classrooms, workspaces, and facilities; and maintain interior temperatures within normally acceptable ranges
3. Windows/Doors (interior and exterior): Conditions that pose a safety and/or security risk are not evident; windows and doors are intact, functional, and open, close and lock as designed, unless there is a valid reason they should not function as designed
4. Fences and Gates: Fences and gates are intact, functional, and free of holes and other conditions that could present a safety hazard to students, staff, or others; locks and other security hardware function as designed
5. Interior Surfaces (floors, ceilings, walls, and window casings): Interior surfaces appear to be clean, safe, and functional; walls, floors, and ceilings are free of tears, holes, missing floor or ceiling tiles, torn carpet, water damage, or other cause. Ceiling tiles display no evidence of mold or mildew
6. Hazardous Materials (interior and exterior): There does not appear to be evidence of hazardous materials that may pose a threat to students or staff. Hazardous and flammable materials are stored properly. There is no evidence of peeling, chipping, or cracking paint or indicators of mold, mildew, or asbestos being present
7. Structural Damage: There does not appear to be structural damage that could create hazardous or uninhabitable conditions; posts, beams, supports for portable classrooms and ramps, and other structures appear intact, secure, and functional as designed. Ceilings and floors are not sloping or sagging beyond their intended design and there is no visible evidence of severe cracks, dry rot, mold or damage that undermines structural components
8. Fire Safety: The fire equipment and emergency systems, including fire sprinklers, fire extinguishers, emergency alarm systems, appear to be functioning properly
9. 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, and covered and guarded from student access
10. Lighting: Interior and exterior appear to be adequate and working properly without flickering, dim, or malfunction and there is no unusual hum or noise from the fixtures
11. Pest/Vermin Infestation: Pest or vermin infestation is not evident

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12. Drinking Fountains (inside and outside): Drinking fountains appear to be accessible and functioning as intended. Drinking water pressure is adequate and fountain water is clear and without unusual taste or odor and moss, mold, or excessive staining is not evident
13. Restrooms: Restrooms and restroom fixtures are fully operational, maintained and cleaned regularly, and stocked at all times with supplies, including toilet paper, soap, and paper towels or functional hand dryers, in accordance with Education Code 35292.5.

Schools keep all restrooms open during school hours when students are not in classes and keep a sufficient number of restrooms open during school hours when students are in classes, except when necessary to temporarily close a restroom due to a documented student safety concern, an immediate threat to student safety, or the need to repair the facility.

Any school serving students in any of grades 3-12 shall, at all times, stock and make available and accessible free of cost, an adequate supply of menstrual products in every woman's and all-gender restroom, and in at least one men's restroom. A notice regarding this requirement that includes an email address and telephone number for a designated individual responsible for maintaining the requisite supply of menstrual products shall be posted in a prominent and conspicuous location in every restroom required to stock menstrual products.

In addition, starting July 1, 2026, any school that has more than one female and more than one male restroom designated exclusively for student use shall provide and maintain at least one all-gender restroom for student use. BCOE shall use signage that identifies the bathroom facility as being open to all genders and is in accordance with 24 CCR 11B-703; ensure that it is available for use consistent with the requirements specified above and is unlocked, unobstructed, easily accessible by any student, and consistent with existing access to sex-segregated restrooms; stock the bathroom facility with menstrual products in accordance with Education Code 35292.6, as specified above; and ensure that the bathroom facility is available during school hours and school functions when students are present. BCOE shall post in a prominent and conspicuous location outside at least one all-gender restroom a notice regarding these requirements that includes contact information for the staff member designated as the point of contact responsible for implementing such requirements.

14. Sewers: The sanitary sewer system controls odors as designed, line stoppage is not evident and appears to be functioning properly.
15. Roofs (observed from the ground, inside/outside the building): Roof systems, including roofs, gutters, drains and downspouts appear to be functioning properly
16. Drainage: School grounds do not exhibit signs of drainage problems such as visible evidence of flooded areas, eroded soil, water damage to asphalt playgrounds or parking areas, or clogged storm drain inlets
17. Playground/School Grounds: The playground equipment and school grounds, including exterior fixtures, seating, tables, fields, walkways, and parking lot surfaces, are functional and free of significant cracks, trip hazards, holes, deterioration that affects functionality or safety, and other health and safety hazards

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

18. Overall Cleanliness: School grounds, buildings, common areas, and individual rooms appear to be cleaned regularly. Restrooms, drinking fountains and food serving/preparation areas appear to have been cleaned each day that school is in session

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 Butte County Board of Education with regular reports regarding Butte County Office of Education's facility inspection program and updates of any visits to schools by the County Superintendent.

The County Superintendent or designee shall include as assessment of the safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair shall be reported on the school accountability report card. (Education Code 33126)

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

35292.5-35292.6 Restrooms; maintenance and cleanliness

Code of Regulations, Title 2

1859.300-1859.330 Emergency Repair Program

Approved: July 2008

February 2026

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3530

INSURANCE MANAGEMENT

The County Superintendent shall provide insurance coverage as required by law. Insurance will be maintained for all of the following:

1. General Liability;
2. Property and fire;
3. Vehicle;
4. Worker's Compensation;
5. Crime; or
6. Other as deemed appropriate

The Butte County Office of Education may participate in joint powers authorities or purchase insurance as deemed appropriate by the County Superintendent or designee.

Legal Reference:

EDUCATION CODE

1274 Fund to cover losses or payments; insurance; contracts for services related to claims

17565 Furnishing, repairing, insuring and renting school property

32350 Liability on equipment loaned to district

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

35208 Liability insurance

35211 Driver training civil liability; insurance

35213 Reimbursement for loss, destruction or damage of personal property

39837 Transportation of pupils to places of summer employment

41021 Requirement for employees' indemnity bonds

44873 Qualifications for physicians and surgeons (liability coverage)

49472 Medical and hospital services for pupils

GOVERNMENT CODE

820.9 Board members not vicariously liable for injuries caused by district

Approved: July 1, 2004

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3544.1

USE OF BUTTE COUNTY OFFICE OF EDUCATION VEHICLES

The County Superintendent may furnish Butte County Office of Education-owned or leased vehicles to BCOE employees to be utilized for county schools business. Such vehicles are classified as follows:

Category I - Those vehicles whose assigned administrator may use the vehicle for commute purposes as well as Butte County Office of Education business.

Category II - Those vehicles, operated and maintained by individual programs, which are available to program staff for Butte County Office of Education business on a daily or overnight basis, and which are driven to and from the workplace and an employee residence for the benefit of the Butte County Office of Education to avoid possible vandalism and theft.

Category III - Those vehicles, operated and maintained by individual programs, which are available to program staff for Butte County Office of Education business on a daily or overnight basis, and which are kept on department/school property when not in use.

Approved: July 2004

February 2026

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3544.1

REGULATIONS REGARDING USE OF BUTTE COUNTY OFFICE OF EDUCATION VEHICLES

Category I Rules and Regulations

1. Such vehicles may be provided to Deputy Superintendent level personnel only. Exception: If it can be shown that a Senior Director or Director level administrator requires more than the use of a Category III vehicle due to their work assignment, by approval of the County Superintendent and the departmental Cabinet member, that person will be provided a Category I vehicle
2. The Administrator who is provided a vehicle must report taxable use of the assigned vehicle in accordance with IRS guidelines, Publication 463, Travel, Gift, and Car Expenses. Such value will be reported on employee W-2 at conclusion of calendar year. As to commuting value, the Butte County Office of Education will use the following options:
 - a. \$3.00 per round trip per duty day; or,
 - b. Current reimbursement rate per mile approved by County Superintendent
3. The assigned vehicle is for business use only and for driving to and from their assigned duty station or business designation and residence. The only personal use allowed is in accordance with IRS guidelines, which allows short-duration personal use as the employee is driving to work or has returned to their city of residence
4. The employee may not use the vehicle for personal reasons on non-duty days or after the duty day has concluded. For example, an employee may not use the vehicle on weekends for personal reasons or use the vehicle on duty days for personal use after returning to their residence. The employee may provide transportation for a family member on an "extended" trip for county business-related activities
5. The applicable department must provide all appropriate vehicle-related expenditures and must keep the vehicle maintained on a scheduled basis
6. The County Superintendent will provide gasoline credit card(s) for each vehicle

Category II Rules and Regulations

1. The County Superintendent understands that such vehicles are driven a short distance daily to and from an employee's residence and work for the benefit of BCOE and, thus, allows for the user to be excluded from taxable usage according to IRS guidelines
2. Applicable vehicles will be operated and maintained at the cost of the department owning or leasing that vehicle
3. The County Superintendent will provide gasoline credit card(s) for each vehicle
4. The employee using the vehicle for daily or overnight use must agree to use the vehicle for Butte County Office of Education business only and further agrees to return the vehicle to the department/school site at the conclusion of usage. Employees assigned to that vehicle are to be informed of any situation contrary to the preceding as that employee is responsible for driving to and from duty station and residence
5. The department must provide a log in the vehicle for usage other than that department's responsibility. For example, non-departmental staff or grant usage must be logged for charge-back purposes

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Category III Rules and Regulations

1. The vehicle is to be stored at department/school site on a daily basis unless checked out to a Butte County Office of Education employee for overnight purpose;
2. The department agrees to provide proper and necessary security on department premises
3. The applicable vehicle will be operated and maintained at the cost of the department owning or leasing that vehicle
4. The County Superintendent will provide gasoline credit card(s) for each vehicle
5. The department must provide a log in the vehicle for usage other than that department's responsibility. For example, non-departmental staff or grant usage must be logged for charge-back purposes

General Guidelines

1. The Butte County Office of Education vehicles may not be driven by a non-Butte County Office of Education employee
2. The Butte County Office of Education gasoline credit cards may not be used for personally owned vehicles. Employees using personal vehicles for business purposes will be reimbursed at the current approved rate per mile
3. Vehicles may be checked out to employees for county schools business use only
4. Employees using a Butte County Office of Education vehicle or their own personal vehicle will be held totally responsible for any fees or payment incurred for all moving and parking violations

Approved: July 2011

February 2026

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3550

FOOD SERVICE/CHILD NUTRITION PROGRAM

The County Superintendent recognizes that students need adequate, nourishing food in order to grow and learn and to give a good foundation for their future physical well-being. The County Superintendent believes that:

1. Foods available on school premises should contribute to the nutritional well-being of students;
2. Foods available should be considered as carefully as other educational support materials;
3. Foods are prepared in ways, which will appeal to students while retaining nutritive quality;
4. Food should be served in quantities appropriate to the needs of students at their age level and served in as pleasant and relaxed atmosphere as possible.

The County Superintendent intends that the school food service program shall be contracted out to cooperating organizations. The County Superintendent or designee shall review and approve contracts annually.

All food service accounting shall be conducted in accordance with applicable state and federal regulations. It is the intent of the County Superintendent that income be generated as the result of participation in state and federal reimbursement programs and any other income shall be sufficient to offset the contracted costs of providing food service.

Free And Reduced Lunch Program

National School Lunch Program regulations require that lunches be provided for needy students when family income is insufficient to provide the basic necessities, including food of the proper quality and amount for good nutrition.

Eligibility for free or reduced price meals shall be based on federal regulations as provided by the State Department of Education.

Other Food Sales

The County Superintendent shall permit food sales by student or adult entities or organizations provided these sales are in compliance with state and federal regulations to ensure optimum student participation in the school food service program. Such food sales shall not impair the food service's ability to be financially sound.

Sanitation and safety procedures shall comply with the requirements of the California Uniform Retail Food Facilities Law as set forth in Health and Safety Code 27500 et seq.

Schools that participate in the National School Lunch Program and / or School Breakfast Program shall allow no foods of minimal nutritional value to be sold in food service areas during breakfast and lunch

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periods. At elementary schools, food other than that offered by the school food services may be sold only four times a year and only after the close of the last lunch period.

The County Superintendent believes that all food available for students at school should contribute to the development of sound nutritional habits. All foods offered by student or adult entities or groups should reflect concern for the health and well-being of students.

Legal Reference:

Education Code

39870 et seq. Cafeterias-establishment and use

49490-49493 School breakfast and lunch programs;

49500-49504 School meals for pupils

49530-49536 Child nutrition act of 1974

49550-49556 Mandatory school district and county superintendent of schools meals for needy pupils in kindergarten and grades 1-2

49557 Free or reduced price meals

49558 Records

Code of Regulations, Title V

15510 et seq. Mandatory meals for needy pupils

15530 et seq. Nutrition education

15550 et seq. School lunch and breakfast programs

Approved: March, 2011

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3553

FREE AND REDUCED PRICE MEALS

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

Butte County Office of Education shall provide at least one nutritionally adequate meal each school day, free of charge or at a reduced price, for students whose families meet federal eligibility criteria.

The County Superintendent or designee shall ensure that meals provided through the free and reduced-price meals program meet applicable state and/or federal nutritional standards in accordance with law, Butte County Office of Education Superintendent's Policy, and Administrative Regulations.

Schools participating in the Special Milk Program shall provide milk at no charge to students who meet federal eligibility criteria for free or reduced-price meals.

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

Confidentiality/Release of Records

All applications and records related to eligibility for the free and reduced-price meals program shall be confidential except as provided by law.

If a student transfers from a Butte County Office of Education school to a district or to a private school, the County Superintendent or designee may release the student's eligibility status or a copy of his/her free and reduced-price meal application to assist in the continuation of the student's meal benefits.

The County Superintendent authorizes designated employees to use individual records pertaining to student eligibility for the free and reduced-price meals program for the purposes of:

1. Disaggregation of academic achievement data
2. In any school identified as a Title I program improvement school for identification of students eligible for school choice and supplemental educational services

The County Superintendent further authorizes the release of information on the school lunch program application to the local agency that determines Medi-Cal program eligibility, provided that the student is

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

approved for free meals and the parent/guardian consents to the sharing of information. In addition, information on the school lunch program application may be released to the local agency that determines eligibility for participation in the CalFresh program or other nutrition assistance program, provided the student whose information is to be released is approved for free or reduced-price meals and his/her parent/guardian consents to the sharing of the information. Prior to releasing information to any such local agency, the County Superintendent or designee and the local agency shall enter into a memorandum of understanding that, at a minimum, shall include the roles and responsibilities of Butte County Office of Education and the local agency, the process for sharing the information, and a statement that the local agency may use the information only for purposes directly related to the enrollment of families in the CalFresh or other nutrition assistance program.

Legal Reference:

EDUCATION CODE

48980 Notice at beginning of term

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

9490-49494 School breakfast and lunch programs

49500-49505 School meals

49510-49520 Nutrition; § 49530-49536 Child Nutrition Act of 1974

49547-49548.3 Comprehensive nutrition service

49550-49562 Meals for needy students

CODE OF REGULATIONS, TITLE 5

15510 Mandatory meals for needy students

15530-15535 Nutrition education

15550-15565 School lunch and breakfast programs

1232g Federal Educational Rights and Privacy Act 6301-6514 Title I programs

UNITED STATES CODE, TITLE 20

1232g Federal Educational Rights and Privacy Act 6301-6514 Title I programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch program

1771-1791 Child nutrition, especially

1773 School breakfast program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.10-220.21 National School Breakfast Program

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

Approved: November, 2011

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3553

REGULATIONS REGARDING FREE AND REDUCED PRICE MEALS

Applications

The County Superintendent or designee shall ensure that Butte County Office of Education's application form for free and reduced-price meals, related materials, and notifications include the statements as specified in Education Code.

The application form and related information shall be distributed to all parents/guardians at the beginning of each school year and shall be available to students at all times during the school day. The form and information shall also be provided whenever a new student is enrolled.

At the beginning of each school year, the County Superintendent or designee shall send a public release, containing the same information supplied to parents/guardians and including eligibility criteria, to local media, the local unemployment office, and any major employers in the attendance area contemplating large layoffs. Copies of the public release shall be made available upon request to any interested person.

Eligibility

The County Superintendent or designee shall determine students' eligibility for the free and reduced-price meals program based on the criteria made available by the California Department of Education.

When authorized by law, participants in other federal or state programs may be directly certified, without further application, for enrollment in the free and reduced-price meals program.

Verification of Eligibility

Not later than November 15 of each year, the County Superintendent or designee shall verify the eligibility of a sample of household applications approved for the school year in accordance with the sample sizes and procedures specified in U.S. Code.

If the review indicates that the initial eligibility determination is correct, the County Superintendent or designee shall verify the approved household application. If the review indicates that the initial eligibility determination is incorrect, the County Superintendent or designee shall:

1. If the eligibility status changes from reduced price to free, make the increased benefits immediately available and notify the household of the change in benefits
2. If the eligibility status changes from free to reduced price, first verify the application, then notify the household of the correct eligibility status, and, when required by law, send a notice of adverse action as described below
3. If the eligibility status changes from free or reduced price to paid, send the household a notice of adverse action as described below

If any household is to receive a reduction or termination of benefits as a result of verification activities, or if the household fails to cooperate with verification efforts, the County Superintendent or designee shall reduce or terminate benefits, as applicable, and shall properly document and retain on file the reasons for ineligibility. He/she also shall send a notice of adverse action to any household that is to receive a reduction or termination of benefits.

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SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

Verification of Eligibility

Such notice shall be provided 10 days prior to the actual reduction or termination of benefits. The notice shall advise the household of:

1. The change and the reasons for the change
2. The right to appeal, when the appeal must be filed to ensure continued benefits while awaiting a hearing and decision, and instructions on how to appeal
3. The right to reapply at any time during the school year

Confidentiality/Release of Records

The County Superintendent designates the following employee(s) to use individual records pertaining to student participation in the free and reduced-price meals program for the purpose of disaggregation of academic achievement data or for the identification of students in any program improvement school eligible for school choice and supplemental educational services pursuant to U.S. Code: Assistant Superintendent of Student Programs & Services. In using the records for such purposes, the following conditions shall be satisfied:

1. No individual indicators of participation in the free and reduced-price meals program shall be maintained in the permanent records of any student if not otherwise allowed by law.
2. Information regarding individual student participation in the free and reduced-price meals program shall not be publicly released.
3. All other confidentiality provisions required by law shall be met.
4. Information collected regarding individual students certified to participate in the free and reduced-price meals program shall be destroyed when no longer needed for its intended purpose.

Nondiscrimination Plan

Butte County Office of Education's plan for students receiving free or reduced-price meals shall ensure the following:

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

When more than one lunch, breakfast, or type of milk is offered, the students shall have the same choice of meals or milk as is available to those students who pay the full price.

Prices

The maximum price that shall be charged to eligible students for reduced-price meals shall be forty [40] cents for lunch and thirty [30] cents for breakfast.

Approved: March, 2011

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3555

NUTRITION PROGRAM COMPLIANCE

The County Superintendent recognizes Butte County Office of Education's responsibility to comply with state and federal nondiscrimination laws as they apply to the nutrition programs. Butte County Office of Education shall not deny any individual the benefits or service of any nutrition program or discriminate against him/her because of his/her race, color, national origin, gender, sex, sexual orientation, disability, or any other basis prohibited by law, in its implementation of such a program.

Coordinator

The County Superintendent designates the Compliance Officer specified in Uniform Complaint Procedures as Coordinator to comply with the laws governing its nutrition programs and to investigate any related complaints. Any complaint concerning the nutrition programs shall be investigated using the process identified in the Uniform Complaint Procedures.

The Coordinator shall provide training on the laws, regulations, procedures, and directives related to the nutrition programs to employees involved in administering them. The Coordinator also shall develop procedures and systems that do not restrict the participation of individuals in the nutrition programs, based on their race, ethnicity, or disability, and that prevent employees from incorrectly denying the applications for participation submitted by such individuals.

The Coordinator shall develop and maintain a system for collecting racial and ethnic data of participants in the nutrition programs and shall, at least annually, report to the County Superintendent on whether the nutrition programs are effectively reaching eligible individuals and whether and where additional outreach may be needed.

When a significant number of participants or potential participants in the nutrition programs are only non-English speakers, the Coordinator shall make an appropriate language translation available.

The Coordinator also shall ensure that the nutrition programs accommodate the special dietary needs of any individual with a disability who has on file a medical statement that restricts his/her diet because of his/her disability.

Notifications

The Coordinator shall ensure that the U.S. Department of Agriculture's "And Justice for All" or other approved Nutrition Programs Civil Rights posters are displayed in areas visible to the nutrition program participants, such as food service areas and school offices.

Annually, the Coordinator shall notify all students, parents/guardians, and employees of program requirements and the procedures for filing a complaint, through the usual means of notification.

In addition, the Coordinator shall ensure that every informational release, publication, or poster concerning the nutrition programs and/or activities includes, in a prominent location, the following statement:

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"In accordance with federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, religion, political beliefs, or disability. In addition, California law prohibits discrimination on any basis.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TTY). USDA is an equal opportunity provider and employer."

However, if the document is no more than one page and there is no room to print the full nondiscrimination statement, the district may instead use the statement "This institution is an equal opportunity provider" in the same print size as the rest of the text.

When a complaint is unresolved at the district level, the coordinator shall notify the complainant of the option to contact and/or forward his/her complaint to one of the following agencies:

1. Child Nutrition Program Civil Rights and Program Complaint Coordinator, California Department of Education, Nutrition Services Division, 1430 N Street, Room 1500, Sacramento, CA 95814-2342 or call 916-445-0850 or 800-952-5609
2. Office of Civil Rights, USDA, Western Region, 90 Seventh Street, Suite 10-100, San Francisco, CA 94103 or call 415-705-1336 or fax 415-705-1364 or email Joe.Torres@fns.usda.gov
3. USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call 800-795-3272 or 202-720-6382 (TTY)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48985 Notices to parents in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Non-discrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681 1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

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794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Non-discrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially

106.9 Dissemination of policy

Approved: July, 2010

Revised:

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 3580

BUTTE COUNTY OFFICE OF EDUCATION RECORDS

The County Superintendent directs that an efficient and orderly system of document record keeping shall be developed, maintained, and disposed of in accordance with law, and Butte County Office of Education (BCOE) policy and administrative regulation.

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

The County Superintendent or designee shall ensure that employees receive information about Butte County Office of Education's document management system, including retention and confidentiality requirements and an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

The County Superintendent or designee shall consult with legal counsel, site administrators, information technology staff, personnel department staff, and others as necessary to develop a secure document management system that provides for the storage, retrieval, archiving, and destruction of BCOE's documents, including electronically stored information such as email. This document management system shall be designed to comply with state and federal laws regarding security of records, record retention and destruction, response to "litigation hold" discovery requests, and the recovery of records in the event of a disaster or emergency.

If BCOE discovers or is notified that a breach of security of its records containing unencrypted personal information has occurred, The County Superintendent or designee shall notify every individual whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Personal information includes, but is not limited to, a social security number, driver's license or identification card number, medical information, health insurance information, or an account number in combination with an access code or password that would permit access to a financial account. (Civil Code 1798.29)

The County Superintendent or designee shall provide the notice in a timely manner either in writing or electronically unless otherwise provided in law. The notice shall include the material specified in Civil Code 1798.29, be formatted as required, and be distributed in a timely manner, consistent with the legitimate needs of law enforcement to conduct an uncompromised investigation or any measures necessary to determine the scope of the breach and restore reasonable integrity of the data system. (Civil Code 1798.29)

Safe at Home Program

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

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

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

CODE OF CIVIL PROCEDURE

2031.010-2031.060 Civil Discovery Act, scope of discovery demand

2031.210-2031.320 Civil Discovery Act, response to inspection demand

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

16020-16022 Records-general provisions

16023-16027 Retention of records

GOVERNMENT CODE

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

6252-6265 Inspection of public records

PENAL CODE

11170 Retention of child abuse reports

Approved: November, 2009

Revised: March, 2022

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

AR 3580

REGULATIONS REGARDING BUTTE COUNTY OFFICE OF EDUCATION RECORDS

Classification of Records

Records means all records, maps, books, papers, and documents of Butte County Office of Education (BCOE) required by law to be prepared or retained as necessary or convenient to the discharge of official duty.

Before January 1, of any given year, The County Superintendent or designee shall review documents and papers originating during the prior school year and classify them as Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable). Records of continuing nature (active and useful for administrative, legal, fiscal or other purposes over a period of years) shall not be classified until such usefulness has ceased. An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from BCOE ownership. A student's cumulative record is a continuing record until the student ceases to be enrolled in a county school or program.

When an electronic or photographed copy of a Class 1, Permanent record, has been made, the copy may be classified as Class 1 (Permanent) and the original classified as either Class 2 (Optional) or Class 3 (Disposable). However, no original record that is basic to any required audit may be destroyed prior to the second July 1st succeeding the completion of the audit. (Education Code 35254) BCOE shall utilize the most recent version of the CASBO Records Retention Manual section entitled "Documents and Retention Periods" for guidance on retention periods of original documents imaged in accordance with this paragraph.

Class 1 – Permanent Record

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

1. Annual Reports, including: official budget; financial reports of all funds, including cafeteria and student body funds; audit of all funds; average daily attendance, including Period 1 and Period 2 reports; other major annual reports, including those containing information relating to property, activities, financial condition or transactions, and those declared by the Butte County Board of Education minutes to be permanent.
2. Office Actions:
 - a. Minutes of Butte County Board of Education or Butte County Board of Education Committees, including the text of rules, regulations policies or resolutions included by reference only;
 - b. The call for and the result of any elections called, conducted or canvassed by the Butte County Board of Education;
 - c. Records transmitted by another agency pertaining to its action with respect to district reorganization.

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

3. Personnel Records:

Employees:

- a. All detailed records relating to employment, assignments, amounts and dates of service rendered, termination or dismissal of an employee in any position, sick leave record, rate of compensation, salaries or wages paid, deductions or withholdings made and the person or agency to whom such amounts were paid. In lieu of the detailed records, a complete proven summary payroll record for each employee containing the same date may be classified as Class 1 (Permanent), and the detailed records may then be classified as Class 3 (Disposable).
- b. Information of a derogatory nature as defined in Education Code § 44031 shall be Class 1 (Permanent) only when the time for filing a grievance has passed or the document has been sustained by the grievance process.

4. Student Records:

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

5. Property Records:

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

Class 2 – Optional Records

Any record considered worth keeping, but which is not a Class 1 (Permanent) Record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). If the classification of the prior year records has not been made before January 1, The County Superintendent or designee will identify all records of the prior year as Class 2 (Optional) until they are classified as required by the Code of Regulations, Title 5, 16022. Such classification must occur within one year.

Class 3 – Disposable Records

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

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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

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

Records Timeline

All prior fiscal year records shall be classified by January 1. Records scheduled for destruction shall be shredded.

Records Procedures

1. Employee orders storage boxes and required labels from Maintenance and Operations (M&O);
2. Employee places records in a storage box, completes a Record Retention form for each box, affixes a label on to the box and places a copy inside the box, then forwards the form to M&O via workorder;
3. M&O, upon receipt of retention form contacts employee to arrange for pick-up;
4. M&O stores and retains records for the required period of time;
5. M&O notifies originator/department prior to scheduling records designated for destruction.

E-mail Retention and Deletion

Butte County Office of Education provides employees with e-mail to communicate and conduct the business of Butte County Office of Education. In doing so, Butte County Office of Education expects employees to manage and protect records resulting from e-mail communications. Such e-mail may include, but is not limited to, correspondence and attachments, calendar schedules, and forms transmitted electronically.

A systemic retention and deletion program not only eliminate obsolete documents from the e-mail system but also saves resources by not indefinitely and unnecessarily storing information beyond appropriate timelines. E-mail retention guidelines are implemented to comply with the Federal Rules of Civil Procedure, E-Discovery, and the Public Record Act.

E-mail retention guidelines apply to:

1. All e-mail systems provided by Butte County Office of Education
2. All users and account holders of Butte County Office of Education e-mail
3. All e-mail sent and received using the Butte County Office of Education e-mail system

E-mail Timelines

Butte County Office of Education will retain e-mail and attachments for a period of eighteen [18] months. E-mail and attachments older than eighteen [18] months will be automatically and permanently deleted.

To comply with the law in retaining of certain Butte County Office of Education documents, BCOE employees may save copies of e-mail and attachments before the eighteen [18] month period expires by transferring them to other electronic formats or by converting them to paper format.

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E-mail originators and recipients are responsible for identifying and saving documents that must be retained by law. Saving e-mail to PST format, saving e-mail to workstations, or archiving e-mail locally are not approved e-mail retention methods. All e-mail must remain on the e-mail server during the retention period.

E-mail Back-up

E-mail should be considered a communication tool, not a storage mechanism. Back-up copies are for disaster recovery purpose only. Back-up copies created by Information Technology staff are not for e-mail retention. Back-up copies should be retained no more than eighteen [18] months.

Legal Proceedings

Regardless of retention requirements, e-mail and all other electronic or paper documents pertaining to legal proceedings must be retained until the litigation is concluded. This may be referred to as a Legal Hold.

Approved: February, 2013

Revised: March, 2022