California School Boards Association Samples

Board Policy

Community Relations

BP 1230

School-Connected Organizations

\*\*\*Note: The term “school-connected organization” may include booster clubs, parent-teacher associations aligned with the California State PTA, or other parent-teacher organizations. These organizations generally raise money for classroom activities or activities at specific schools. For policy language about a district’s relationship with a foundation, see BP 1260 - Educational Foundation. \*\*\*

\*\*\*Note: The following optional policy should be revised to reflect district practice. \*\*\*

The Governing Board recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting district and extracurricular programs, such as athletic teams, debate teams, or musical groups. The Board appreciates the contributions made by such organizations and encourages their interest and participation in supporting district activities and helping to achieve the district’s vision for student learning.

(cf. 0200 - Goals for the School District)

(cf. 6020 - Parent Involvement)

\*\*\*Note: Generally, booster and parent clubs are separate legal entities from the district and thus are not under the control or the responsibility of district personnel. However, Education Code 51521 requires that any fundraising activity by a school-connected organization, designed to raise money to benefit a school or its students, receive approval from the Governing Board. Thus, it is recommended that districts create an internal control procedure to help ensure district compliance with law. \*\*\*

\*\*\*Note: Certain tax-exempt organizations may be required to register with the state Attorney General’s Registry of Charitable Trusts. As part of this registration, the organization may also be required to file copies of the organization’s articles of incorporation and other documents governing its operations. \*\*\*

The Board recognizes that school-connected organizations are separate legal entities, independent of the district. However, in order to help the Board fulfill its legal and fiduciary responsibility to manage district operations, any school-connected organization that desires to raise money to benefit any district student shall submit a request for authorization to the Board, in accordance with Board policy and administrative regulation. In addition, the Superintendent or designee shall establish appropriate internal controls for the relationship between school-connected organizations and the district.

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

(cf. 1330 - Use of School Facilities)

(cf. 3452 - Student Activity Funds)

\*\*\*Note: Generally, the funds raised by school-connected organizations benefit a single school. In some districts, there may be legal or equity concerns that result from the benefit provided to a particular school while other schools in the district do not receive the benefit from the additional resources. For example, pursuant to federal and state law (Title IX, 20 USC 1681-1688; Education Code 200-262.4; 5 CCR 4900-4965), the Board is responsible for ensuring that the district’s athletic program provides equivalent opportunities for both males and females. Booster club activities must be included in the district’s analysis of the equivalent opportunities provided by each school. See BP/AR 6145.2 - Athletic Competition. Because school-connected organizations are separate legal entities, if a concern arises regarding the equitable distribution of funds, the Superintendent or designee should consult with the leadership of such organizations and district legal counsel. For language regarding acceptance of gifts and grants, see BP 3290 - Gifts, Grants, and Bequests. \*\*\*

\*\*\*Note: Pursuant to Education Code 51520, food sales by outside organizations may not compete with the district’s school nutrition program and must comply with the nutritional standards specified in Education Code 49431 and 49431.2. See BP/AR 3554 - Other Food Sales. \*\*\*

The Board encourages school-connected organizations to consider the impact of fundraising activities on the overall school and district program. School-connected organizations may consult with the principal to determine school needs and priorities. Activities by school-connected organizations shall not conflict with law, Board policies, administrative regulations, or any rules of the sponsoring school.

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35160 Authority of governing boards

38130-38138 Civic Center Act, use of school property for public purposes

48931 Authorization for sale of food by student organization

48932 Authorization for fundraising activities by student organization

49431 Sale of food to elementary students during the school day

49431.2 Sale of food to middle, junior, or high school students

49431.5 Sale of beverages at elementary, middle, or junior high schools

51520 Prohibited solicitation on school premises

51521 Fundraising project

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Solicitations for charitable purposes

25608 Alcohol on school property; use in connection with instruction

GOVERNMENT CODE

12580-12599.7 Fundraisers for Charitable Purposes Act

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

15500 Food sales in elementary schools

15501 Food sales in high schools and junior high schools

CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

COURT DECISIONS

Serrano v. Priest, (1976) 18 Cal. 3d 728

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

1101.89 School District Liability and “Hold Harmless” Agreements, LO: 4-89

WEBSITES

CSBA: http://www.csba.org

California Office of the Attorney General, charitable trust registry: http://caag.state.ca.us/charities

California State PTA: http://www.capta.org

(9/90 12/90) 7/07

BP 1321

Solicitation of Funds From and By Students

\*\*\*Note: The following optional policy applies to solicitations of students on behalf of the school or charitable organizations. For policy regarding solicitation of funds from and by staff members in personal profit-making ventures, see BP 4135/4235/4335 - Soliciting and Selling. For policy regarding distribution of promotional materials to students and parents/guardians, see BP 1325 - Advertising and Promotion. \*\*\*

The Governing Board recognizes that student participation in fundraising activities for the schools and nonprofit, nonpartisan charitable organizations can help develop a sense of social responsibility in students, enhance the relationship between the school and community, and contribute to the improvement of the school program.

(cf. 1325 - Advertising and Promotion)

(cf. 4135/4235/4335 - Soliciting and Selling)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6142.4 - Service Learning/Community Service Classes)

Whether solicitations are made on behalf of the school or on behalf of a charitable organization, students shall not be barred from an event or activity because they did not participate in fundraising. Potential donors, including parents/guardians and members of the community, should not be unduly pressured to contribute to the school system or charitable organizations. Staff are expected to emphasize the fact that donations are always voluntary.

The Superintendent or designee shall ensure that parents/guardians are informed of the purpose of fundraisers.

\*\*\*Note: Pursuant to Education Code 51521, prior written approval is required for sales or solicitations whenever any portion of the funds raised is to be applied to the costs of the fundraiser or to the costs of merchandise sold, such as the sale of candy or wrapping paper. Such approval is not required if the total proceeds of a solicitation are to be delivered to the school without deductions for expenses. \*\*\*

With the prior written approval of the Superintendent or designee, official school-related organizations may organize fundraising events involving students.

(cf. 0420 - School Plans/Site Councils)

(cf. 1230 - School-Connected Organizations)

(cf. 1260 - Educational Foundation)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 3554 - Other Food Sales)

\*\*\*Note: The following paragraph is optional. \*\*\*

After the fundraiser has been held, parents/guardians shall be informed how much money was raised and how it was spent.

Solicitations on Behalf of Charities

\*\*\*Note: Nonprofit organizations and charities conducting fundraising activities are subject to various state laws regarding those activities. For example, Business and Professions Code 17510.2 and 17510.3 specify that solicitations made by nonprofit community or educational organizations must comply with the state disclosure laws. Business and Professions Code 17510.3 requires volunteers over 18 years old to present potential donors or buyers with information, including the purpose of the solicitation and the address from which further information about revenues and administrative expenses may be obtained. In addition, Penal Code 320.5 provides that, prior to conducting a raffle, a nonprofit organization, unless specifically exempted, must first register with the Attorney General’s Registry of Charitable Organizations and file financial disclosure reports on each raffle event.\*\*\*

When approved in advance by the Superintendent or designee, nonprofit, nonpartisan organizations that are properly chartered or licensed by state or federal law may solicit students on school grounds during school hours and within one hour before school has opened and one hour after school has closed. (Education Code 51520)

Legal Reference:

EDUCATION CODE

51520 Prohibited solicitations on school premises

51521 Unlawful solicitations of contribution or purchase of personal property for benefit of public school or student body; exception

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Charitable solicitations

PENAL CODE

319-329 Raffles

REVENUE AND TAX CODE

6361 Sales tax exemption for certain sales

CODE OF REGULATIONS, TITLE 8

11706 Dangerous activities and occupations

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

ATTORNEY GENERAL PUBLICATIONS

Guide to Charitable Solicitation, 1999

Attorney General’s Guide for Charities, 1988

WEBSITES

Office of the Attorney General: http://caag.state.ca.us

(9/87 9/90) 7/03

Community Relations

BP 1325

\*\*\*Note: The following optional policy addresses the distribution of commercial and noncommercial materials as well as advertising in school-sponsored publications and on school facilities by outside/nonschool groups. Student speech, including the distribution of printed materials by students, is addressed in BP/AR 5145.2 - Freedom of Speech/Expression. \*\*\*

The Governing Board establishes this policy to ensure effective and consistent implementation of its directions related to advertisements and promotions by nonschool groups in school-sponsored publications, websites, and social media and on school facilities. Student speech shall be regulated in accordance with BP/AR 5145.2 - Freedom of Speech/Expression.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 1330 - Use of School Facilities)

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6145.5 - Student Organizations and Equal Access)

\*\*\*Note: School facilities and school-sponsored publications are public property and are subject to freedom of expression rights granted by the First Amendment to the United States Constitution and Article 1, Section 2 of the California State Constitution. However, because school facilities and school-sponsored publications are generally for school purposes, they are regarded as “nonpublic fora” and the Governing Board has extensive authority to regulate them. In exercising this authority, the Board may decide not to accept any form of advertising or distribution of materials (nonpublic forum), as stated in Option 1 below, or to accept some advertising and/or distribution of materials, but only from certain groups or on certain topics (limited public forum), as provided in Option 2. In addition, the Board may maintain a “nonpublic forum” for advertising in school publications or on school facilities while designating a “limited public forum” for distribution of materials at district schools, or a “nonpublic forum” at its elementary schools and a “limited public forum” at its high schools.\*\*\*

\*\*\*Note: Whichever option the district chooses, school officials should ensure that they enforce the policy in a consistent manner, as courts look beyond the district’s intent as stated in its policy and look to the actual practice of school officials in determining whether a district facility or publication is a “nonpublic” or “limited public” forum (Board of Education of the Westside Community Schools v. Mergens). Because this area of law is complex, it is strongly recommended that legal counsel be consulted prior to the adoption of policy in this area. \*\*\*

OPTION 1: Nonpublic Forum

The Board believes that in order to maintain focus on academic achievement in district schools, students’ exposure to the persuasive influence of marketing should be minimized. The Superintendent or designee shall not allow any advertisement from any nonschool group to be included in any district- or school-sponsored publication, web site, or social media, or to be posted on any school property such as scoreboards and billboards. In addition, no nonschool group’s announcement, flyer, or other promotional material shall be disseminated by the district or distributed at any school facility or grounds.

\*\*\*Note: Districts that have created a “nonpublic forum” must delete the remainder of this policy in order to ensure that their “nonpublic forum” status is maintained. \*\*\*

OPTION 2: Limited Public Forum

\*\*\*Note: When the Board chooses Option 2, it may adopt any rules that are reasonable to achieve its intended purpose for the forum, as long as the rules do not discriminate against members of the public based on their viewpoints. In Hills v. Scottsdale Unified School District 48, the Ninth Circuit Court of Appeals held that the district discriminated against the plaintiff on the basis of his religious viewpoint and violated his First Amendment right when the district refused to distribute the plaintiff’s brochure for summer camps because it included some religious classes, though it permitted the distribution of similar literature by secular groups. \*\*\*

The Board desires to promote positive relationships between district schools and the community in order to enhance community support and involvement in the schools. The Superintendent or designee may approve:

\*\*\*Note: The Board may select any or all of optional items #1-5 below to reflect the types of materials and/or advertising that it will allow.\*\*\*

1. Distribution of noncommercial materials that publicize services, special events, public meetings, or other gatherings of interest to students or parents/guardians

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

(cf. 6162.8 - Research)

2. Distribution of promotional materials of a commercial nature to students or parents/guardians

(cf. 1700 - Relations Between Private Industry and the Schools)

3. Paid advertisements on school property, including, but not limited to, advertisements on billboards and scoreboards

4. Paid advertisements in school-sponsored publications, yearbooks, announcements, and other school communications, including websites and social media

5. Products and materials donated by commercial enterprises for educational use, including those that bear the name and/or logo of the donor, as long as they do not unduly promote the donor or any commercial activity or product

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6161.11 - Supplementary Instructional Materials)

\*\*\*Note: Generally, courts have upheld procedures that place reasonable “time, place, and manner” restrictions on materials to be distributed, as long as the same restrictions were placed on all materials (Hemry v. School Board of Colorado Springs). The district might want to consider developing procedures that limit the “time, place, and manner” of distributions, such as limiting distribution to before or after school hours or creating a central location for the distribution of all materials. Legal counsel should be consulted as needed. \*\*\*

Prior to the distribution, posting, or publishing of any nonschool group’s promotional materials or advertisement, the Superintendent, principal, or designee shall review the materials or advertisement based on the criteria listed below. He/she may not disapprove materials or advertisement in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on a subject that is otherwise allowed by Board policy.

All materials to be distributed shall bear the name and contact information of the sponsoring entity.

\*\*\*Note: The district might also consider requiring sponsoring entities to include a disclaimer on all materials to be distributed. For example, a disclaimer might state, “this event is not school-sponsored or approved” or, “opinions are not necessarily those of the school district or school personnel.” The district should consult legal counsel as needed. \*\*\*

As necessary, the Superintendent, principal, or designee shall require a disclaimer on any nonschool group’s promotional materials to be distributed, posted, or published, stating that the distribution, posting, or publishing of the materials does not imply district endorsement of the group’s activities, products, or services. District- and school-sponsored publications shall include a disclaimer stating that the district or school does not endorse any advertised products or services.

Criteria for Approval

\*\*\*Note: The following optional section is for use by districts that select Option 2 (limited public forum) above and may be revised to reflect criteria established by the Board.\*\*\*

The Superintendent, principal, or designee shall not accept for distribution any materials or advertisements that:

1. Are lewd, obscene, libelous, or slanderous

2. Incite students to commit unlawful acts, violate school rules, or disrupt the orderly operation of the schools

\*\*\*Note: Optional item #3 below prohibits the distribution of political materials or political advertising except under certain circumstances. Pursuant to Education Code 7058, the Board may conduct a political forum if it is made available to all sides on an equitable basis. \*\*\*

3. Promote any particular political interest, candidate, party, or ballot measure, unless the candidates or advocates from all sides are provided the opportunity to present their views to the students during school hours or during events scheduled pursuant to the Civic Center Act

(cf. 1160 - Political Processes)

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

\*\*\*Note: In DiLoreto v. Downey Unified School District, the Ninth Circuit Court of Appeals held that a district’s refusal to post a paid religious advertisement featuring the Ten Commandments on an athletic field fence reserved for commercial advertising was a reasonable way for the district to avoid being placed on one side of a controversial issue. The court concluded that, as a nonpublic forum, the district had the right to regulate content since it did not open the forum (the fence) to all expressive activities but, in fact, had reserved it for commercial speech. Districts wishing to establish policy dealing with the distribution of religious materials should consult legal counsel. \*\*\*

4. Proselytize or position the district on any side of a controversial issue

(cf. 6144 - Controversial Issues)

5. Discriminate against, attack, or denigrate any group on account of any unlawful consideration

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

6. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including, but not limited to, materials or advertisements for tobacco, intoxicants, non-nutritious foods and beverages, and movies or products unsuitable for children

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.62 - Tobacco)

7. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy

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

8. Distribute unsolicited merchandise for which an ensuing payment is requested

The Superintendent or designee also may consider the educational value of the materials or advertisements, the age or maturity of the students in the intended audience, and whether the materials or advertisements support the basic educational mission of the district, directly benefit the students, or are of intrinsic value to the students or their parents/guardians.

(cf. 0000 - Vision)

Schools may establish additional criteria pertaining to the content of advertisements in school publications and yearbooks, as deemed appropriate by the Superintendent or designee in accordance with law and Board policy.

Legal Reference:

CALIFORNIA CONSTITUTION

Article 1, Section 2, Free speech rights

EDUCATION CODE

7050-7058 Political activities of school officers and employees

35160 Authority of governing boards

35160.1 Broad authority of school districts

35172 Promotional activities

38130-38138 Civic Center Act

BUSINESS AND PROFESSIONS CODE

25664 Advertisements encouraging minors to drink

U.S. CONSTITUTION

Amendment 1, Freedom of speech and expression

COURT CASES

Hills v. Scottsdale Unified School District 48, (2003) 329 F.3d 1044

DiLoreto v. Downey Unified School District, (1999) 196 F.3d 958

Yeo v. Town of Lexington, (1997) U.S. First Circuit Court of Appeals, No. 96-1623

Hemry v. School Board of Colorado Springs, (D.Col. 1991) 760 F.Supp. 856

Bright v. Los Angeles Unified School District, (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal. 3d 350

Lehman v. Shaker Heights, (1974) 418 U.S. 298

Management Resources:

CSBA PUBLICATIONS

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

WEBSITES

CSBA: http://www.csba.org

(6/96 11/01) 4/13

Business and Noninstructional Operations

BP 3600

Consultants

The Governing Board authorizes the use of consultants to provide expert professional advice or specialized technical or training services which are not needed on a continuing basis and which cannot be provided by district staff because of limitations of time, experience or knowledge. Individuals, firms or organizations employed as consultants may assist management with decisions and/or project development related to financial, economic, accounting, engineering, legal, administrative, instructional or other matters.

\*\*Note: Internal Revenue Service (IRS) Publication 15-A identifies 20 common-law factors which the IRS uses to determine whether an individual is an employee or an independent contractor. \*\*\*

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

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

(cf. 3312 - Contracts)

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

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

(cf. 3311 - Bids)

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

(cf. 4030 - Nondiscrimination in Employment)

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

(cf. 9270 - Conflict of Interest)

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

Legal Reference:

EDUCATION CODE

10400-10407 Cooperative improvement programs

35010 Control of districts; prescription and enforcement of rules

35172 Promotional activities

35204 Contract with attorney

17596 Limit on continuing contracts

44925 Part-time readers employed as independent contractors

45103 Classified service in districts not incorporating the merit system

45103.5 Contracts for food service consulting services

45134-45135 Employment of retired classified employee

45256 Merit system districts; classified service; positions established for professional experts on a temporary basis

GOVERNMENT CODE

53060 Contract for special services and advice

Management Resources:

INTERNAL REVENUE SERVICE PUBLICATIONS

15-A Employer’s Supplemental Tax Guide

(1/85 9/88) 10/96

BP 3452

Student Activity Funds

\*\*\*Note: Pursuant to Education Code 48930, the Governing Board may approve the formation of associated student body organizations (ASBs), composed entirely of students. Generally, there are two types of ASBs. ASBs in high schools and middle schools are called organized ASBs because the students, organizing their activities around student clubs and/or a student council, have primary responsibility for the ASB, with the assistance of an adviser. In elementary schools, the ASB is called unorganized because there is no student council and the principal or designee usually oversees the fundraising and spending decisions, with more limited involvement from the students. \*\*\*

\*\*\*Note: Unlike parent-teacher associations or other school-connected organizations, ASBs are legally considered part of the district. See BP /AR 1230 - School-Connected Organizations. \*\*\*

\*\*\*Note: The following optional policy may be modified to reflect district practice. \*\*\*

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

(cf. 3260 - Fees and Charges)

(cf. 5000 - Concepts and Roles)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.5 - Student Organizations and Equal Access)

Fundraising Events

\*\*\*Note: Education Code 48932 requires the board to approve or disapprove a student organization’s fundraising events and to determine whether such activities will interfere with the normal conduct of the schools. The following paragraph provides for the board to delegate the review and approval of ASB fundraising events to the superintendent or designee and should be modified to reflect district practice. \*\*\*

\*\*\*Note: Education Code 49431 and 49431.5 limit the number of fundraising events and types of food that may be sold on school grounds, see BP/AR 3550 - Other Food Sales. For a list of activities that may be prohibited on school grounds because of safety concerns, see AR 5142 - Safety. \*\*\*

At the beginning of each school year, each principal or designee shall submit to the Superintendent or designee a list of the fundraising events that each student organization proposes to hold that year. The Superintendent or designee shall review the proposed events and determine whether the events contribute to the educational experience and whether they conflict with or detract from the school’s educational program. When reviewing proposed events, the Superintendent or designee shall consider the effects of the activities on student health and safety, evaluate the risk of liability to the district, and ensure that the proposed activities are in compliance with law, Board policy, and administrative regulation.

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

(cf. 3530 - Risk Management/Insurance)

(cf. 3554 - Other Food Sales)

(cf. 5030 - Student Wellness)

(cf. 5142 - Safety)

(cf. 5143 - Insurance)

Management of Funds

\*\*\*Note: Education Code 48937 requires the district to provide for the supervision of all funds raised by any student body organization or student organization using the name of the school. The acceptable investment and use of such funds are detailed in Education Code 48933, 48934, and 48936. The Fiscal Crisis & Management Assistance Team (FCMAT) has developed the Associated Student Body Accounting Manual, Fraud Prevention Guide and Desk Reference, available on its website, to outline the district’s fiscal and managerial responsibilities relative to these funds. \*\*\*

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

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

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

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

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

\*\*\*Note: Because the ASB is an entity of the district, ASB funds are reviewed as part of the annual audit of the district conducted pursuant to Education Code 41020, as specified below.\*\*\*

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

(cf. 3460 - Financial Reports and Accountability)

Legal Reference:

EDUCATION CODE

35182.5 Non-nutritious foods and beverages, vending machines

35564 Funds, obligation of the student body

41020 Requirement for annual audit

48930-48938 Student body organization

49431 Sale of food and beverages, elementary school

49431.5 Sale of food and beverages, middle and high schools

51520 School premise, prohibited solicitations

51521 Fundraising projects

CODE OF REGULATIONS, TITLE 5

15500 Food sales, elementary schools

15501 Food sales, middle and junior high schools

COURT DECISIONS

Prince v. Jacoby, (2002) 303 F.3d 1074

Management Resources:

FISCAL CRISIS MANAGEMENT & ASSISTANCE TEAM PUBLICATIONS

Associated Student Body Accounting Manual, Fraud Prevention Guide and Desk Reference, 2015

WEBSITES

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

Fiscal Crisis Management & Assistance Team: http://www.fcmat.org

(9/88) 7/07

BP 3400

Management of District Assets/Accounts

The Governing Board recognizes its fiduciary responsibility to effectively manage and safeguard the district’s assets and resources in order to help achieve the district’s goals for student learning. The Superintendent or designee shall establish and maintain an accurate, efficient financial management system that enhances the district’s ability to meet its fiscal obligations, produces reliable financial reports, and complies with laws, regulations, policies, and procedures. He/she shall ensure that the district’s accounting system provides ongoing internal controls and meets generally accepted accounting standards.

(cf. 3000 - Concepts and Roles)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3312 - Contracts)

(cf. 3314 - Payment for Goods and Services)

(cf. 3460 - Financial Reports and Accountability)

Capital Assets

\*\*\*Note: Statement #34 from the Governmental Accounting Standards Board (GASB), the national group responsible for establishing accounting and financial reporting standards for state and local governments, requires that districts determine an appropriate capitalization threshold and identify and valuate capital assets. The California Department of Education (CDE) recommends, for most districts, a capitalization threshold that includes a unit acquisition cost criterion of at least $5,000, although a lower threshold may be necessary for small districts and a higher threshold for larger districts. The following optional paragraph establishes a $5,000 capitalization threshold consistent with the CDE’s recommendation. The district should revise the following paragraph if it has established a different threshold. \*\*\*

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

(cf. 3440 - Inventories)

Internal Controls/Fraud Prevention

\*\*\*Note: Internal controls are defined as safeguards that are in place to provide assurance regarding the effectiveness and efficiency of operations, reliability of financial reporting, and compliance with applicable laws and regulations. Internal controls are checks and balances to help prevent fraud, waste, and abuse. \*\*\*

\*\*\*Note: The following section contains recommendations by auditors of internal control policies and procedures and should be modified to reflect district practice. \*\*\*

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

The Superintendent or designee shall develop internal controls that aid in the prevention and detection of fraud, financial impropriety, or irregularity within the district. These internal controls may include, but are not limited to, segregating employee duties relating to authorization, custody of assets, and recording or reporting of transactions; providing detailed, written job descriptions explaining the segregation of functions; adopting an integrated financial system; conducting background checks on business office employees; and requiring continuing in-service training for business office staff on the importance of fraud prevention.

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

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

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

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

Legal Reference:

EDUCATION CODE

14500-14508 Financial and compliance audits

35035 Powers and duties of superintendent

35250 Duty to keep certain records and reports

41010-41023 Accounting regulations, budget controls and audits

42600-42604 Control of expenditures

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

GOVERNMENT CODE

53995-53997 Obligation of contract

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2006

Maximizing School Board Governance: Fiscal Accountability, 2006

School Finance CD-ROM, 2005

GOVERNMENTAL ACCOUNTING STANDARDS BOARD

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

WEBSITES

CSBA: http://www.csba.org

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

California Department of Education, School Finance: http://www.cde.ca.gov/fg

California State Controller’s Office: http://www.sco.ca.gov

Fiscal Crisis & Management Assistance Team: http://www.fcmat.org

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

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

(7/01 7/03) 7/07

BP 3400

Other Food Sales

\*\*\*Note: The following policy addresses food and beverage sales outside of the district’s food service/cafeteria program, including the use of vending machines, student stores, and food sales on school premises by student and/or adult organizations. For policy addressing sales by the food service/cafeteria program, see BP/AR 3550 - Food Service/Child Nutrition Program. \*\*\*

\*\*\*Note: All outside food sales are subject to state law regarding nutritional standards, time and location of the sale, and other conditions; see the accompanying administrative regulation. In addition, pursuant to 7 CFR 210.11 and 220.12, districts participating in the National School Lunch Program (42 USC 1751-1769) and/or School Breakfast Program (42 USC 1771-1791) are mandated to establish rules or regulations to control the sale of food in competition with the breakfast or lunch program. The federal Child Nutrition and Women, Infants and Children (WIC) Reauthorization Act of 2004 (42 USC 1758b) also mandates that each district participating in the National School Lunch and/or Breakfast Program adopt a districtwide student wellness policy. See BP 5030 - Student Wellness for language fulfilling the student wellness mandate. \*\*\*

The Governing Board believes that sales of foods and beverages at school during the school day should be aligned with the district’s goals to promote student wellness. Any food sales conducted outside the district’s food service program shall meet nutritional standards specified in law, Board policy, and administrative regulation and shall not reduce student participation in the district’s food service program.

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

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

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

(cf. 1230 - School-Connected Organizations)

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

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

(cf. 3312 - Contracts)

Legal Reference:

EDUCATION CODE

35182.5 Contracts, non-nutritious beverages

48931 Authorization and sale of food

49430-49434 Pupil Nutrition, Health, and Achievement Act of 2001

51520 School premises; prohibited solicitations

CODE OF REGULATIONS, TITLE 5

15500 Food sales in elementary schools

15501 Sales in high schools and junior high schools

15575-15578 Requirements for foods and beverages outside the federal meals program

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

UNITED STATES CODE, TITLE 42

1751-1769j National School Lunch Act, including:

1758b Local wellness policy

1771-1791 Child nutrition, School Breakfast Program

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

Management Resources:

CSBA PUBLICATIONS

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

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

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

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

06-110 Restrictions on Food and Beverage Sales Outside of the School Meal Program, August 2006

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Associated Student Body Accounting Manual, Fraud Prevention Guide and Desk Reference, 2015

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000

WEB SITES

CSBA: http://www.csba.org

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

California Department of Public Health: http://www.cdph.ca.gov

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

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

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

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

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

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

(11/03 11/05) 11/07

Personnel

BP 4156.2

Awards And Recognition

\*\*\*Note: The following policy addresses commendation of district employees and may be revised to reflect district practice. For policy addressing recognition of community members/organizations or students, see BP 1150 - Commendations and Awards and BP/AR 5126 - Awards for Achievement. \*\*\*

The Governing Board values its instructional and noninstructional staff and desires to recognize their outstanding service in order to increase employee morale and encourage creative and innovative performance.

(cf. 1150 - Commendations and Awards)

(cf. 5126 - Awards for Achievement)

\*\*\*Note: Education Code 45460, as well as legislative resolutions, encourage recognition of employees on designated days of significance including the Day of the Teacher, Classified School Employee Week, and Week of the School Administrator; see BP/AR 6115 - Ceremonies and Observances.\*\*\*

The Board encourages recognition of all staff during days of significance designated by the Board, state law, or state resolution.

(cf. 6115 - Ceremonies and Observances)

\*\*\*Note: If the governing board adopts a program to provide awards to individual employees for the reasons provided below, Education Code 44015 mandates that the board first adopt rules and regulations to implement the program. The remainder of this policy may be revised to reflect district practice. \*\*\*

The Board authorizes awards to individual employees who: (Education Code 44015)

1. Propose procedures or ideas that result in eliminating or reducing district expenditures or improving district operations

2. Perform special acts or services in the public interest

3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in district operations

As the district budget permits, the Superintendent or designee may recognize such employees by issuing service pins, certificates, plaques, and/or other mementos. In addition, he/she may recommend employees to the Board for recognition at a public Board meeting.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

The Superintendent or designee shall establish procedures for the selection of individual employees to receive awards.

The Superintendent or designee may appoint one or more merit award committees consisting of Board members, district employees, and/or private citizens to review employee contributions and recommend awards.

Monetary awards to employees shall not exceed $200 unless expressly approved by the Board. (Education Code 44015)

(cf. 1220 - Citizen Advisory Committees)

(cf. 9140 - Board Representatives)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35161 Powers and duties generally

44015 Awards to employees

45460 Classified School Employee Week

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: The Board’s Relationship to District Staff, 2008

WEBSITES

CSBA: http://www.csba.org

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

(1/85 12/91) 7/10

Students

BP 5126

Awards For Achievement

The Governing Board encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievement in academic, athletic, extracurricular, or community service activities.

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5127 - Graduation Ceremonies and Activities)

(cf. 6142.4 - Service Learning/Community Service Classes)

District/School Awards

\*\*\*Note: Education Code 44015 authorizes the Governing Board to give district-level awards to students for excellence and mandates that the district adopt rules and regulations implementing any such awards program. See the accompanying administrative regulation for language implementing this mandate. \*\*\*

Student awards may include verbal recognition, a letter, a certificate, a Board resolution, public ceremony, trophy, gift, plaque, or cash gift.

The Superintendent or designee shall develop criteria for the selection of student award recipients.

Golden State Seal Merit Diploma

\*\*\*Note: The following optional section is for use by districts that maintain high schools. Education Code 51450-51455 establish the Golden State Seal Merit Diploma, which may be awarded by the Superintendent of Public Instruction (SPI) and the State Board of Education to students identified by the district as demonstrating mastery of the high school core curriculum. See the accompanying administrative regulation for eligibility criteria. \*\*\*

At graduation from high school, special recognition shall be awarded to those students whose academic achievements in core curriculum areas have been outstanding.

The Superintendent or designee shall identify high school students who have demonstrated mastery of the high school curriculum qualifying them for the Golden State Seal Merit Diploma. (Education Code 51454)

(cf. 6162.51 - State Academic Achievement Tests)

Biliteracy Award

\*\*\*Note: The following optional paragraph is for use by districts maintaining one or more high schools. Education Code 51460-51464, as added by AB 815 (Ch. 618, Statutes of 2011), establish the State Seal of Biliteracy, a voluntary program that recognizes high school graduates who have attained a high level of proficiency in one or more languages in addition to English. The SPI will provide an insignia that can be affixed to the diploma or transcript of eligible students. See the accompanying administrative regulation for eligibility criteria for the award. Districts that choose to adopt their own criteria and present a district-level biliteracy award may revise the following paragraph accordingly. \*\*\*

The district shall present the State Seal of Biliteracy to each graduating high school student who has attained a high level of proficiency in speaking, reading, and writing in one or more languages in addition to English. (Education Code 51460-51464)

(cf. 6142.2 - World/Foreign Language Instruction)

(cf. 6174 - Education for English Language Learners)

\*\*\*Note: The following optional paragraph is for use by districts that choose to present biliteracy awards at other grade levels and should be revised to reflect district practice. Californians Together, a statewide coalition working to enhance the success of English learners, recommends issuing local “pathway awards” recognizing benchmarks toward biliteracy at preschool, grade 3, end of elementary school, and end of middle school. \*\*\*

In order to affirm the value of bilingualism and encourage students’ enrollment in world language programs, the Superintendent or designee may present awards at appropriate grade levels to recognize the pursuit and/or attainment of grade-level proficiency in one or more languages in addition to English.

Scholarship and Loan Fund

\*\*\*Note: The following section is optional. Education Code 35310-35319 authorize the Board to establish and maintain a scholarship and loan fund. If the district chooses to establish such a fund, it should revise the following paragraph to reflect only those purposes for which it wishes to make money available. \*\*\*

The Board shall establish and maintain a scholarship and loan fund which may be used to provide interest-free loans for educational advancement, scholarship, or grants-in-aid to bona fide organizations, students, or graduates of district schools. (Education Code 35310, 35315)

(cf. 1260 - Educational Foundation)

(cf. 3290 - Gifts, Grants and Bequests)

Legal Reference:

EDUCATION CODE

220 Nondiscrimination

35160 Authority of governing boards

35310-35319 Scholarship and loan funds

44015 Awards to employees and students

51243-51245 Credit for private school foreign language instruction

51450-51455 Golden State Seal Merit Diploma

51460-51464 State Seal of Biliteracy

52164.1 Assessment of English language skills of English learners

CODE OF REGULATIONS, TITLE 5

876 Golden State Seal Merit Diploma

1632 Credit for private school foreign language instruction

11510-11516 California English Language Development Test

Management Resources:

WEBSITES

CSBA: http://www csba.org

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

Californians Together: http://www.californianstogether.org

(7/04 3/09) 3/12

Sample Administrative Regulations

Community Relations

AR 1230

School-Connected Organizations

\*\*\*Note: The following optional administrative regulation should be modified to reflect district practice. Items # 1-10 below are based on internal control procedures developed by the Fiscal Crisis and Management Assistance Team (FCMAT) for booster clubs, foundations, and other parent-teacher associations. However, districts may consider establishing different procedures for different types of entities, depending on the entity’s fiscal controls and organizational structure. For example, local units of the PTA that are chartered by the state PTA are subject to the internal financial policies and bylaws of the statewide PTA; therefore a different level of district oversight may be sufficient. \*\*\*

Persons proposing to establish a school-connected organization shall submit a request to the Governing Board for authorization to operate at the school. The request for authorization shall contain:

1. The name and purpose of the organization

2. The date of application

3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization’s finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination

4. The names, addresses, and phone numbers of all officers

5. A list of specific objectives

6. An agreement to grant the district the right to audit the group’s financial records at any time, either by district personnel or a certified public accountant

7. The name of the bank where the organization’s account will be located and the names of those authorized to withdraw funds

8. The signature of the principal of the supporting school

9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future

\*\*\*Note: Education Code 38134 requires school-connected organizations to insure against any liability resulting from the organization’s negligence during an organization-sponsored event on school facilities. See BP/AR 1330 - Use of School Facilities. \*\*\*

10. An agreement to provide evidence of liability insurance as required by law

(cf. 1330 - Use of School Facilities)

\*\*\*Note: The following optional paragraph requires an organization to request renewal of the authorization from the superintendent or designee annually. Districts that allow for an automatic renewal or that require approval from the board should modify the following paragraph accordingly. \*\*\*

Requests for subsequent authorization shall be presented to the Superintendent or designee annually, along with a financial statement showing all income and expenditures from fundraisers. If the Superintendent or designee proposes to deny the request for reauthorization, he/she shall present his/her recommendation to the Board for approval.

\*\*\*Note: The following paragraph should be modified to reflect district practice. \*\*\*

Upon consent of the Superintendent or designee, school-connected organizations may use the school’s name, school team’s name, or any logo attributable to the school or district.

School-connected organizations are prohibited from hiring or directly paying district employees. Organizations may make donations to the district to cover the costs of additional employees, but only if such positions are approved in advance by the Board. At their discretion, employees may volunteer to perform activities for school-connected organizations during non-working hours.

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

(9/90 12/90) 7/07

AR 1321

Solicitation of Funds From and By Students

\*\*Note: The following regulation is optional and should be revised to reflect district practice. \*\*\*

The Superintendent or designee shall approve all fundraising activities at least 15 days before the activity. If the event involves a contract with a commercial vendor, the Superintendent or designee shall review the contract.

In order to minimize interruptions to the educational program, staff shall limit fundraising activities to appropriate time periods designated by the principal.

(cf. 6116 - Classroom Interruptions)

No student shall be required to raise a specified amount of money in order to participate in an activity sponsored by a school-related organization.

(cf. 1230 - School-Connected Organizations)

Students engaged in fundraising activities on behalf of the school or for school-related projects are expected to be courteous and respectful towards all individuals and businesses.

Door-to-Door Sales

\*\*\*Note: The following section is optional and should be deleted by districts that do not allow students to engage in door-to-door sales. Items 1-4 below detail the requirements for students participating in such sales as specified in 8 CCR 11706. \*\*\*

Students under 16 years old may engage in door-to-door sales of newspaper or magazine subscriptions, candy, cookies, flowers or other merchandise only under the following conditions:

1. The students shall work in pairs, as a team, on the same or opposite side of the street. (8 CCR 11706)

2. The students shall be supervised by an adult, with one adult for every crew of 10 or fewer students. (8 CCR 11706)

3. The students must be within the sight or sound of their adult supervisor at least once every 15 minutes. (8 CCR 11706)

4. The students shall be returned to their respective homes or meeting places after each day’s work. (8 CCR 11706)

\*\*\*Note: Optional items #5-7 below should be revised to reflect district practice. \*\*\*

5. The students shall not engage in door-to-door sales after dark.

6. The students shall not work outside of their immediate neighborhood.

7. Students in grades \_\_\_\_\_\_\_ shall not be involved in any door-to-door sales or solicitations.

(9/87 9/90) 7/03

Business and Noninstructional Operations

AR 3400

Management of District Assets/Accounts

Accounts

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

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

(cf. 3110 - Transfer of Funds)

Fraud Prevention and Investigation

\*\*\*Note: The following optional section may be revised to reflect district practice and definitions. \*\*\*

Fraud, financial improprieties or irregularities include but are not limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the district

2. Forgery or unauthorized alteration of a check, bank draft or any other financial document

3. Misappropriation of funds, securities, supplies or other assets

4. Impropriety in the handling of money or reporting of financial transactions

5. Profiteering as a result of insider knowledge of district information or activities

6. Disclosing confidential and/or proprietary information to outside parties

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

7. Disclosing investment activities engaged in or contemplated by the district

(cf. 3430 - Investing)

8. Accepting or seeking anything of material value from contractors, vendors or persons providing services or materials to the district

9. Destroying, removing or inappropriately using records, furniture, fixtures or equipment

10. Failing to provide financial records to authorized state or local entities

11. Any other dishonest or fraudulent act

The Superintendent or designee shall investigate reports of fraudulent activity in a manner that protects the confidentiality of the parties and the facts. All employees involved in the investigation shall be advised to keep information about the investigation confidential.

If an investigation substantiates the occurrence of a fraudulent activity, the Superintendent or designee shall issue a report to appropriate personnel and to the Governing Board. The final disposition of the matter and any decision to file a criminal complaint or refer the matter to the appropriate law enforcement and/or regulatory agency for independent investigation shall be made in consultation with legal counsel. The result of the investigation shall not be disclosed to or discussed with anyone other than those individuals with a legitimate need to know.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

(10/93 6/95) 7/03

AR 3554

Other Food Sales

Requirements for Schools Not Participating in Federal Meal Program

\*\*\*Note: The following section is for use by districts that have one or more schools that do not participate in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). Requirements for other schools are described below in the section titled Requirements for Schools Participating in Federal Meal Program.\*\*\*

\*\*\*Note: Food sales outside the district’s food service program that occur on school premises during the school day are subject to the nutrition standards specified in Education Code 49431-49431.7, as amended by AB 626 (Ch. 706, Statutes of 2013). These include nutrition standards for foods in elementary schools (Education Code 49431) and middle and high schools (Education Code 49431.2) and for beverages in all schools (Education Code 49431.5), as well as a prohibition against the sale of foods containing artificial trans fat at any grade level (Education Code 49431.7). See AR 3550 - Food Service/Child Nutrition Program for further information regarding nutrition standards. \*\*\*

Food and beverage sales outside the district’s food service program shall comply with applicable nutritional standards specified in Education Code 49431-49431.7 and 5 CCR 15500-15501 and 15575-15578.

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

(cf. 5030 - Student Wellness)

(cf. 5141.27 - Food Allergies/Special Dietary Needs)

\*\*\*Note: Pursuant to Education Code 49431-49431.5, foods and beverages that do not comply with state nutrition standards may be sold outside of the district’s food services program under certain conditions. As amended by AB 626 (Ch. 706, Statutes of 2013), Education Code 49431-49431.5 provide that the same requirements apply to sales of both foods and beverages and to all grade levels. AB 626 also amended Education Code 49431 and 49431.5 to eliminate the requirement that sales of noncompliant foods and beverages in elementary schools only be allowed if the items are sold by students of the school.\*\*\*

The sale of foods or beverages that do not comply with the standards in Education Code 49431-49431.5 may be permitted in either of the following circumstances: (Education Code 49431-49431.5)

1. The sale takes place off and away from school premises.

2. The sale takes place on school premises at least one-half hour after the end of the school day.

(cf. 1230 - School-Connected Organizations)

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

Requirements for Schools Participating in Federal Meal Program

\*\*\*Note: The following section is for use by districts that have one or more schools participating in the National School Lunch and/or Breakfast Program (42 USC 1751-1769j, 1773). 7 CFR 210.11 and 220.12 mandate that such districts adopt rules and regulations to ensure compliance with federal requirements for competitive foods. \*\*\*

\*\*\*Note: Pursuant to 42 USC 1779, the U.S. Secretary of Agriculture has established nutrition standards which are consistent with the most recent Dietary Guidelines for Americans and apply to all foods sold outside the school meal programs on school campuses at any time during the school day. These standards are contained in 7 CFR 210.11 and 220.12, as amended by 78 Fed. Reg. 125, and were required to be implemented by July 1, 2014. \*\*\*

\*\*\*Note: Note that, in some instances, state nutrition standards (Education Code 49431-49431.7) may be stricter than federal standards. In such cases, the stricter standard prevails. In addition, although 7 CFR 210.11 and 220.12 allow states to adopt criteria for special exemptions from nutrition standard compliance for infrequent school-sponsored fundraisers, the California Department of Education (CDE) provides no exemption. Thus, all infrequent school-sponsored fundraisers are subject to the same rules as other outside food sales. \*\*\*

For any district school participating in the National School Lunch and/or Breakfast Program, food and beverage sales conducted outside the district’s food service program on school campuses during the school day shall comply with applicable nutritional standards specified in 7 CFR 210.11 and 220.12 or with state nutrition standards in Education Code 49431-49431.7 and 5 CCR 15500-15501 and 15575-15578, whichever rule is stricter.

\*\*\*Note: As amended by 78 Fed. Reg. 125, 7 CFR 210.11 adds the following definition of “school day” for purposes of the regulations governing competitive food and beverage sales. \*\*\*

These standards shall apply to all competitive foods and beverages sold from midnight before the school day to one-half hour after the end of the school day. (7 CFR 210.11)

\*\*\*Note: The remainder of this section reflects 5 CCR 15500-15501 pertaining to sales by student organizations in schools that participate in a federal meal program, but delegates to the Superintendent or designee the responsibility for approval of the specific food item to be sold; see the accompanying Board policy.\*\*\*

\*\*\*Note: To the extent that any Title 5 requirement conflicts with the nutrition standards specified in Education Code 49431-49431.7 or federal law, the stricter standard prevails. Thus, although 5 CCR 15500 provides that a student organization may only sell a dessert-type item, such as a pastry, ice cream, or fruit, stricter state and federal nutrition standards supersede and so this provision is not shown in the list below. \*\*\*

\*\*\*Note: Items #1-6 below are for use by districts that maintain any of grades K-8. \*\*\*

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

1. The student organization sells only one food item per sale.

2. The specific nutritious food item is approved by the Superintendent or designee in accordance with Board policy.

3. The sale does not begin until after the close of the regularly scheduled midday food service period.

4. The sale during the regular school day is not of food items prepared on the premises.

5. There are no more than four such sales per year per school.

6. The food sold is not one sold in the district’s food service program at that school during that school day.

\*\*\*Note: Items #1-4 below are for use by districts that maintain middle schools or high schools.\*\*\*

In any middle or high school, a student organization may be approved to sell food items during or after the school day if all of the following conditions are met: (5 CCR 15501)

1. Only one student organization conducts a food sale on a given school day and the organization sells no more than three types of food or beverage items, except that up to four days during the school year may be designated on which any number of organizations may conduct the sale of any food items.

2. The specific nutritious food items are approved by the Superintendent or designee in accordance with Board policy.

3. Food items sold during the regular school day are not prepared on the premises.

4. The food items sold are not those sold in the district’s food service program at that school during that school day.

\*\*\*Note: 7 CFR 210.11, as amended by 78 Fed. Reg. 125, requires the district to maintain specified records. \*\*\*

The Superintendent or designee shall maintain records, and shall require organizations selling foods and beverages to maintain records, to document compliance with federal nutrition standards for all competitive foods and beverages sold through and outside the district’s food services program. At a minimum, these records shall include receipts, nutrition labels, and/or product specifications. (7 CFR 210.11)

(11/05 11/07) 12/13

Students

AR 5126

Awards For Achievement

District/School Awards

\*\*\*Note: Education Code 44015 authorizes the governing board to give district-level awards to students for excellence. Before any awards are given under the authority of this law, the board is mandated to adopt rules and regulations implementing the awards program. The following section should be revised to reflect any such rules and regulations adopted by the district. \*\*\*

The Superintendent or designee may appoint an awards committee at each school which may consist of school administrators, teachers, parents/guardians, community members, and student representatives. The committee shall submit recommendations for student awards to the Superintendent or designee for approval.

(cf. 1220 - Citizen Advisory Committees)

Individual awards in excess of $200 must be expressly approved by the Governing Board. (Education Code 44015)

Golden State Seal Merit Diploma

\*\*\*Note: The following optional section is for use by districts that maintain high schools. Education Code 51450-51455 establish the Golden State Seal Merit Diploma, which may be awarded by the Superintendent of Public Instruction (SPI) and the State Board of Education (SBE) to students identified by the district as demonstrating mastery of the high school curriculum according to the following criteria. \*\*\*

\*\*\*Note: Education Code 51452 requires the SBE to determine the means, performance standards, and achievement levels that demonstrate mastery of the curriculum. Eligibility criteria are published on the California Department of Education (CDE) website. \*\*\*

To be eligible to receive the Golden State Seal Merit Diploma upon high school graduation, a student shall complete all requirements for a high school diploma and demonstrate, in accordance with the means adopted by the State Board of Education, mastery of the curriculum in at least six subject areas, four of which shall be mathematics, English language arts, science, and United States history, with the remaining two subject matter areas selected by the student. (Education Code 51451, 51452; 5 CCR 876)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.11 - Alternative Credits Toward Graduation)

(cf. 6162.52 - High School Exit Examination)

\*\*\*Note: Items #1-5 below reflect the means adopted by the SBE for students to demonstrate mastery of the curriculum for purposes of awarding the Golden State Seal Merit Diploma. \*\*\*

To demonstrate mastery of these subject areas, the student shall earn a scaled score of 370 or above on six separate high school California Standards Tests (CST), including:

1. One mathematics exam, including Algebra II, Geometry, Summative High School Mathematics, or Integrated Mathematics 2 or 3

2. One English language arts exam at grade 9, 10, or 11

3. One science exam, including Biology, Chemistry, Physics, Earth Science, or Integrated/Coordinated Science 1, 2, 3, or 4

4. The grade 11 History-Social Science exam (United States history)

5. Two CSTs of the student’s choice, which may include World History or any additional exams listed in items #1-4 above which have not already been used to establish eligibility

(cf. 6162.51 - State Academic Achievement Tests)

The Superintendent or designee shall maintain appropriate records to identify students who are eligible for the merit diploma and shall affix an insignia to the diploma and transcript of each student awarded the merit diploma. (Education Code 51454)

(cf. 5125 - Student Records)

\*\*\*Note: The CDE requires each district to annually submit one districtwide insignia request on a form provided by the CDE. The CDE’s website encourages districts to submit the request far enough in advance of the graduation ceremony date to allow sufficient time for processing by the CDE and for district staff to place the insignias on the diplomas. The CDE begins mailing requested insignias the first week of April. \*\*\*

The Superintendent or designee shall submit an insignia request form to the California Department of Education in sufficient time to allow processing of the request prior to the high school graduation ceremony.

Biliteracy Award

\*\*\*Note: The following optional section is for use by districts that maintain high schools and choose to recognize graduating students’ bilingual/multilingual proficiency with the State Seal of Biliteracy pursuant to Education Code 51460-51464, as added by AB 815 (Ch. 618, Statutes of 2011); see the accompanying board policy. Districts that choose to present district-level biliteracy awards to students at other grade levels may revise the following section to add eligibility criteria for those awards. \*\*\*

To be eligible to receive the State Seal of Biliteracy upon graduation, a student shall meet all the following criteria: (Education Code 51461)

1. Complete all English language arts requirements for high school graduation with an overall grade point average (GPA) of 2.0 or above in those classes

2. Pass the CST in English language arts administered in grade 11 at the proficient level or above

3. Demonstrate proficiency in one or more foreign languages, which may include American sign language, by fulfilling one of the following criteria:

\*\*\*Note: Education Code 51461, as added by AB 815 (Ch. 618, Statutes of 2011), authorizes the SPI to provide a list of equivalent summative tests that districts may use in place of an Advanced Placement examination for the purpose described below when an Advanced Placement examination is not available in a particular language. \*\*\*

a. Pass a foreign language Advanced Placement examination with a score of 3 or higher or an International Baccalaureate examination with a score of 4 or higher

(cf. 6141.5 - Advanced Placement)

\*\*\*Note: Pursuant to Education Code 51243-51245 and 5 CCR 1632, districts are required to grant credit toward high school graduation for foreign language studies completed in a private school; see BP/AR 6146.11 - Alternative Credits Toward Graduation. \*\*\*

b. Successfully complete a four-year high school course of study in a foreign language, attaining an overall GPA of 3.0 or above in that course of study.

(cf. 6142.2 - World/Foreign Language Instruction)

\*\*\*Note: Pursuant to Education Code 51461, when an Advanced Placement or off-the-shelf language test does not exist in a particular language, the district may develop a foreign language test for the purpose of determining eligibility for the State Seal of Biliteracy, provided the district certifies to the SPI that the exam meets the rigor of a four-year high school course of study in that language. When an Advanced Placement or off-the-shelf test is available, the district may only offer a district-developed foreign language test if it first receives approval from the SPI. \*\*\*

c. Pass a district language examination that meets the rigor of a four-year high school course of study in that language, provided the test has been certified to or approved by the Superintendent of Public Instruction.

d. Pass the SAT II foreign language examination with a score of 600 or higher.

In addition to meeting the criteria in items #1-3 above, a student in any of grades 9-12 whose primary language is other than English shall attain the early advanced proficiency level or higher on the California English Language Development Test (CELDT). As necessary for this purpose, the district may administer the CELDT an additional time outside of the regularly scheduled administration specified in AR 6174 - Education for English Language Learners. (Education Code 51461)

(cf. 6174 - Education for English Language Learners)

\*\*\*Note: The CDE requires each district to submit one districtwide insignia request on a form provided by the CDE. The CDE begins mailing requested insignias the first week of April. \*\*\*

The Superintendent or designee shall maintain appropriate records to identify high school students who qualify for the award and shall affix the insignia to the diploma or transcript of each student who earns the award. (Education Code 51463)

Scholarship and Loan Fund

\*\*\*Note: The following section is for use by any district whose board has established a scholarship and loan fund pursuant to Education Code 35310-35319; see the accompanying board policy. Pursuant to Education Code 35310, districts maintaining this fund are mandated to develop rules and regulations specifying the terms of office and method of selection of the committee appointed to administer the fund. The following section should be revised to reflect district practice. Districts that have not established such a program should delete this section. \*\*\*

The district’s scholarship and loan fund shall be administered by a district committee composed of Board members, the Superintendent, and such other community, teacher, administrative, and/or student representatives as determined by the Board. (Education Code 35310)

Members of this committee shall be appointed by the Board and shall serve two-year terms.

The Superintendent shall serve as chairperson of the committee and chief executive officer of the fund. The committee shall meet at least once each fiscal year and at other such times as it may be called into session by the Superintendent. (Education Code 35311, 35312)

Scholarship and loan funds shall be deposited, administered, and audited in accordance with Education Code 35314 and 35318.

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

(cf. 3460 - Financial Reports and Accountability)

The committee may accept gifts, donations, and bequests made for the purposes of the fund. The committee also may prescribe conditions or restrictions on these gifts and bequests. The committee shall review any conditions imposed by the donor and make a recommendation to the Board as to the compatibility of such conditions with the intent and purpose of the fund. The Board may prohibit the committee from accepting any donation under conditions it finds incompatible with the fund’s intents and purposes. (Education Code 35313)

(cf. 1260 - Educational Foundation)

(cf. 3290 - Gifts, Grants and Bequests)

\*\*\*Note: Education Code 35316 mandates that districts maintaining this fund adopt regulations governing applications, provided such regulations do not limit student eligibility based on any conditions listed in Education Code 220; see BP 0410 - Nondiscrimination in District Activities and Programs. The following paragraph may be expanded to describe the district’s application procedures. \*\*\*

The Superintendent or designee shall establish criteria, procedures, and deadlines for student applications for scholarships and/or loans from the fund. As applicable, he/she may require the student to submit letters of recommendation or other supplementary materials providing evidence of the student’s accomplishments and/or need.

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

The Superintendent or designee shall report to the Board at least annually regarding the status and activity of the fund. (Education Code 35319)

Notifications

\*\*\*Note: The following optional section may be revised to reflect programs offered by the district. \*\*\*

The Superintendent or designee shall annually distribute information about eligibility requirements for the Golden State Seal Merit Diploma, State Seal of Biliteracy, and/or any district awards programs to students at the applicable grade levels.

(7/04 3/09) 3/12

Student Activity Funds

The collection, disbursement and recording of transactions pertaining to student activity funds shall be performed in accordance with the Fiscal Crisis & Management Assistance Team’s (FCMAT’s) Associated Student Body Accounting Manual, Fraud Prevention Guide and Desk Reference.

In addition, no contracts shall be entered into by any clubs or students of the associated student body organization without prior review and approval of the administrators listed as approved contract signers in the district’s board policy, including the superintendent and the associate superintendent, business services/chief business official.

All applicable laws, regulations, and codes pertaining to the purchase of goods and services, bids, and quotations for general funds of the district apply to the commitment and disbursement of associated student body funds.

(07/82, 10/96, 1212, 3/15)