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DEHESA
Regular Governing
Board Meeting
— — — — —
Agenda

February 15, 2018

Welcome

Welcome to the meeting of the Dehesa School District Governing Board. Your interest in our school district is appreciated.

Our Governing Board

Our community elects five Board members who serve four-year terms. The Board members are responsible for the overall operation for the school district. Among its duties, the Board adopts and annual budget, approves expenditures, establishes policies and regulations, authorizes employment of all personnel, approves curriculum and textbooks, and appoints the Superintendent.

Cindy White

Mrs. White was first elected to the governing Board in November 2002, re-elected in 2006, 2010 and 2014. Her current term expires in 2018.

Karl Becker

Mr. Becker was elected to the board in 2010 and reelected in 2014. His current term expires in 2018.

Christina Becker

Mrs. Becker was first elected to the Governing Board in the year 2014. Her current term expires in 2018.

Mark Zacovic

Dr. Zacovic was first elected to the governing Board in November 2016. His current term expires in 2020.

Karen Kirkpatrick

Mrs. Kirkpatrick was appointed to the governing Board in December 2017. Her current term expires in 2018

DEHESA SCHOOL DISTRICT

LOCATION & TIME

CLOSED SESSION - 4:00 p.m.

Dehesa School – Conf Room D4

LOCATION & TIME -

OPEN SESSION - 5:00 p.m.

Dehesa School - MPR

REGULAR GOVERNING BOARD MEETING

February 15, 2018

AGENDA

Accommodations: In compliance with the American with Disabilities Act 1990, if you need special assistance to participate in this meeting, please contact the office of the Superintendent at 619-444-2161. Notification of 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to that meeting.

In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting, may be viewed at Dehesa School District, 4612 Dehesa Road, El Cajon, CA 92019, or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact Deborah Cagney.

Board of Education agendas and minutes are, by law, public documents. Please note the Dehesa School District posts Board agendas and minutes on the school website; <https://dehesasd.sdcoc.net>.

I. Call to Order

- A. Public Comment on Closed Session Items.

II. Closed Session

- A. PUPIL PERSONNEL MATTERS: The Governing Board will recess to Closed Session to consider pupil personnel matters pursuant to Government Code Section 35146, 72122, and 48918
- B. PERSONNEL MATTERS: The Governing Board will recess to Closed Session to consider personnel matters pursuant to Government Code Section 54957
 - 1. Appointment, Employment, Evaluation of Performance, Discipline, Leaves, or Dismissal of a Public Employee
- C. NEGOTIATIONS: The Governing Board will recess to Closed Session to consider negotiations and related matters pursuant to Government Code 54957.
 - 1. Employee Organizations: DTA, CSEA, and Unrepresented Employees
- D. POTENTIAL LITIGATION: Conference with Legal Counsel Regarding Anticipated Litigation-Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Government Code section 54956.9. There is one potential lawsuit.
- E. REAL PROPERTY: The Governing Board will recess to Closed Session to consider real property pursuant to Government Code 54956.8 (b.)(1). Case No. 37-2015-00030843-CU-WM-CTL

III. Public Meeting

- A. Call to Order and Establishing a Quorum
- B. Closed Session Report of Any Action Taken
- C. Pledge of Allegiance
- D. Agenda Approval

IV. Requests to Address the Board

District/Community Organization Reports

1. Parents' Club – Patience Stevens, President
2. Dehesa Teacher's Association – Christine Lavigne and Lacey Rana
3. California School Employees Association # 663 - Jackie Finch, President
4. Method Schools – Jessica Spallino
5. Valiant Charter / California Academy of Sport Science – Justin Schmitt
6. Element Education – Terri Novacek, Director
 - a. Dehesa Charter School
 - b. Community Montessori
7. Diego Hills Charter School – Kevin Ogden
8. The Heights Charter School – Diana Whyte
9. Inspire Charter & Learning Latitudes – Nick Nichols
10. Citizen Input

B. Board Input

V. Routine Action Items

The following items are considered by the Superintendent to be of a routine nature and are acted on with one motion. Any recommendation may be removed at the request of any Board Member and placed under new and/or unfinished business.

- A. Approval of Minutes** – It is recommended that the board of Trustees approve the minutes of the following meeting:
 1. Regular Board Meeting – January 18, 2018
- B. Approval of Purchase Orders and Commercial Warrants**– It is recommended that the Board of Trustees approve the commercial warrants and purchase orders as presented.
- C. Conferences and Workshops** – None
- D.** It is recommended that the Board of Trustees approve the renewal of the District Interdistrict Transfer Agreement for 2018-2023 with the Cajon Valley Union School District.

VI. Information & Proposals (Action may be taken)

A. Correspondence:

1. Ballot for 2018 CSBA Delegate Assembly Election.
2. SELPA letter regarding annual assessment for SELA membership.

3. SDCOE Congratulations letter.
4. CSBA letter re: Full and Fair Funding Resolution.
5. SDCOE Re: 2017-2018 First Interim Report.
6. Notice of Public Hearing.
7. Method WASC
8. Diego Hills Central Charter WASC

B. Report, Information, and Presentations

1. Budget Report
2. State School Building Report
3. Principal's Report
4. Enrollment
5. Statement of Economic Interest- Form 700 filing
6. CHP Bus Inspection

C. Discussion

VII. Action Items

A. Public Hearings – None

B. Old Business – None

C. New Business

1. The Board will consider the approval of the proposed Calendar for the 2018-2019 school year.
2. The Board will consider the approval of the MOU with Diego Hills Central.
3. The Board will consider the approval of the Facilities Use Agreement with Diego Hills Central.
4. The Board will consider the approval of the Termination of Contract for G. Wayne Oetken & Associates.
5. The Board will consider the approval of the Agreement for Consulting Services with G. Wayne Oetken & Associates, Amendment 1.
6. The Board will consider the approval of the New Agreement for Consulting Services with G. Wayne Oetken & Associates.

D. Negotiations- None

E. Board Policies

1. The Board will review and consider the approval of Policy Updates Board Bylaws 9000's.

F. Personnel –

Certificated:

1. None

Classified:

1. To accept the resignation of a six hour Instructional Assistant effective 02/15/2018.
2. To hire a 3.75 hour Instructional Assistant.
3. To hire a 6 hour Instructional Assistant.
4. To hire a 5.75 hour temporary Instructional Assistant effective 02/15/2018 through 06/14/2018.

VIII. Advance Planning

A. Next Meeting

1. Regular Board Meeting – March 8, 2018. Closed Session at 4:00 pm. Open Session at 5:00 pm.

B. Agenda Items – Trustees may request placing items on the next agenda.

IX. Adjournment

**DEHESA SCHOOL DISTRICT
REGULAR GOVERNING BOARD
MEETING MINUTES**

January 18, 2018

I. Call to order

President Cindy White called the meeting to order at 4:00 pm and the Board convened into Closed session.

II. Closed Session

III. Public Meeting

The Board reconvened at 5:08 pm. President, Cindy White called the meeting to order and reported no action was taken in closed session. Nancy Hauer introduced the new appointed Board member Karen Kirkpatrick and swore her in. A quorum was established with members being present: Cindy White, Christina Becker, Karl Becker, Karen Kirkpatrick and Mark Zacovic. Blessing Clark led the Pledge of Allegiance. Karl Becker made a motion to approve the agenda, seconded by Mark Zacovic. Board approved the agenda as follows:

Ayes: Cindy White, Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: None

IV. Requests to Address the Board

A. District/Community Organization Reports

1. **1st Grade Class:** Jholei Evans was in attendance with some of her 1st grade class to perform for the Board.
2. **Parents Club:** Nancy Hauer spoke on behalf of Parents Club and stated that there was no report due to no meetings being held. Meetings had to be cancelled due to family emergencies and also to the inclement weather.
3. **Dehesa's Teacher's Association:** President, Lacey Rana and Vice President, Christine Lavigne were in attendance. Christine Lavigne talked about how enrichment classes after school had started and are going very well. MAP testing is scheduled to start next week so everyone is preparing for that. Destination Imagination is also going to be starting on Monday and the kids are very excited

about the new program.

4. **California School Employees Association #663:** Nancy Hauer spoke on behalf of CSEA Association #663 and stated that they are continuing to work on the final tentative agreement.
5. **Method Schools:** Nancy Hauer spoke on behalf of Method Schools. Their Enrollment is at 146 students. They are currently preparing for summer school. Several new schools have signed on to use Method for summer this year. Team robotics has started and Method Schools will hold a competition in May that will include parents on student teams. School wide practice SBAC testing is starting next week.
6. **Valiant Charter / California Academy of Sport Science:** None
7. **Element Education:**
 - a. **Dehesa Charter School:** Nancy Hauer spoke on behalf of Dehesa Charter School. Enrollment numbers are as follows: 139 Orange County, 293 Riverside County, and 547 San Diego County. Dimensions Collaborative School was approved by the San Diego County Board of Education (unanimous vote) as a county-wide charter benefit for 2018-2019. Dehesa Charter School will continue operation for a minimum of one more year to accommodate high school students due to the one-year time-frame to acquire WASC accreditation. It is anticipated that students who are not seniors will enroll in the new charter school. A petition for Dimensions Collaborative School- Riverside has been submitted to the Riverside County Office of Education. The public hearing is expected to be February 14th. We anticipate action to be taken at the April Board meeting. Dehesa Charter School has accepted membership into El Dorado SELPA for 2018-2019.
 - b. **Community Montessori Charter School:** Nancy Hauer spoke on behalf of Community Montessori Charter School. Enrollment is at 670 students. Community Montessori was approved by the San Diego County Board of Education (unanimous vote) as a county-wide charter benefit for 2018-19. Community Montessori Charter School expects to close June 2018 with all assets (and students) being transferred to Community Montessori. The school is doing well and greatly appreciates the confidence and support provided by Dehesa School District which has allowed for them to serve a need in the San Diego community.
8. **Diego Hills Central Charter School:** Nancy Hauer spoke on behalf of Diego Hills Central Charter School. Enrollment is at 635. They conducted one week of Professional Development 1/2/18-1/5/18. Topics included growth mindset, trauma-informed instruction, motivating unmotivated students and dynamic coaching. Ernie Mendes, a well-known presenter in San Diego, joined them for a full day training.
9. **The Heights Charter School:** None

- 10. Inspire Charter:** Nancy spoke on behalf of Inspire Charter. Enrollment is at 4,745 students. They launched a parent education seminar on types of writing, graphic organizers and writing resources. Students came together to participate in a gingerbread house construction contest. **Learning Latitudes Charter School:** Nancy Hauer spoke on behalf of Learning Latitudes Charter School. Enrollment is at 712 students. They sent some administrators to the San Diego County Office of Education for the Curriculum and Instruction Network for Public Charter Schools. Participation involved reviewing countywide data on the college and career indicators. They completed CELDT retests before the break and are training teachers in the administration of the ELPAC test.
- 11. Citizen Input:** Ivan Sam from the Southern Indian Health Council was in attendance. He is part of the PEI program which stands for Prevention/Early Intervention and they work with San Diego County and other health councils. Some of their program involves anti-bullying and suicide prevention. Ivan provided his contact information and welcomed Dehesa to utilize their services. The Board thanked him for being at the meeting and are excited to collaborate with him.

B. Board Input- None

V. Routine Action Items

A-C: Christina Becker made a motion to approve Routine Action Items A-C. Seconded by Karen Kirkpatrick. Vote as follows:

Ayes: Cindy White, Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: None

D: Resolution 2018-1-1: Karen Kirkpatrick made a motion to approve Resolution 2018-1-1. Seconded by Mark Zacovic. Vote as follows:

Ayes: Cindy White, Mark Zacovic, Karen Kirkpatrick

Nays: None

Absent: None

Abstain: Karl Becker, Christina Becker

VI. Information & Proposals

A. Correspondence: Nancy Hauer spoke about the letter sent by the county office. Due to the Shasta ruling there have been an abundance of Charter renewals. Thus the county is asking that schools work with the county office with getting assistance.

B. Report, Information, and Presentations:

- 1. Budget Report:** Anna talked about the budget report and how the Board will notice that the General Fund has a larger balance however that is due to a difference in due dates so, it is just a cash flow issue and will show a lower balance on the next report.
- 2. State School Building Report:** Nancy Hauer talked about her conversation with Wayne. Wayne has been talking to Tom Duffy in Sacramento. He said that we should never file an appeal without meeting with OPS staff. Since there has not been action taken on Dehesa or the State Allocation Board regulation filing an appeal would be premature. Wayne said that we could change the focus to a facility hardship due to the noise, air pollution from the new hotel at Sycuan Casino. This puts the children at risk so, special consideration should be made due to the adverse conditions. Possible solution would be relocation so the students are not subject to the noise and air pollution. Need to schedule a meeting with OPAC staff.
- 3. Principal's Report:** Heather Griffiths was in attendance and reported that there have been some staffing changes. Resignations: Angela Shannon, instructional aide took a new position in another district and her last day was January 5, 2018; Kristy Eaton - RSP/Special Education teacher became ineligible to intern, John Romero- the long-term substitute for Kelly Swanson had a health emergency and will not be able to return, Sara Cates who we had for speech moved. New Staff: Grace Klepin- EAK teacher, Elizabeth Pauley-Shuman- RSP/Special Education Intern, Janis Schumacher- Speech, Lori Reidy-Destination Imagination challenge teacher (Mondays, 1/2 day), Eileen Tierney-Special Education testing support, Kenton Mejia- Student Care/ Playground Supervisor/instructional aide, and Gage Griffiths- Student Care (EAK)/ Lunch Supervision. We are introducing a new STEAM program called Destination Imagination. Teacher, Lori Reidy will teach this hands-on-program that will teach the students to recognize, imagine, initiate/collaborate, assess, and evaluate/celebrate with team members as they work to solve grade/age appropriate challenges. This program is currently being used at Granite Hills HS. We will be offering this program as a challenge class for students after lunch on Mondays. Hoping that next year we can have a competitive team. There is a local, state, and national competition and Granite Hills HS won the national competition a few years ago. After school Enrichment Classes began on January 9th and there has been very positive feedback from parents and students. The Ms. Smarty Plants assembly was on

Wednesday, January 17th and it was great for the kids.

4. Enrollment: Nancy Hauer spoke about enrollment being at 153 however, we have a new EAK student enrolling so we will be at 154.

5. Williams Report: Nancy Hauer reported that there have been no complaints.

C. Discussion

1. Discuss ESS Enrollment: ESS current numbers are 10 students in AM, 4 EAK, and 12 students in the PM. Ratio for staff is 15 students to 1 staff member. Some ideas to increase ESS enrollment discussed were special resident rates and scholarships.

VII. Action Items

A. Public Hearings- None

B. Old Business- Anna Buxbaum updated the Board on the painting and the blinds bids.

C. New Business

1. Resolution # 2018-1-2, Calling for Full and Fair Funding of California's Public Schools: Karen Kirkpatrick made a motion to approve Resolution #2018-1-2, Calling for Full and Fair Funding of California's Public Schools. Seconded by Mark Zacovic. Vote as follows:

Ayes: Cindy White, Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: None

2. MOU between San Diego Youth Services and Dehesa School District: Karl Becker made a motion to approve the MOU between San Diego Youth Services and School District. Seconded by Karen Kirkpatrick. Vote as follows:

Ayes: Cindy White, Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: None

3. Vista Hill-GPS Assessment 2017-2018 Master Contract: Karl Becker made a motion to approve the Vista Hill-GPS Assessment 2017-2018 Master Contract. Seconded by Karen Kirkpatrick. Nancy explained that this Master Contract is just for the GPS Assessment's. Vote as follows:

Ayes: Cindy White, Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: None

4. Dehesa School District Audit Report June 30, 2017: Karen Kirkpatrick made a motion to approve the Dehesa School District Audit Report June 30, 2017. Seconded by Christina Becker. Anna talked about the audit report and directed the Board to look over the management summary. Mentioned that there were no new findings on this Audit Report. Vote as follows:

Ayes: Cindy White, Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: None

5. Tentative Agreement between the District and CSEA #663 regarding job descriptions. Mark Zacovic made a motion to approve the Tentative Agreement between the District and CSEA #663 regarding job descriptions. Seconded by Karen Kirkpatrick. Vote as follows:

Ayes: Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: Cindy White

6. Resolution #2018-1-3. Resolution in Support of Accelerating the Distribution of Proposition 51 School Facilities Funds. Christina Becker made a motion to approve Resolution #2018-1-3. Karl Becker seconded. Vote as follows:

Ayes: Cindy White, Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: None

7. Approval of the purchase of Window Coverings. Karl Becker made a motion to approve the purchase of window coverings. Seconded by Mark Zacovic. Vote as follows:

Ayes: Cindy White, Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: None

D. Negotiations-None

E. Board Policies

1. Approval of Updated Board Policies 5000's. Mark Zacovic made a motion to approve the updated Board Policies 5000's. Seconded by Karl Becker. Karl Becker had reviewed the 5000 section of the Board Policies and recommended that we should invest in an AED machine to take along on the bus to Sycuan for the middle school P.E. Also, mentioned adding to AR 5141.21 to call 911 when using emergency epinephrine. He also noted that BP 5030 was put in twice. Vote to approve with the recommended changes as follows:

Ayes: Cindy White, Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: None

F. Personnel-

Certified:

- 1. Hire a full time RSP Teacher Intern.**
- 2. Hire an hourly SPED Teacher.**
- 3. Hire an hourly Science Enrichment Teacher.**

Classified:

- 1. Resignation of a 3.75 hour instructional aide.**

Mark Zacovic made a motion to approve all the Personnel items for Certified and Classified. Seconded by Karen Kirkpatrick. Vote as follows:

Ayes: Cindy White, Christina Becker, Mark Zacovic, Karen Kirkpatrick and Karl Becker

Nays: None

Absent: None

Abstain: None

VIII. Advance Planning

A. Next Meeting - Scheduled for February 15 2018. Closed Session at 4:00 pm. Open Session at 5:00 pm.

B. Agenda Items- None

C. Future Meeting – Regular Board Meeting- March 8, 2018. Closed Session at 4:00 pm. Open Session at 5:00 pm.

IX. Adjournment: President Cindy White adjourned the meeting at 6:45 pm.

Respectfully submitted by:

Approved by:

Deborah Cagney
Administrative Secretary

Christina Becker
Clerk of the Board

DEHESA SCHO DISTRICT
COMMERCIAL WARRANT LISTING
JANUARY 2018

| Date | Warrant ID | Vendor Name | Fund | Invoice | Object Descr | Inv Amount | Warrant Amt |
|-----------|------------|-----------------------------------|-------------------------|--------------------------------|------------------------------------|--------------|--------------|
| 1/4/2018 | 14350045 | G. WAYNE OETKEN & ASSOCIATES | Capital Facilities Fund | Oct 2017 & 10.12.17 Mtg | Prof/Consult Srv&Operate Exp | 837.50 | 837.50 |
| 1/4/2018 | 14350046 | SAN DIEGO GAS & ELECTRIC | General Fund | Nov 2017 | Operations & Housekeeping | 3,236.20 | 3,236.20 |
| 1/18/2018 | 14355565 | COUNTY OF SAN DIEGO | Cafeteria Fund | 2017-18 Health Permit | Prof/Consult Srv&Operate Exp | 397.00 | 397.00 |
| 1/18/2018 | 14355566 | REVOLVING FUND | General Fund | Nov-Dec 2017 | Materials And Supplies | 8.44 | 2,102.46 |
| 1/18/2018 | 14355566 | REVOLVING FUND | General Fund | Nov-Dec 2017 | Prof/Consult Srv&Operate Exp | 528.00 | |
| 1/18/2018 | 14355566 | REVOLVING FUND | General Fund | Nov-Dec 2017 | Travel And Conferences | 251.74 | |
| 1/18/2018 | 14355566 | REVOLVING FUND | General Fund | Nov-Dec 2017 | Travel And Conferences | 173.97 | |
| 1/18/2018 | 14355566 | REVOLVING FUND | Building-Bond Fund | Nov-Dec 2017 | Non-Capitalized Equipment | 1,140.31 | |
| 1/24/2018 | 14358070 | Sheila White | General Fund | Enrichment Class Supplies | Materials And Supplies | 22.98 | 44.00 |
| 1/24/2018 | 14358070 | Sheila White | General Fund | Enrichment Jan 2018_2 | Materials And Supplies | 21.02 | |
| 1/24/2018 | 14358071 | AT & T | Child Care Fund | 10.20.17-11.19.17 | Telephone | 44.88 | 90.41 |
| 1/24/2018 | 14358071 | AT & T | Child Care Fund | 11.20.17-12.19.17 | Telephone | 45.53 | |
| 1/24/2018 | 14358072 | CASBO | General Fund | SD Conference 2/9/2018 | Travel And Conferences | 50.00 | 50.00 |
| 1/24/2018 | 14358073 | SAN DIEGO COUNTY | General Fund | CBO Forum 2018 A.Buxbaum | Travel And Conferences | 250.00 | 250.00 |
| 1/24/2018 | 14358074 | HOLLANDIA DAIRY, INC. | Cafeteria Fund | 2156502,2191464,2176538 | Food | 327.28 | 1,522.40 |
| 1/24/2018 | 14358074 | HOLLANDIA DAIRY, INC. | Cafeteria Fund | 2196633,2148978,2142746 | Food | 215.74 | |
| 1/24/2018 | 14358074 | HOLLANDIA DAIRY, INC. | Cafeteria Fund | 2196633,2148978,2142746 | Food | 304.01 | |
| 1/24/2018 | 14358074 | HOLLANDIA DAIRY, INC. | Cafeteria Fund | 2156502,2191464,2176538 | Food | 264.00 | |
| 1/24/2018 | 14358074 | HOLLANDIA DAIRY, INC. | Cafeteria Fund | 2156502,2191464,2176538 | Food | 217.06 | |
| 1/24/2018 | 14358074 | HOLLANDIA DAIRY, INC. | Cafeteria Fund | 2196633,2148978,2142746 | Food | 194.31 | |
| 1/24/2018 | 14358075 | Jeff Painting | Building-Bond Fund | Exterior Paint 95% | Prof/Consult Srv&Operate Exp | 38,850.00 | 38,850.00 |
| 1/24/2018 | 14358076 | Learning Latitudes Charter School | General Fund | 2017-18 Special Adv Apport | Pass Through Income to New Charter | 2,869,518.00 | 2,937,373.00 |
| 1/24/2018 | 14358076 | Learning Latitudes Charter School | General Fund | 2017-18 EPA 2nd QTR_Charters | Pass Through Income to New Charter | 67,855.00 | |
| 1/24/2018 | 14358077 | OTAY WATER DISTRICT | General Fund | Dec 2017 | Operations & Housekeeping | 428.21 | 963.29 |
| 1/24/2018 | 14358077 | OTAY WATER DISTRICT | General Fund | Jan 2018 | Operations & Housekeeping | 535.08 | |
| 1/24/2018 | 14358078 | PEARSON EDUCATION, INC. | General Fund | 11437081_BSR Kit | Materials And Supplies | 232.22 | 232.22 |
| 1/24/2018 | 14358079 | Pick Up Stix | Cafeteria Fund | Nov 2017 | Food | 201.50 | 201.50 |
| 1/24/2018 | 14358080 | PURPOSEFUL PLAY, INC. | General Fund | Aug-Oct 2017 | Prof/Consult Srv&Operate Exp | 4,495.00 | 6,347.50 |
| 1/24/2018 | 14358080 | PURPOSEFUL PLAY, INC. | General Fund | Nov-Dec 2017 | Prof/Consult Srv&Operate Exp | 855.00 | |
| 1/24/2018 | 14358080 | PURPOSEFUL PLAY, INC. | General Fund | Nov-Dec 2017 | Prof/Consult Srv&Operate Exp | 997.50 | |
| 1/24/2018 | 14358081 | REVOLVING FUND | General Fund | Sept-Oct 2017 | Materials And Supplies | 22.20 | 2,143.38 |
| 1/24/2018 | 14358081 | REVOLVING FUND | General Fund | Sept-Oct 2017 | Materials And Supplies | 111.92 | |
| 1/24/2018 | 14358081 | REVOLVING FUND | General Fund | Sept-Oct 2017 | Materials And Supplies | 9.61 | |
| 1/24/2018 | 14358081 | REVOLVING FUND | General Fund | Sept-Oct 2017 | Materials And Supplies | 23.68 | |
| 1/24/2018 | 14358081 | REVOLVING FUND | General Fund | Sept-Oct 2017 | Travel And Conferences | 117.97 | |
| 1/24/2018 | 14358081 | REVOLVING FUND | General Fund | Sept-Oct 2017 | Travel And Conferences | 31.00 | |
| 1/24/2018 | 14358081 | REVOLVING FUND | General Fund | Sept-Oct 2017 | Prof/Consult Srv&Operate Exp | 1,680.00 | |
| 1/24/2018 | 14358081 | REVOLVING FUND | General Fund | Sept-Oct 2017 | Postage | 100.00 | |
| 1/24/2018 | 14358081 | REVOLVING FUND | Child Care Fund | Sept-Oct 2017 | Postage | 47.00 | |
| 1/24/2018 | 14358082 | Rozzy Learning Company | General Fund | 1109_STEAM Careers Program | Materials And Supplies | 250.00 | 250.00 |
| 1/24/2018 | 14358083 | SMALL SCHOOL DISTRICTS' ASSOC. | General Fund | Feb 2018 - Jan 2019 Membership | Dues & Memberships | 600.00 | 600.00 |
| 1/24/2018 | 14358084 | Target River | General Fund | 1364 2018 Pmt. 1 of 3 | Prof/Consult Srv&Operate Exp | 5,652.67 | 5,652.67 |
| 1/24/2018 | 14358085 | VISTA HILL | General Fund | Nov 2017 Therapy&Assesments | Prof/Consult Srv&Operate Exp | 3,037.00 | 4,454.00 |
| 1/24/2018 | 14358085 | VISTA HILL | General Fund | Dec 2017 | Prof/Consult Srv&Operate Exp | 1,417.00 | |
| 1/24/2018 | 14358086 | WASTE MANAGEMENT | General Fund | Dec 2017 | Operations & Housekeeping | 286.71 | 567.68 |
| 1/24/2018 | 14358086 | WASTE MANAGEMENT | General Fund | Nov 2017 | Operations & Housekeeping | 280.97 | |
| 1/25/2018 | 14358699 | Follett School Solutions Inc | General Fund | 2017-18 Library System | Prof/Consult Srv&Operate Exp | 727.50 | 1,304.74 |
| 1/25/2018 | 14358699 | Follett School Solutions Inc | General Fund | 709532f-4 | Materials And Supplies | 577.24 | |

DEHESA SCHOOL DISTRICT
COMMERCIAL WARRANT LISTING
JANUARY 2018

| Date | Warrant ID | Vendor Name | Fund | Invoice | Object Descr | Inv Amount | Warrant Amt |
|-----------|------------|---------------------------------------|----------------------|--------------------------------|-------------------------------|--------------|--------------|
| 1/25/2018 | 14358700 | STATE WATER RESOURCES CONTROL BOARD | General Fund | 2017-18 Annual Permit Fee | Prof/Consult Srv&Operate Exp | 484.00 | 484.00 |
| 1/25/2018 | 14358701 | AARDVARK ANT & PEST CONTROL | General Fund | Orly Svc Nov 2017 | Prof/Consult Srv&Operate Exp | 586.00 | 586.00 |
| 1/25/2018 | 14358702 | MRC SMART TECHNOLOGY SERVICES | General Fund | 10.22.17-11.21.17 | Materials And Supplies | 889.88 | 889.88 |
| 1/25/2018 | 14358703 | SAN DIEGO CTY SPEECH PATHOLOGY | General Fund | Nov-Dec 2017 | Prof/Consult Srv&Operate Exp | 2,600.00 | 4,062.50 |
| 1/25/2018 | 14358704 | SAN DIEGO CTY SPEECH PATHOLOGY | General Fund | Nov-Dec 2017 | Prof/Consult Srv&Operate Exp | 1,462.50 | |
| 1/25/2018 | 14358705 | SAN DIEGO GAS & ELECTRIC | General Fund | Dec 2017 | Operations & Housekeeping | 3,707.54 | 3,707.54 |
| 1/25/2018 | 14358706 | SMALL SCHOOL DISTRICTS' ASSOC. | General Fund | SSDA Conf 2018 N.Hauer | Travel And Conferences | 428.00 | 428.00 |
| 1/25/2018 | 14358707 | SYCUAN RESORT | General Fund | Nov-Dec 2017 Student Golf | Materials And Supplies | 1,040.00 | 1,040.00 |
| 1/25/2018 | 14358708 | TYCO INTEGRATED SECURITY LLC | General Fund | Qtr Service 02.01.18-04.30.18 | Prof/Consult Srv&Operate Exp | 673.24 | 673.24 |
| 1/25/2018 | 14358709 | WAXIE SANITARY SUPPLY | General Fund | 77134475 | Materials And Supplies | 1,483.95 | 1,483.95 |
| 1/25/2018 | 14358710 | XEROX EDUCATION PUBLICATIONS | General Fund | 10.22.17-01.21.18 | Rent,Lease,Repair&Non-Cap Imp | 2,372.57 | 2,372.57 |
| 1/25/2018 | 14360429 | XEROX EDUCATION PUBLICATIONS | General Fund | 7855 Inv 091224975 | Rent,Lease,Repair&Non-Cap Imp | 6.28 | 6.28 |
| 1/30/2018 | 14360430 | George's Express Lawn Mower | General Fund | 268519 | Rent,Lease,Repair&Non-Cap Imp | 45.00 | 45.00 |
| 1/30/2018 | 14360431 | San Diego Door Controls, Inc. | General Fund | 6713 Front Office Door | Rent,Lease,Repair&Non-Cap Imp | 2,403.69 | 2,403.69 |
| 1/30/2018 | 14360432 | SaniGlaze | General Fund | 20738 | Rent,Lease,Repair&Non-Cap Imp | 11,089.35 | 12,440.00 |
| 1/30/2018 | 14360433 | SaniGlaze | Deferred Maintenance | 20738 | Rent,Lease,Repair&Non-Cap Imp | 1,350.65 | |
| 1/30/2018 | 14360434 | SYNCHRONY BANK/AMAZON | General Fund | Dec 2017 | Materials And Supplies | 29.99 | 254.39 |
| 1/30/2018 | 14360435 | SYNCHRONY BANK/AMAZON | General Fund | Dec 2017 | Materials And Supplies | 26.97 | |
| 1/30/2018 | 14360436 | SYNCHRONY BANK/AMAZON | General Fund | Dec 2017 | Materials And Supplies | 36.09 | |
| 1/30/2018 | 14360437 | SYNCHRONY BANK/AMAZON | General Fund | Dec 2017 | Materials And Supplies | 116.85 | |
| 1/30/2018 | 14360438 | SYNCHRONY BANK/AMAZON | General Fund | Nov 2017 | Materials And Supplies | 12.99 | |
| 1/30/2018 | 14360439 | SYNCHRONY BANK/AMAZON | General Fund | Nov 2017 | Materials And Supplies | 31.50 | |
| 1/30/2018 | 14360440 | SYNCHRONY BANK/AMAZON | General Fund | Nov 2017 | Materials And Supplies | 156.00 | 156.00 |
| 1/30/2018 | 14360441 | Girard, Edwards, Stevens & Tucker LLP | General Fund | Oct 2017 Charter Legal | Legal Expense | 137.22 | 137.22 |
| 1/30/2018 | 14360442 | Extron Electronics | General Fund | 30100004 | Rent,Lease,Repair&Non-Cap Imp | 4,443.36 | 4,443.36 |
| 1/30/2018 | 14360443 | STS-School TechSupply | General Fund | Inv 34185_PO 76480 | Non-Capitalized Equipment | 17.36 | 17.36 |
| 1/30/2018 | 14360444 | Sheila White | General Fund | Jan 2018 Enrichment Classes | Materials And Supplies | 38.00 | 38.00 |
| 1/30/2018 | 14360445 | A1 LIVESCAN | General Fund | 123117_Klepin_Shuman | Prof/Consult Srv&Operate Exp | 2,366.01 | 2,366.01 |
| 1/30/2018 | 14360446 | ALPINE UNION SCHOOL DISTRICT | Cafeteria Fund | Nov 2017 | Food | 46.26 | 46.26 |
| 1/30/2018 | 14360447 | A-Z BUS SALES/EMISSIONS DEPT. | General Fund | 01P648423 | Materials And Supplies | 218.00 | 218.00 |
| 1/30/2018 | 14360448 | CSEA | General Fund | ParaEduc Conf_Ferasou_Stevens | Travel And Conferences | 585.66 | 585.66 |
| 1/30/2018 | 14360449 | HOME DEPOT/GEFC | General Fund | Oct-Dec 2017 | Materials And Supplies | 1,417.00 | 1,417.00 |
| 1/30/2018 | 14360450 | VISTA HILL | General Fund | Oct 2017 | Prof/Consult Srv&Operate Exp | 1,159.00 | 9,795.00 |
| 1/31/2018 | 14361099 | Hatch & Cesario | General Fund | 11412_11395_Heights Oct_Nov 17 | Legal Expense | 8,636.00 | |
| 1/31/2018 | 14361099 | Hatch & Cesario | General Fund | 11456_11398_D.Hills_Oct_Nov 17 | Legal Expense | 3,057,566.86 | 3,057,566.86 |

Scott A. Buxbaum

Assistant Superintendent,
Business Services
Phone: (619) 588-3060
Fax: (619) 401-5954
E-mail: buxbaums@cajonvalley.net



Office Address:
710 E. Main Street, El Cajon, CA 92020
Mailing Address:
PO Box 1007, El Cajon, CA 92022-1007
www.cajonvalley.net

MEMORANDUM

DATE: January 9, 2018

TO: Deborah Cagney, Administrative Secretary
Dehesa School District

FROM: Jessica Oxford
Assistant to Scott A. Buxbaum

RE: Interdistrict Attendance Agreement

Enclosed please find two copies of an Interdistrict Attendance Agreement between the Cajon Valley Union School District and your district, which was approved by our Governing Board on January 16, 2018. Please complete the information for your district and return 1 copy to us, the other is for your records.

Thank you,

A handwritten signature in blue ink that reads 'Jessica Oxford'.

Jessica Oxford
Attachment

School Districts of San Diego County
INTERDISTRICT ATTENDANCE AGREEMENT

This agreement made and entered into this 12 day of April, 2018 by and between the Cajon Valley Union School District of San Diego County and the Dehesa School District of San Diego County is effective only for the school year(s) 2018 through 2023 (up to 5 years) and neither party is bound by any of the covenants herein contained after the expiration of said school year.

The above mentioned parties mutually agree as follows:

- Each of the districts will accept insofar as facilities permit, students who are residents of the other said district who have proper permits for attendance from the district superintendent or his designee of the school district of residence who are eligible to attend the classes of the schools operated by the district of attendance, and who are acceptable to said district of attendance.
- The respective school districts will furnish the said pupils the same advantages, supplies, and regular instructional services as are furnished to the pupils in attendance at their respective schools, exclusive of transportation to and from said schools unless special arrangements are previously agreed upon.
- In accordance with Education Code Section 46607, the attendance of said pupils shall be credited as follows (check appropriate boxes):

- The attendance shall be credited to the district of attendance with the district of attendance assuming all costs of education unless other arrangements are jointly agreed upon.
- Districts with 25 percent or more reduction in PL 81-874 funds as a result of interdistrict attendance:** The attendance shall be credited to the district of residence with tuition — not to exceed the actual cost per ADA for the grade level or program less any income, other than tuition, received by the district of attendance on account of such attendance — to be paid to the district of attendance.
- Consortium of School Districts Operating Adult Programs:** The attendance may be credited on the basis of the district of residence with interdistrict tuition paid to the district of attendance as agreed to by the participating districts.

- Final payment, if any, to be made to the district no later than August 31, after the close of the fiscal year.

CONDITIONS

- As per district policy or regulations the terms of revocation of student interdistrict contract are as follows:
 Discipline Attendance Academics
 Discipline Attendance Academics
- Additional conditions (optional) Both districts must agree
 Partial agreements to the end of the year
 Locations of the school site, once admitted is at the discretion of the receiving district.
 Other, specify must re-apply when matriculating from Elementary to Middle School.

APPEAL PROCESS

DISTRICT APPEAL PROCESS AS FOLLOWS:

- As identified in District policy AR5117
- Director, Long-Range Planning
- Asst. Supt., Business Services
- Superintendent

The application deadline of January 1 has been waived Yes No

DISTRICT APPEAL PROCESS AS FOLLOWS:

- _____
- _____
- _____

The application deadline of January 1 has been waived Yes No

SIGNATURES

Signature [Signature]

Title Asst. Supt., Business Services

Approved by the Governing Board on:

Date January 16, 2018

District schools/programs known to be impacted at the time of this agreement:

Signature _____

Title _____

Approved by the Governing Board on:

Date _____

District schools/programs known to be impacted at the time of this agreement:

IN WITNESS WHEREOF, the governing boards of said districts have approved this agreement on the dates indicated above and authorized their representatives to sign in their behalf.

Cajon Valley Union School District

_____ School District

The canary copy of this agreement should be filed with the County Office ONLY if tuition is to be paid by a San Diego County school district to the district of attendance.

School Districts of San Diego County
INTERDISTRICT ATTENDANCE AGREEMENT

This agreement made and entered into this 12 day of April, 20 18 by and between the Cajon Valley Union School District of San Diego County and the Dehesa School District of San Diego County is effective only for the school year(s) 20 18 through 20 23 (up to 5 years) and neither party is bound by any of the covenants herein contained after the expiration of said school year.

The above mentioned parties mutually agree as follows:

- Each of the districts will accept insofar as facilities permit, students who are residents of the other said district who have proper permits for attendance from the district superintendent or his designee of the school district of residence who are eligible to attend the classes of the schools operated by the district of attendance, and who are acceptable to said district of attendance.
- The respective school districts will furnish the said pupils the same advantages, supplies, and regular instructional services as are furnished to the pupils in attendance at their respective schools, exclusive of transportation to and from said schools unless special arrangements are previously agreed upon.
- In accordance with Education Code Section 46607, the attendance of said pupils shall be credited as follows (check appropriate boxes):
 - The attendance shall be credited to the district of attendance with the district of attendance assuming all costs of education unless other arrangements are jointly agreed upon.
 - Districts with 25 percent or more reduction in PL 81-874 funds as a result of interdistrict attendance:** The attendance shall be credited to the district of residence with tuition — not to exceed the actual cost per ADA for the grade level or program less any income, other than tuition, received by the district of attendance on account of such attendance — to be paid to the district of attendance.
 - Consortium of School Districts Operating Adult Programs:** The attendance may be credited on the basis of the district of residence with interdistrict tuition paid to the district of attendance as agreed to by the participating districts.
- Final payment, if any, to be made to the district no later than August 31, after the close of the fiscal year.

CONDITIONS

- As per district policy or regulations the terms of revocation of student interdistrict contract are as follows:
 - Discipline Attendance Academics
 - As per district policy or regulations the terms of revocation of student interdistrict contract are as follows:
 - Discipline Attendance Academics
- Additional conditions (optional) Both districts must agree
 - Partial agreements to the end of the year
 - Locations of the school site, once admitted is at the discretion of the receiving district.
 - Other, specify must re-apply when matriculating from Elementary to Middle School.

APPEAL PROCESS

DISTRICT APPEAL PROCESS AS FOLLOWS:

- As identified in District policy AR5117
- Director, Long-Range Planning
- Asst. Supt., Business Services
- Superintendent

The application deadline of January 1 has been waived Yes No

DISTRICT APPEAL PROCESS AS FOLLOWS:

- _____
- _____
- _____

The application deadline of January 1 has been waived Yes No

SIGNATURES

Signature *Scott A. Blum*

Title Asst. Supt., Business Services

Approved by the Governing Board on:

Date January 16, 2018

District schools/programs known to be impacted at the time of this agreement:

Signature _____

Title _____

Approved by the Governing Board on:

Date _____

District schools/programs known to be impacted at the time of this agreement:

IN WITNESS WHEREOF, the governing boards of said districts have approved this agreement on the dates indicated above and authorized their representatives to sign in their behalf.

Cajon Valley Union School District

_____ School District

The canary copy of this agreement should be filed with the County Office ONLY if tuition is to be paid by a San Diego County school district to the district of attendance.



California School Boards Association

TIME SENSITIVE, REQUIRES BOARD ACTION

BALLOT DEADLINE: Thursday, March 15, 2018

January 29, 2018

TRANSMITTAL

To: All Board Presidents and Superintendents
CSBA Member Boards of Education

From: Executive Office

Re: Ballot for 2018 CSBA Delegate Assembly Election
U.S. Postmark Deadline – Thursday, March 15, 2018

Enclosed in this mailing you will find the following:

- Memo from CSBA President Mike Walsh
- Info sheet for return envelope U.S. Postmark Deadline – Thursday, March 15, 2018
- Red ballot to be signed by Superintendent or Board Clerk
- List of the current Delegates in your region (reverse side of ballot)
- Copy on white paper of the red ballot and list of current Delegates (on reverse side) for insertion in board packets
- Copy of each candidate's biographical sketch and optional résumé, if provided

Please do not hesitate to contact the Executive Office at (800) 371-4691 if you have any questions.

Thank you.

Enclosures



California School Boards Association

TIME SENSITIVE, REQUIRES BOARD ACTION

BALLOT DEADLINE: Thursday, March 15, 2018

January 29, 2018

MEMORANDUM

To: All Board Presidents and Superintendents
CSBA Member Boards of Education

From: Mike Walsh, President

Re: Ballot for 2018 CSBA Delegate Assembly Election
U.S. Postmark Deadline – Thursday, March 15, 2018

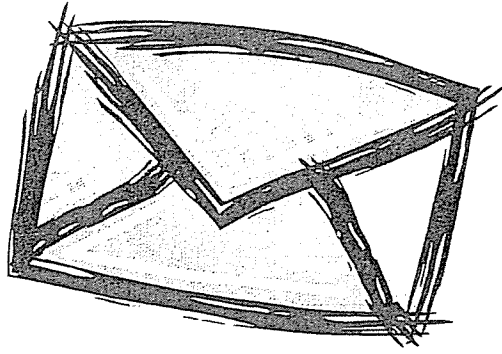
Enclosed is the ballot material for election of a representative to the CSBA Delegate Assembly from your region or subregion. The material consists of the ballot (on red paper), required candidate biographical sketch form, and if submitted, a résumé. In addition, provided is a watermarked “copy” of the ballot on white paper so that it may be included in board agenda packets, if you choose to do so. **Only the completed ballot on red paper is to be returned.**

The board, as a whole, may vote for up to the number of vacancies in the region or subregion as indicated on the ballot. For example, if there are three vacancies in the region or subregion, the board may vote for up to three individuals. Regardless of the number of vacancies, each board may cast no more than one vote for any one candidate. (The ballot also contains a provision for write-in candidates; their name and district must be clearly printed in the space provided.)

The ballot must be signed by the Superintendent or Board Clerk and returned in the enclosed envelope; if the envelope is misplaced, you may use your district’s stationery. Please write **DELEGATE ELECTION** prominently on the envelope with the region or subregion number on the bottom left corner of the envelope (this number appears at the top of the ballot). **Ballots must be postmarked by the U.S. Post Office on or before Thursday, March 15, 2018. No exceptions are allowed.**

Election results will be available no later than Friday, April 1. If there is a tie vote, a run-off election will be held. All re-elected and newly elected Delegates will serve two-year terms beginning April 1, 2018 – March 31, 2020. The next meeting of the Delegate Assembly is on Saturday, May 19 – Sunday, May 20 at the Hyatt Regency in Sacramento.

The names of all Delegates will be available on CSBA’s website no later than Friday, April 1. Please do not hesitate to contact our Executive Office at (800) 371-4691, should you have any questions. Thank you.



- BALLOTS SHOULD BE RETURNED IN THE ENVELOPE PROVIDED BY CSBA
- IF THE ENCLOSED ENVELOPE IS MISPLACED, PLEASE USE YOUR STATIONERY
- ON THE BOTTOM LEFT CORNER OF THE ENVELOPE, WRITE IN THE REGION OR SUBREGION NUMBER (THIS NUMBER APPEARS ON THE TOP OF THE BALLOT)

RETURN TO:

CSBA
DELEGATE ASSEMBLY ELECTIONS
3251 BEACON BLVD.
WEST SACRAMENTO, CA 95691



2018 Delegate Assembly Candidate Biographical Sketch Form

DUE: Sunday, January 7, 2018

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | fax: (916) 371-3407 | or email: nominations@csba.org.

Please complete, sign and date this required one-page candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this one-page candidate form will not be accepted. It is the candidate's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office. Late submissions will not be accepted. If you have any questions, please contact the Executive Office at (800) 266-3382.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: *Elvia Aguilar* Date: 11-10-17

| | |
|---|--|
| Name: <u>Elvia Aguilar</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>South Bay Union School District</u> | Years on board: <u>27</u> |
| Profession: <u>Retired</u> | Contact Number: (please v <input checked="" type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>(619)840-2559</u> |
| *Primary E-mail: <u>eaguilar@sbusd.org</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, how long have you served as a Delegate? <u>5</u> | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

My dedication to public education is reflected in my background, organizational membership, and ongoing professional development activities. I have developed valuable skills and experience, which support my service to the Delegate Assembly. If re-elected, I will continue my focus on strengthening the relationship between public education and CSBA, partners, legislators, business leaders, and the community we serve.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I have been a member of the Board of Trustees of the South Bay Union School District for 27 years and have held the positions of Clerk, Vice President, and President. I have also served on various District committees, including PTA (past President), PTSA, Booster Clubs, and a founding member and past President of the Education Foundation. I have also served our community as a member of the Optimist Club and LULAC. I have been a CSBA member for 27 years and have completed professional development, including the Masters In Governance and Master of Boardmanship programs. I have represented Region 17 as a Delegate Assembly member for five years.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

Boards of Education are entrusted by their diverse communities to ensure that high quality education is provided to each student. CSBA provides training support, resources, and inspiration to governing boards and superintendents to maximize their effectiveness in carrying out their critical leadership functions.



2018 Delegate Assembly Candidate Biographical Sketch Form

DUE: Sunday, January 7, 2018

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | fax: (916) 371-3407 | or email: nominations@csba.org.

Please complete, sign and date this required one-page candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this one-page candidate form will **not** be accepted. It is the candidate's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office. Late submissions will not be accepted. If you have any questions, please contact the Executive Office at (800) 266-3382.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: Barbara Avalos Date: December 13, 2017

| | |
|---|---|
| Name: <u>Barbara Avalos</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>National School District</u> | Years on board: <u>9</u> |
| Profession: <u>Pre Need Counselor</u> | Contact Number: (please <input checked="" type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>619-550-6856</u> |
| *Primary E-mail: <u>bavalos@nsd.us</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, how long have you served as a Delegate? <u>5 years</u> | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

In my nine years as a member of the Governing Board, I have been involved in the selection committee for the Superintendent, Assistant Superintendent, Director and Principal searches. I have attended many functions representing the District and Governing Board in the community as well as having attended program assemblies, open houses, and parent nights at each of the school sites. Furthermore, I have visited each classroom in the District each year. I have completed the Masters in Governance Program twice and attended the annual conferences, which have strengthened my abilities as a member of the Governing Board. I have been involved in several committees throughout the community (health care, immigration, NALEO, etc.). I have served on the committee for the City area plan, which includes affordable housing. I also serve on the Board of Directors for the San Diego Organizing Project (SDOP). With the SDOP, I worked to remove hazardous auto/body shops that were dangerously close to schools.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I am our Governing Board's liaison to the Delegate Assembly, where I have assisted several times on the validation committee for the Golden Bell Award. I have participated as Principal for a Day for the Sweetwater Union High School District. As Board Clerk, I represented our District on the South County Region Committee with the challenge of developing a common calendar. As Board President, I worked with our community on the passing of a local bond to help with upgrading our schools. I am a member of the Education Legal Alliance. I have been involved in the development of our Strategic Plan as well as in the Local Control Accountability Plan. I shall continue to serve the diverse population of the region as well as the State that advocates for this region.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

The biggest challenge facing school boards in California is the volatile funding mechanism that the State has in place for schools where we have good funding years and bad funding years. School boards are forced to make difficult decisions during tough economic times that often negatively impact students in the classroom. The lack of statewide funding and support for the building and maintenance of school facilities places the cost and support for these types of initiatives solely on the local communities. CSBA can act as a voice for change and as an advocate for districts.

2018 Delegate Assembly Candidate Biographical Sketch Form

DUE: Sunday, January 7, 2018

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | fax: (916) 371-3407 | or email: nominations@csba.org.

Please complete, sign and date this required one-page candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this one-page candidate form will **not** be accepted. It is the candidate's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office. Late submissions will not be accepted. If you have any questions, please contact the Executive Office at (800) 266-3382.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: Maria Betancourt-Castaneda Date: 01/06/2018

| | |
|--|---|
| Name: <u>Maria Betancourt-Castaneda</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>National School District</u> | Years on board: <u>3 years</u> |
| Profession: <u>Business Owner/Homemaker</u> | Contact Number: (please v <input checked="" type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>619-495-8563</u> |
| *Primary E-mail: <u>mbcastaneda@nsd.us</u> | |
| <small>(*Communications from CSBA will be sent to primary email)</small> | |
| Are you a continuing Delegate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, how long have you served as a Delegate? _____ | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I am interested in being a Delegate to improve the communicating between the District and CSBA. In addition, increase my knowledge as a Board Member to better serve my community.

As an active member of the community I have a good relationship with stakeholders which will benefit my ability to involve a variety of stakeholders.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I have served or currently serve as PTO President, School Site Council Representative, DAC, Preschool Liason, Fundraising Committee.

I am actively involved in the Youth Football and Cheer program for our community, currently serving at the capacity of President of the Association. I also assist our community High School program in fundraising for equipment, new uniforms and additional gear.

Completed the Masters in Governance and attend several CSBA Conferences throughout the years.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

One of the biggest challenges our district faces is the stakeholders understanding the role of the Board Members and the difficult decisions that are required with always putting children first. Also, being able to manage the budget when changes eventually affect our district.

CSBA can help in addressing these challenges by providing training and communications to all stakeholders.

2018 Delegate Assembly Candidate Biographical Sketch Form

DUE: Sunday, January 7, 2018

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | fax: (916) 371-3407 | or email: nominations@csba.org.

Please complete, sign and date this required one-page candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this one-page candidate form will **not** be accepted. It is the candidate's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office. Late submissions will not be accepted. If you have any questions, please contact the Executive Office at (800) 266-3382.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: 

Date: December 13, 2017

| | |
|---|---|
| Name: <u>Brian Clapper</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>National School District</u> | Years on board: <u>5</u> |
| Profession: <u>Retired</u> | Contact Number: (please v <input checked="" type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>619-405-7217</u> |
| *Primary E-mail: <u>bclapper@nsd.us</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, how long have you served as a Delegate? <u>2 years</u> | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I would like to be a delegate to improve my board member skills. The skills I bring are of leadership, transparency and good communication.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I have served as Governing Board President. I currently serve as chairman of the board for the National City Chamber of Commerce. I am also an active member of the Host Lions Club. I have been instrumental in events like the Fourth of July carnival, Spirit of the Holidays event, which helps local families in obtaining a free meal for Thanksgiving. OneSight Eye Clinic is a yearly event I am also a part of. I attend many functions in representation of the National School District and Governing Board in the community. I actively support our local Middle and High Schools.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

What I see as the biggest challenge is education funding. The budget is failing public school students in California and I want to help change this.



2018 Delegate Assembly Candidate Biographical Sketch Form

DUE: Sunday, January 7, 2018

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | fax: (916) 371-3407 | or email: nominations@csba.org.

Please complete, sign and date this required one-page candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this one-page candidate form will not be accepted. It is the candidate's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office. Late submissions will not be accepted. If you have any questions, please contact the Executive Office at (800) 266-3382.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: *Maria Dalla* Date: December 13, 2017

| | |
|--|---|
| Name: <u>Maria Dalla</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>National School District</u> | Years on board: <u>Three</u> |
| Profession: <u>Retired</u> | Contact Number: (please v <input checked="" type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>619-318-4031</u> |
| *Primary E-mail: <u>mdalla@nsd.us</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, how long have you served as a Delegate? _____ | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I am seeking to become a California School Boards Delegate because I want to participate in the policy making process to ensure that the California School Boards Association reflects the interests of the National School District and all school districts and county offices throughout the state. I have completed the California School Boards Association Masters in Governance Program and will continue to gain insight by seeking every opportunity to be informed and continuing to learn. I am ready to fulfill a critical governance role within the Association as a delegate.

Please describe your activities and involvement on your local board, community, and/or CSBA.

Community involvement and a fierce desire to advocate for the students of the National School District is my main motivation for having sought election to the National School District Governing Board. During my first few years as a school board member, I have dedicated a great deal of time educating myself and gaining skills that will help me make informed decisions for the betterment of our students and our district.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

I see the allocation of school districts' limited resources as the biggest challenge facing most governing boards. There are many additional programs and projects that would benefit our students, but there is only "one pot of money" and many essential financial responsibilities pertaining to running a district that must be considered. CSBA can help governing boards by continue to foster effective relationships with the Legislature, the Governor's office, Congress, the White House, administrative agencies and educational organizations to provide us the latest news and facts so that we can render effective local policy decisions that affect our districts.

2018 Delegate Assembly Candidate Biographical Sketch Form

DUE: Sunday, January 7, 2018

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | fax: (916) 371-3407 | or email: nominations@csba.org.

Please complete, sign and date this required one-page candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this one-page candidate form will **not** be accepted. It is the candidate's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office. Late submissions will not be accepted. If you have any questions, please contact the Executive Office at (800) 266-3382.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: Eleanor Juanita Evans Date: 10/18/2017

| | |
|--|---|
| Name: <u>Eleanor Juanita Evans</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>Oceanside Unified School District</u> | Years on board: <u>9 Months</u> |
| Profession: <u>Trustee (Former Classroom Teacher)</u> | Contact Number: (please check <input checked="" type="checkbox"/> Cell <input checked="" type="checkbox"/> Home <input checked="" type="checkbox"/> Bus.) <u>760.580.7208</u> |
| *Primary E-mail: <u>Eleanor.Evans@oside.us</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | If yes, how long have you served as a Delegate? <u>5 Months</u> |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I am an activist, organizer, scholar, and listener. I am a product of public education. My education began in a chicken shack that my parents converted to a one room school house for my cousins and myself because the Klan had burnt down the segregated school for Black students. I believe in quality public education for all students regardless of zip code, socio-economic status, sexual orientation/gender identity, or degree of skin melanin. As an educator, my passion has always been my classroom. I pride myself on the huge academic achievement strides of students under my tutelage. I have had many leadership roles from Director, Youth Conservation Core; administrator and facilitator at both school sites and central district offices. I was one of the California State Board of Education Commissioners who originated, wrote, and edited the California Common Core Academic State Standards. I am a Commissioner for the Commission on Credential Proficiency Commission, State of California Board of Education. I am a team player and a team leader. I believe in social justice, economic advancement, ethnic studies and cultural acceptance for all people.

Please describe your activities and involvement on your local board, community, and/or CSBA.

As a new member of the Oceanside Unified School District Board of Trustees, I have been a sponge to absorb the operations, governance, nuances, practices, and core values of the OUSD Board of Trustees as the Board of Trustees carries out the duties and responsibilities of the core values and beliefs of our greater Oceanside Community. I am actively involved with promoting dual immersion of languages in the primary and secondary schools. I am actively involved in engaging and promoting our parents' voice by participating in the OUSD District Parent Advisory Committee to understand how OUSD's LCAP objectives and LCFF meshed/are meshing together. My primary focus is our students achieving to the very best of his/her ability in all areas of development.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

In our everchanging social, political, and economic environment, the biggest challenges facing governing boards are to enable and empower our public school systems to thrive - not just survive. There are a litany of challenges included but not limited to poverty and school funding, class size and teacher morale, family factors and student behavior and attitudes; technology and media literacy; ethnic studies and gender inclusiveness; social-emotional learning and bullying; trust and transparency. There is not a magic bullet nor instant panacea for any of these issues but we must be ever vigilant, mindful, creative, and think outside of the box. The underlining solvent for a huge number of these challenges is finance - management skills. Money is the Mother's milk in education.



2018 Delegate Assembly Candidate Biographical Sketch Form

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Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: _____

Date: 1/5/18

| | |
|--|--|
| Name: <u>Armando Farías</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>Chula Vista Elementary School District</u> | Years on board: <u>1</u> |
| Profession: <u>School Principal</u> | Contact Number: (please v <input type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) _____ |
| *Primary E-mail: <u>armando.farias@cvesd.org</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, how long have you served as a Delegate? _____ | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

It is my interest to become a CSBA delegate for multiple reasons. First, I am committed to providing advocacy on behalf of children and public education. Second, I am interested in serving on strengthening lines of communication among CSBA and local board member and school districts. Furthermore, supporting policies that advocate for the success of stakeholders in education it's my calling. As an educator, school administrator and school board member, I bring multiple skills to the delegate assembly. I am well versed on instruction, leadership and team building.

Please describe your activities and involvement on your local board, community, and/or CSBA.

As a school board member I am involved on ensuring our School District continues to provide a world-class education to our students. I am a member of the Special Education Advisory Committee and work with multiple stakeholders on ensuring our most vulnerable students continue to receive supports that would ensure their academic progress. Additionally, I visit school sites and meet with different groups of people to monitor the morale and safety of our school environments.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

There are multiple challenges that confront governing boards today. The lack of resources and districts' inability to provide equity among all students continues to be major concerns. CSBA, through its strong policy direction and communication, provides support to public education's leadership. In addition, CSBA commitment to students' advocacy ensures school districts and board members receive the tools to materialize their visions.

2018 Delegate Assembly Candidate Biographical Sketch Form

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Signature: Laurie Humphrey Date: 1/1/2018

| | |
|--|---|
| Name: <u>Laurie Humphrey</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>Chula Vista Elementary</u> | Years on board: <u>one</u> |
| Profession: <u>Retired teacher</u> | Contact Number: (please v <input checked="" type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>619 987-7194</u> |
| *Primary E-mail: <u>lauriehumphrey@gmail.com</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, how long have you served as a Delegate? _____ | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I'm interested in being a delegate because I feel it is a great way to continue to learn and grow as a board member. It is the best way to stay informed, to network and to share information with other members across the state. I am a retired teacher from the district that I now serve so I would bring a unique perspective to the committee.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I have just completed my first year as a board member and have already contributed to making positive changes in our district. For example, reinstating participation in employee recognition at the local and county levels. I grew up in the community, attended the schools as well as taught for 23 years. I am an active volunteer in my church as well as in a sixth grade classroom weekly. I have attended two of the CSBA conferences as well as the new board member training.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

One of the biggest challenges facing governing boards will be the impact of pension cost increases. Pension costs are set to triple by the year 2024 and most districts are going to have to rely on their reserves to cover the costs. Many programs will be either reduced or cut entirely. CSBA urges additional funding from the state as well as keeping the delegates informed on the latest information affecting their districts.



2018 Delegate Assembly Candidate Biographical Sketch Form

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Signature: Claudine Jones Date: 11/4/17

| | |
|---|---|
| Name: <u>Claudine Jones</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>Carlsbad Unified School District</u> | Years on board: <u>4</u> |
| Profession: <u>Financial Contractor</u> | Contact Number: (please v <input type="checkbox"/> Cell <input type="checkbox"/> Home <input checked="" type="checkbox"/> Bus.) <u>760-331-5000</u> |
| *Primary E-mail: <u>cjones@carlsbadusd.net</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, how long have you served as a Delegate? <u>3</u> | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

Having served the Region #17 Delegate Assembly (DA) for the last 3 years has been a rewarding and invaluable experience. I'm interested in continuing to serve my region because the members of DA provide critical information to CSBA about our regional concerns and issues. I feel it's important to continue providing the North County coastal perspective to ensure our students' needs and issues are properly addressed. The Region #17 delegates work hard and collaborate to use our strong relationships with local legislators to advance CSBA's legislative priorities. I want to continue this work and build on recent successes such as, the school energy coalition, which brought together over 39 districts in the region to advocate for lowered energy costs and fair rates for solar schools. On the state-level, our delegates helped provide information and insight about the adverse impacts of the reserve cap on local budgets. After 3 years of working with our legislators, CSBA successfully passed legislation that greatly minimized any future impact.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I am currently serving on two PTA executive boards as parliamentarian and legislative chair. I am the parent co-leader of my daughter's competitive show choir team. I am currently serving as secretary to the Executive Board of the San Diego CA School Boards Association. In addition to serving on Delegate Assembly, I serve as CUSD's representative for the CA suburban school district legislative team and as a district audit committee member. I am the education committee chair of our local League of Women Voters. I've also served for 3 years as site validator for CSBA's Golden Bell award.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

I believe the biggest challenge facing governing boards today is the lack of adequate funding for growing fiscal issues such as, escalating employment costs, pension liabilities, loss of federal funding, and the growing costs of technology, transportation and Special Education. I believe CSBA is poised to help local boards address these challenges through coordinated legislative action and a growing grass-roots program. I am a proud supporter of CSBA and I ask for your vote to continue serving our region as a delegate. Thank you.

2018 Delegate Assembly Candidate Biographical Sketch Form

DUE: Sunday, January 7, 2018

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Signature: *Elva Salinas* Date: 12/21/17

| | |
|--|---|
| Name: <u>Elva Salinas</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>Grossmont Union High School District</u> | Years on board: <u>1</u> |
| Profession: <u>College Professor</u> | Contact Number: (please <input checked="" type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>619-244-2939</u> |
| *Primary E-mail: <u>boardmembersalinas@gmail.com</u> | |
| <small>(*Communications from CSBA will be sent to primary email)</small> | |
| Are you a continuing Delegate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, how long have you served as a Delegate? _____ | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

Becoming a CSBA Delegate would help me grow as an educational advocate by providing me the environment to learn more about legislation affecting education. My extensive experience as an educator, PD coordinator, and program coordinator at the Community College level makes me a valuable asset to CSBA. I have been a professor at San Diego City College for 34 years, teaching Cosmetology (CTE) for 16 years and English/Chicano/a Studies for 18 years. Our students feed to us from the lowest socio economic regions in our city and are the most diverse population of any college in our region, so I know the importance of integrated student services and academic support programs, including student centered pedagogy/andragogy, and project based learning to ensure student success. For the last 15 years I have coordinated PD programs, ensuring the conscientious implementation of multiple state mandated initiatives, federal, state grants. As a CSBA delegate I would support and advocate for more PD for all staff members, culturally relevant and experiential education for our students, and adequate funding for our schools.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I have attended 2 CSBA Conferences since I was elected to office last year. Working alongside the Superintendent, his staff and seasoned board members ensured that I learn everything I needed to know to make well-informed decisions. I toured most of our 13 high schools and other sites, officiated four graduations, attended several award and represented our board on the District English Learner Advisory Committee. I participated in the 4th Annual East County Educational Alliance Summit; this coalition was created by the Grossmont-Cuyamaca Community College District and the Grossmont Union High School District to provide East County high school students a more direct path to college and a career. The San Diego Performing Arts League awarded me with the Star Award for bringing more than 3000 underserved students to the La Jolla Playhouse; recently I helped coordinate an LJP theater experience on the UCSD campus for students in our district. Most recently I was included in the book Chicana Tributes: Activist Women of the Civil Rights Movement-Stories for the New Generation for the work I have done in the immigrant rights communities.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

The biggest challenge facing governing boards is the lack of public school funding to provide first-rate education that prepares our students for a culturally diverse, technologically sophisticated and global society. Our teachers, staff and administrators are being asked to do more and more with fewer and fewer resources. Accountability to the state is high and fiscal support is very low. In our district, inadequate charter schools are taking resources sorely needed by our schools; stricter regulation is needed. State funding timelines and monetary fluctuations, always a guessing game, makes it impossible to create a solid 5-year education plan or fiscal consistency. It is imperative that CSBA advocates an increase and adequate revenue for public education and charter school accountability through upcoming legislation.

2018 Delegate Assembly Candidate Biographical Sketch Form

DUE: Sunday, January 7, 2018

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Signature: Alma Sarmiento Date: 12/13/17

| | |
|--|--|
| Name: <u>Alma Sarmiento</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>National School District</u> | Years on board: <u>24</u> |
| Profession: <u>Ret. Job Developer</u> | Contact Number: (please v <input type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>(619) 987-1974</u> |
| *Primary E-mail: <u>asarmiento@nsd.us</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, how long have you served as a Delegate? _____ | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

After 24 years as a Governing Board Member in the National School District, I feel that I have many years of expertise to offer. After attending CSBA's Annual Education Conference for all these years I've found that there is always something new to learn and I still look forward to attending. I've participated in three different Superintendent searches, and I've been involved in negotiations with our local bargaining units and have sat at the table as well. I've also participated in numerous Superintendent evaluations. As a retired Job Development Specialist I've sat in on many interviews for Principals and Administrative staff. I've also served on our Chief of Police's Advisory Committee and several other capacities with our local law enforcement. I've served on many Boards of Directors including the National City Chamber of Commerce, American Cancer Society, Boys & Girls' Clubs, Little League baseball, Girls' Softball, Band Boosters, Quarterback Club and many others. I've also served on our Congressional Advisory Committee in several capacities as well as the Superintendent's Advisory Committee at the secondary level.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I've served as Board President on more than one occasion as well as Chairperson of the South Bay Region Boards of Education which consisted of four elementary school districts, two high school districts, and the community college district. I'm currently on the district Fundraising Committee and served on a committee which evaluated our Family Resource Center. I also served on our Uniform Adoption Committee in the past and our Zero Tolerance Committee. I formed and chaired our district's Safe Routes to Schools committee and recruited community members, city leaders, teachers, and Principals. We were able to bring in \$4.5 million to our small town and received high praise from the state level for our collaboration with the community. Throughout my tenure on the Governing Board I have been a constant supporter for fine arts for our children and will continue to be.

I have completed the Masters in Governance Program and attended the annual conference, which have strengthened my abilities as a member of the Governing Board.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

The elephant in the room is the constant lack of funding at the state level. This has been going on the entire time I have served on the board. CSBA did an excellent job of hosting our gubernatorial candidates at the last conference which was ideal in bringing to their attention, the need for more money for our children. It provided us with an opportunity to get their attention and see what a dynamic force we are as champions for our children. It reminds me of our Joint School Boards Coalition when we got the attention of our local leaders by joining forces and showing them the strength of the population that we serve and how we best represented their constituency. CSBA's Legislative Day is a great opportunity to meet with our local representatives and I feel that we should expand on that and meet with them regularly so that they fully understand the needs in our individual communities.



Delegate Assembly Biographical Sketch Form

Due: Sunday, January 7, 2018

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | or fax: (916) 371-3407 | or email: lgosselin@csba.org

Please complete, sign and date this required one-page biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted. Please do not state "see résumé" and please do not re-type this form. If you have any questions, please contact the Executive Office at (800) 266-3382.

Your signature indicates your consent to serve

Signature: [Handwritten Signature] Date: 1/4/2018

| | |
|---|--|
| Name: <u>Debra H Schade</u> | CSBA Region-subregion #: <u>17</u> |
| District: <u>Solana Beach School District</u> | Years on board: <u>14</u> |
| Profession: <u>Health Research</u> | Contact Number: (please V <input type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>8585252625</u> |
| Primary E-mail*: <u>dschade@sbsd.net</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, how long have you served as a Delegate? <u>2 years</u> | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

I have served as a Delegate for Region 17 for 2 years and on the Solana Beach School District Board for 15 years. During this time I have been involved in a wide variety of education and local governance issues. I want to bring my record of leadership and advocacy to continue to represent Region 17. As a board member, I have been involved in our Regional Legislative Action Network and accompanied our superintendents to Sacramento to meet with legislators over issues concerning education in California. I have also represented our district on joint education committees with the mayor and members of the Solana Beach City Council and San Diego City Council members. Since 2002 I have been an active member of CSBA attending workshops, continuing education and annual conferences. I completed the CSBA Masters in Governance training. I have also attended the Coalition for Adequate School Housing (CASH), Small School District Association (SSDA), National School Board Association (NSBA) and California Women Lead Annual Conferences.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I currently serve on the Region 17 Delegate Assembly and San Diego School Board Association. I participated in the 2017 Golden Bell Award site visits, serve on the 2018 CSBA Nominating Committee and member of the 2017 Honoring Our Own Gala Committee. As an active leader in education, I have been involved as a volunteer and advocate for the past 18 years. Initially serving as a classroom volunteer, PTA member, Foundation and School Site President, I was elected to the board in 2002. During my tenure on the board I have served as Board representative to various district and regional committees including North County Consortium for Special Education (NCCSE), San Dieguito Alliance for Drug Free Youth, District Wellness Committee, Child Nutrition Focus Group, Facilities Master Planning Committee, District Envision Team, District Recycling Committee and Design Committees for Skyline and Solana Vista Elementary. In 2016 I was nominated for ACSA Region 18 School Board Member of the Year for work in STEM education and innovation. Our STEM program received a 2016 Golden Bell Award. I have been involved in many volunteer and community service activities.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

The biggest challenge facing governing boards is the recent concurrent amount of change effecting students and education in California as well as the continued fight for adequate state funding. New standards have challenged districts to train and support staff in new curriculum and implementation for the classrooms. Our new student assessment system challenges districts and board members to understand and interpret results for improvement and celebration. Changes to the way school districts are funding through the Local Control Funding Formula (LCFF) and development of a strong Local Control Accountability Plan (LCAP) are also a current focus for board members. CSBA has been at the forefront of these changes and continues to provide information, education and support for districts and board members in their efforts to face the staggering amount of changes in education while focus on a positive vision for the future. With opportunities for collaboration, education, and communication CSBA helps by providing support of focused strong leadership for board members during this time of change.

DEBRA H. SCHADE PH.D.
Solana Beach School District
SOLANA BEACH, CALIFORNIA 92075
dschade@sbsd.net

PUBLIC SERVICE

SOLANA BEACH SCHOOL DISTRICT BOARD OF TRUSTEES

ELECTED 2002

PRESIDENT 2016-PRESENT, 2006-2008 • VICE PRESIDENT 2004-2005, 2014-2016

SCHOOL DISTRICT COMMITTEES: DISTRICT WELLNESS COMMITTEE • SOLANA VISTA DESIGN COMMITTEE • SKYLINE ELEMENTARY DESIGN COMMITTEE • PROPOSITION JJ • SOLANA BEACH EDUCATION FOUNDATION • DISTRICT SCHOOL SITE PLANNING COMMITTEE • DISTRICT STRATEGIC PLANNING COMMITTEE • DISTRICT GATE COMMITTEE • CHILD NUTRITION FOCUS GROUP • DISTRICT RECYCLING COMMITTEE • ENVISION COMMITTEE STEM INITIATIVE • NORTH COUNTY CONSORTIUM FOR SPECIAL EDUCATION (NCCSE) REPRESENTATIVE

SAN DIEGO COUNTY SCHOOL BOARD ASSOCIATION MEMBER 2016 - PRESENT

CSBA INVOLVEMENT

MASTERS IN GOVERNANCE (MIG GRADUATE 5/2016) • REGION 17 DELEGATE 2016 - PRESENT • 2018 CSBA NOMINATING COMMITTEE • CSBA GOLDEN BELL SITE VISIT 2016 • CSBA MIG CURRICULUM TASK FORCE 2016 • CSBA ANNUAL CONFERENCE ATTENDEE SINCE 2002 • CSBA BOARD RETREAT WORKSHOP • SCHOOLS FOR SOUND FINANCE MEMBER AND WORKSHOP PARTICIPANT • SMALL SCHOOL DISTRICT ASSOCIATION (SSDA) OF CALIFORNIA CONFERENCE ATTENDEE • COALITION FOR ADEQUATE SCHOOL HOUSING (CASH) ANNUAL CONFERENCE ATTENDEE • NATIONAL SCHOOL BOARD ASSOCIATION (NSBA) ANNUAL CONFERENCE ATTENDEE • CALIFORNIA STEM CONFERENCE ATTENDEE

LEGISLATIVE EXPERIENCE

REGIONAL LEGISLATIVE ACTION NETWORK • SCHOOLS FOR SOUND FINANCE REGIONAL AND STATE MEETINGS • MEETINGS REGARDING EDUCATION ISSUES WITH LEGISLATORS IN SAN DIEGO AND SACRAMENTO INCLUDING STATE ASSEMBLYMAN ROCKY CHAVEZ, STATE SENATOR TONI ATKINS, STATE ASSEMBLYMAN TODD GLORIA, FORMER U.S. REPRESENTATIVE RANDY CUNNINGHAM, FORMER STATE SENATOR DEDE ALPERT, FORMER STATE SENATOR BILL MORROW, FORMER ASSEMBLYMAN MARK WYLAND, FORMER SAN DIEGO CITY COUNCILMAN SCOTT PETERS, FORMER SAN DIEGO CITY COUNCILWOMEN SHERRI LIGHTNER AND STATE SENATOR MARTY BLOCK • CITY OF SOLANA BEACH LIAISON COMMITTEE WITH MEMBERS OF SOLANA BEACH CITY COUNCIL • CALIFORNIA WOMEN LEAD CONFERENCE ATTENDEE

COMMUNITY SERVICE

LEAGUE OF AMAZING PROGRAMMERS BOARD MEMBER • SAN DIEGUITO ALLIANCE FOR DRUG FREE YOUTH • KIDS KORPS USA CHAPTER PRESIDENT • TEEN KORPS USA CHAPTER PRESIDENT • TEEN VOLUNTEERS IN ACTION (TVIA) PARENT VOLUNTEER • SITE COUNCIL PRESIDENT • SOLANA BEACH EDUCATION FOUNDATION SITE PRESIDENT • SCHOOL PLAYGROUND VOLUNTEER • SKYLINE YOUNG SCIENTIST CLUB COORDINATOR • CLASSROOM VOLUNTEER • CANYON CREST ACADEMY BOYS SOCCER PARENT LIAISON • CANYON CREST ACADEMY BOYS WATER POLO PARENT LIAISON • MIRACLE LEAGUE OF SAN DIEGO VOLUNTEER • SAN DIEGO SURF SOCCER TEAM MANAGER • DEL MAR WATER POLO CLUB TEAM MANAGER • EARL WARREN SURF TEAM MANAGER

PERSONAL

PH.D. PUBLIC HEALTH PROMOTION • MARRIED WITH THREE SONS WHO ATTEND(ED) SOLANA BEACH SCHOOL DISTRICT AND SAN DIEGUITO UNION HIGH SCHOOL DISTRICT SCHOOLS



2018 Delegate Assembly Candidate Biographical Sketch Form

DUE: Sunday, January 7, 2018

Mail to: CSBA | Attn: Executive Office | 3251 Beacon Blvd., West Sacramento, CA 95691 | fax: (916) 371-3407 | or email: nominations@csba.org.

Please complete, sign and date this required one-page candidate biographical sketch form. An optional, one-page, single-sided, résumé may also be submitted; both will be copied exactly as received. Please do not state "see résumé" and please do not re-type this form. Any additional page(s) exceeding this one-page candidate form will **not** be accepted. It is the candidate's responsibility to confirm that all nomination materials have been received by the CSBA Executive Office. Late submissions will not be accepted. If you have any questions, please contact the Executive Office at (800) 266-3382.

Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: Marla Strich Date: 12-12-17

| | |
|--|------------------------------------|
| Name: <u>Marla Strich</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>Encinitas Union ESD</u> | Years on board: <u>19</u> |
| Profession: <u>Sales</u> Contact Number: (please v <input checked="" type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>760-519-7882</u> | |
| *Primary E-mail: <u>marla.strich@eusd.net</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, how long have you served as a Delegate? <u>1 year</u> | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

It is an honor to serve as a CSBA delegate, helping to formulate policy for the association, as well as assisting school boards throughout California in their vital work. I am a passionate advocate for public education, having traveled numerous times to Sacramento with CSBA, and to Washington, DC with NSBA to advocate on behalf of public education. I am a "big picture" thinker, and make decisions within that context in order to ensure that our actions benefit the greatest number of students. I am an articulate speaker, and hav experience in dealing with the media.

Please describe your activities and involvement on your local board, community, and/or CSBA.

I have served on the EUSD Board for 19 years. During my tenure I have been Board President four times. As noted above, I have attended legislative advocacy sessions as part of both CSBA and NSBA. I am a continuous learner, having completed the Masters in Governance program. I have consistently attended CSBA's AEC, as well as numerous NSBA Conferences, and have presented at both. I also attended CSBA's inaugural Leadership Conference.

I have a long history of leadership in my community, having served as school site council chair, PTA Legislative Vice President and long-term Girl Scout leader.

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

We must continue to defend and promote public education as the keystone of a democratic society. We must ensure that public education is adequately funded in California, so we can provide the world class, forward-looking education that our children deserve.



2018 Delegate Assembly Candidate Biographical Sketch Form

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Your signature indicates your consent to have your name placed on the ballot and to serve as a Delegate, if elected.

Signature: Celav Date: 12/19/17

| | |
|---|---|
| Name: <u>Cipriano Vargas</u> | CSBA Region-subregion #: <u>17</u> |
| District or COE: <u>Vista USD</u> | Years on board: <u>1</u> |
| Community Profession: <u>Organizer</u> | Contact Number: (please <input checked="" type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/> Bus.) <u>760-213-4498</u> |
| *Primary E-mail: <u>cvargas.trustee@gmail.com</u> | |
| (*Communications from CSBA will be sent to primary email) | |
| Are you a continuing Delegate? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, how long have you served as a Delegate? <u>1</u> | |

Why are you interested in becoming a Delegate? Please describe the skills and experiences you would bring to the Delegate Assembly.

As a current Delegate, I am invested in this organization and improving outcomes for students. I am a former teacher who was encouraged to run because of the inequities I have served as a board member for the California University System. Education continues to play an important role, we need to ensure those opportunities continue.

- CSUSM Alumni Association Board of Directors
- CSBA Delegate
- President of North County SD Latino Democrats
- Community Organizer for SEIU 221
- District Delegate for State Democratic Party

What do you see as the biggest challenge facing governing boards and how can CSBA help address it?

- There seems to be a wave of newly elected board members, CSBA can continue to be a key point of contact for resources. We are at a crucial time in politics, both at the State & Federal level we must be vocal and present. Lastly, boards need to continue to put equity at the forefront, our students need it.

Cipriano Vargas

cvargas.trustee@gmail.com
(760) 213-4498 Available Monday- Friday after 3pm PST

1086 Naomi Dr.
Vista, CA 92083

EDUCATION

- California State University San Marcos, San Marcos, CA May, 2014
Bachelor of Arts in Sociology
- Minor in Spanish and Women's Studies
 - 3.25 Cumulative GPA
 - Member of Order of Omega- National Greek Leadership Honor Society 2013 - 2014

EXPERIENCE

- SEIU 221, San Diego, CA September, 2017 - Present
Flip the 49th Neighbors in Action Field Organizer
- Field Strategy plan for voter engagement, voter registration and leadership building
 - Weekly canvasses and phonebanks with organization in the district
 - Organizing communities across CD 49th with action plan to target voters

- San Marcos Unified School District, San Marcos, CA September, 2016 - Present
Substitute Teacher
- Working in various grade levels for a school district of 21,000 students.

- KIPP Esperanza/Teach for America, San Antonio, TX June, 2014 – June 2016
Kindergarten Teacher
- Texas Teaching Certification in General Elementary EC-6 and Bilingual Education
 - Teach and deliver effective Spanish lessons to forty-four kindergartners.
 - Reach academic success through play based learning, parent workshops, culturally relevant teaching pedagogy and meeting the social & emotional needs of students.
 - Participated in an intensive summer training program to develop the skills and knowledge needed to achieve significant gains in student achievement. Simultaneously taught summer school program for students in Houston Independent School District (HISD) under the supervision of a faculty of experienced teachers.
 - Shared best practices for Spanish speaking students via teacher exchange program in Mexico
 - Participated in teacher development around Culturally Responsive Teaching, Restorative Justice and bilingual education.

- CSU Board of Trustees, Long Beach, CA July 2012 - June 2014
Student Trustee
- Co-represented the interests of 437,000 students to a 25 member board, with oversight of the 23 campus California State University System.
 - Worked with students to ensure that policies reviewed by the board were consistent in supporting student success and academic achievement.
 - Reviewed student graduation initiatives that incorporated learning communities, blending learning, remedial summer courses for English and math, in addition to programs that help push on academic success.

- Migrant Education Region IX, Vista, CA May 2013 - May 2014
Teacher's Assistant
- Assisted a teacher in a classroom of English language learners through small group work.
 - Developed and facilitated workshops on access to college and navigating college as a first generation college student.

Skills

- Spanish and English instruction for early childhood (Bilingual education)
- K-12 and Higher Education Policy Research, community organizing and public speaking
- Computer skills including Microsoft word, excel and PowerPoint

Leadership

- Schoolboard Member elect of Vista Unified School District November 2016- Present
- Elected by the community to provide leadership and citizen oversight to VUSD.

REQUIRES BOARD ACTION

This completed **ORIGINAL** Ballot must be **SIGNED** by the Superintendent or Board Clerk and returned in the enclosed envelope postmarked by the U.S. post office no later than **THURSDAY, MARCH 15, 2018**. Only ONE Ballot per Board. Be sure to mark your vote "X" in the box.

A PARTIAL, UNSIGNED, PHOTOCOPIED, OR LATE BALLOT WILL NOT BE VALID.

OFFICIAL 2018 DELEGATE ASSEMBLY BALLOT
REGION 17
(San Diego County)

Number of vacancies: 10 (Vote for no more than 10 candidates)

Delegates will serve two-year terms beginning April 1, 2018 – March 31, 2020

**denotes incumbent*

- | | |
|---|--|
| <input type="checkbox"/> Elvia Aguilar (South Bay Union SD)* | <input type="checkbox"/> Laurie Humphrey (Chula Vista ESD) |
| <input type="checkbox"/> Barbara Avalos (National SD)* | <input type="checkbox"/> Claudine Jones (Carlsbad USD)* |
| <input type="checkbox"/> Maria Betancourt-Castaneda (National SD) | <input type="checkbox"/> Elva Salinas (Grossmont Union HSD) |
| <input type="checkbox"/> Brian Clapper (National SD)* | <input type="checkbox"/> Alma Sarmiento (National SD) |
| <input type="checkbox"/> Maria Dalla (National SD) | <input type="checkbox"/> Debra H. Schade (Solana Beach SD)* |
| <input type="checkbox"/> Eleanor Juanita Evans (Oceanside USD)* | <input type="checkbox"/> Marla Strich (Encinitas Union ESD)* |
| <input type="checkbox"/> Armando Farias (Chula Vista ESD) | <input type="checkbox"/> Cipriano Vargas (Vista USD)* |

Provision for Write-in Candidate Name

School District

Signature of Superintendent or Board Clerk

Title

School District

Date of Board Action

See reverse side for a current list of all Delegates in your Region.

REGION 17 – 24 Delegates (18 elected/6 appointed)◆

Director: Katie Dexter (Lemon Grove SD)

Below is a list of all the current Delegates with expired terms from this Region.

County: San Diego

Elvia Aguilar (South Bay Union SD), term expires 2018
Barbara Avalos (National SD), term expires 2018
Richard Barrera, (San Diego USD)◆, appointed term expires 2019
Leslie Ray Bunker (Chula Vista ESD), term expires 2019
Brian Clapper (National SD), term expires 2018
Vacant, 2019
Eleanor Evans (Oceanside USD), term expires 2018
Al Guerra, (Alpine Union SD), term expires 2018
Beth Hergesheimer (San Dieguito Union HSD), term expires 2019
Claudine Jones (Carlsbad USD), term expires 2018
Michael McQuary (San Diego USD)◆, appointed term expires 2018
Tamara Otero (Cajon Valley Union SD), term expires 2019
Dawn Perfect (Ramona USD), term expires 2019
Eduardo Reyes (Chula Vista ESD), term expires 2018
Barbara Ryan (Santee SD), term expires 2019
Debra Schade (Solana Beach ESD), term expires 2018
Nicholas Segura (Sweetwater Union HSD)◆, appointed term expires 2018
Charles Sellers (Poway USD)◆, appointed term expires 2019
Louis Smith (Coronado USD), term expires 2019
Arturo Solis (Sweetwater Union HSD)◆, appointed term expires 2019
Marla Strich (Encinitas Union ESD), term expires 2018
Cipriano Vargas, (Vista USD), term expires 2018
Sharon Whitehurst-Payne (San Diego USD)◆, appointed term expires 2019

County Delegate:

Guadalupe Gonzalez (San Diego COE), term expires 2019

| |
|---------------|
| County |
|---------------|

San Diego

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| <input type="checkbox"/> Barbara Avalos (National SD)* | <input type="checkbox"/> Claudine Jones (Carlsbad USD)* |
| <input type="checkbox"/> Maria Betancourt-Castaneda (National SD) | <input type="checkbox"/> Elva Salinas (Grossmont Union HSD) |
| <input type="checkbox"/> Brian Clapper (National SD)* | <input type="checkbox"/> Alma Sarmiento (National SD) |
| <input type="checkbox"/> Maria Dalla (National SD) | <input type="checkbox"/> Debra H. Schade (Solana Beach SD)* |
| <input type="checkbox"/> Eleanor Juanita Evans (Oceanside USD)* | <input type="checkbox"/> Marla Strich (Encinitas Union ESD)* |
| <input type="checkbox"/> Armando Farías (Chula Vista ESD) | <input type="checkbox"/> Cipriano Vargas (Vista USD)* |

Provision for Write-in Candidate Name

School District

Signature of Superintendent or Board Clerk

Title

School District

Date of Board Action

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Eduardo Reyes (Chula Vista ESD), term expires 2018
Barbara Ryan (Santee SD), term expires 2019
Debra Schade (Solana Beach ESD), term expires 2018
Nicholas Segura (Sweetwater Union HSD)◆, appointed term expires 2018
Charles Sellers (Poway USD)◆, appointed term expires 2019
Louis Smith (Coronado USD), term expires 2019
Arturo Solis (Sweetwater Union HSD)◆, appointed term expires 2019
Marla Strich (Encinitas Union ESD), term expires 2018
Cipriano Vargas, (Vista USD), term expires 2018
Sharon Whitehurst-Payne (San Diego USD)◆, appointed term expires 2019

County Delegate:

Guadalupe Gonzalez (San Diego COE), term expires 2019

County

San Diego



East County SELPA

• Special Education Local Plan Area •

401 E. 1st Street, El Cajon, CA 92021 • 619-590-1920 Fax: 619-588-2195

January 16, 2018

Dear SELPA Directors,

You are receiving this letter as you are a Special Education Local Plan Area (SELPA) Director with districts who participate in the Special Education Legal Alliance (SELA). Please share this information with your districts who are members of SELA.

On January 12, 2018, the SELA Executive Board convened to discuss the annual assessment for SELA membership. At its meeting, the Executive Board approved for each member district to budget for a \$0.25 per Average Daily Attendance (ADA) assessment for the 2018-19 school year. Member districts will be notified mid-year of the 2018-19 school year if this assessment will need to be taken to meet the SELA's obligations.

Thank you for sharing this information with your districts who are members of SELA. If you have any questions, please contact Heather DiFede at hdifede@sdcoe.net.

Sincerely,

Heather DiFede
SELPA Liason to the SELA

Cc: Lora Duzyk, SDCOE

Walter L. Orr
619-445-3236

Regina Ingham-Butler
619-445-1111

Capri Cook, Esq.
619-595-7111

Denesa
619-445-2167

Geoffrey Simonson
619-644-0763

Janet Chavez
619-445-7100

La Mesa-Spring Valley
619-668-5700

Imperial
619-990-2000

North County
619-825-5600

San Diego
619-475-8027

Sanford
619-258-2304



SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 Linda Vista Road, San Diego, CA 92111 • 858-292-3500 • www.sdcoe.net
San Diego County Superintendent of Schools Dr. Paul Gothold

January 18, 2018

Karen Kirkpatrick
1833 Harbison Canyon Road
El Cajon, CA 92019

Dear Ms. Kirkpatrick:

Congratulations on your appointment to serve as a member of the Dehesa School District Governing Board.

As a member of the governing board, you share with your fellow board members much of the responsibility for the educational program of your district. The offices of the County Superintendent of Schools are available to support school boards in meeting this challenge. We hope you will feel free to call on us whenever we can be of assistance.

Sincerely,

Paul Gothold, Ed.D.
County Superintendent of Schools

PG:AM

c: Nancy Hauer, Superintendent, Dehesa School District



January 19th, 2018

Cindy White, Board President
Board of Directors

Dehesa School District
4612 Dehesa Rd.
El Cajon, CA 92019-2922

RE: Full and Fair Funding Resolution

Dear President White and Fellow Board Members,

CSBA would like to extend its gratitude to you and your district for swiftly approving this resolution. We appreciate your partnership as we work to secure the full and fair funding needed to provide all California students, regardless of background, with a high-quality education.

Thank you for your leadership and for the work you do to support California's public schools.

Respectfully,

Troy Flint
PIO/ Senior Director of Communications
California School Boards Association



SAN DIEGO COUNTY OFFICE OF EDUCATION

6401 Linda Vista Road, San Diego, CA 92111 • 858-292-3500 • www.sdcoe.net
San Diego County Superintendent of Schools Dr. Paul Gothold

January 26, 2018

Ms. Nancy Hauer
Superintendent
Dehesa Elementary School District
4612 Dehesa Road
El Cajon, CA 92019-2922

Dear Ms. Hauer:

Re: 2017-18 First Interim Report

Our office has completed its review of your First Interim Report (SACS Form 01I) in compliance with the provisions of Education Code Section 42130 et seq. The district has submitted a positive certification, which means that the district will meet its financial obligations for the current fiscal year and subsequent two years.

The district's First Interim Report has been analyzed in the context of the 2017-18 State Budget Act. All of the data submitted by the district has been analyzed and appears to adequately reflect the financial status of your district as of October 31, 2017.

In accordance with the provisions of Education Code Section 42131, the County Superintendent of Schools will inform the California Department of Education that your district submitted a positive certification and we concur with this certification at this time.

Financial Status in 2017-18

Reserve for Economic Uncertainties / Multi-Year Projection

We have reviewed the district's assumptions for the multi-year projection and they appear to be reasonable. The state requires the district to maintain a Reserve for Economic Uncertainties equal to 5% of expenditures. Based upon these assumptions, the District will meet the required reserve percentage.

Other Issues

Charter Schools

The district authorizes several charter schools. As a result of the Anderson Union High School District vs. Shasta Secondary Home School case, some of the charters authorized under the district, may need to relocate or find a different authorizer. As a result, the district may see a

January 26, 2018
Ms. Nancy Hauer
Page 2 of 3

decline in oversight fees. The district has been diligent in preparing for this loss; however, they should continue to monitor the situation and any negative fiscal impact it may have.

As required by Education Code 47604.33, our office has received a First Interim Report(s) from the following charter schools:

- California Academy of Sports Science
- Community Montessori
- Diego Hills Charter School
- Inspire Charter School
- Learning Latitudes Charter School
- Method Schools

As a charter school sponsor, the district maintains fiscal oversight responsibilities, particularly in the key areas of accounting, attendance accounting, budgeting, and payroll. As part of this oversight, sponsoring school districts are also responsible for reviewing charter financial reports, including interim reports.

For the current year, Inspire Charter School is projecting a negative ending fund balance of \$2.9 million. The charter school has had a negative ending fund balance in the below previous years:

Prior Year Ending Fund Balances at Unaudited Actuals

- 2014-15 = (\$325,000)
- 2015-16 = (\$2.2) million
- 2016-17 = (\$2.7) million

We recommend that the district continue to closely monitor the charter school's financial activity and provide the necessary support to ensure fiscal accountability and solvency so that there will be no adverse impact on the district's General Fund.

Conclusion

We appreciate the District's efforts to ensure fiscal solvency. Should any adverse circumstances arise which would negatively impact the financial condition of the district, please notify this office as soon as possible.

If you have any questions concerning this review, please feel free to call me at (858) 292-3537 or Kristin Armatis, Consultant, Business Advisory Services at (858) 292-3601.

January 26, 2018
Ms. Nancy Hauer
Page 3 of 3

Sincerely,

A handwritten signature in blue ink, appearing to read "Brent Watson", with a stylized flourish extending to the right.

Brent Watson
Executive Director
District Financial Services

BW:KA:VS

cc: Cynthia White, Board President, Dehesa Elementary School District
Anna Buxbaum, Business Manager, Dehesa Elementary School District



NOTICE OF PUBLIC HEARING



NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of San Diego will conduct a public hearing on a County-initiated Climate Action Plan and General Plan Amendment.

HEARING INFORMATION:

Date: February 14, 2018

Time: 9:00 a.m.

Location: County Administration Center, 1600 Pacific Highway, Room 310, San Diego, California 92101

APPLICANT: County of San Diego

PROJECT/CASE NUMBER: County of San Diego Climate Action Plan and General Plan Amendment, PDS2015-POD-15-002, PDS2016-GPA-16-007, LOG NO. PDS2016-ER-16-00-003

PROJECT DESCRIPTION: The project is the development of a Climate Action Plan (CAP) that will include measures and actions to reduce greenhouse gas (GHG) emissions from the unincorporated County in proportion to the State's emission reduction goals. The Supplemental Environmental Impact Report (SEIR) provides a program-level analysis of the CAP, its measures, and related actions. It is prepared as a Supplement to the 2011 General Plan Update (2011 GPU) Program EIR and evaluates the CAP, proposed amendments to General Plan Goal Conservation and Open Space (COS) COS-20 and Policy COS-20.1, and proposed revisions to 2011 GPU Program EIR Mitigation Measures Climate Change (CC) CC-1.2, CC-1.7, and CC-1.8).

LOCATION: The project is located within the unincorporated area of San Diego County, which consists of 3,570 square miles in the southwestern corner of the State.

ENVIRONMENTAL STATUS: A Supplemental EIR to the previously certified Environmental Impact Report for the County of San Diego General Plan Update, certified August 3, 2011 (ER 02-ZA-001; SCH 2002111067), has been prepared pursuant to the California Environmental Quality Act.

PLANNING COMMISSION RECOMMENDATION: On January 18, 2018, by a vote of 6-1-0-0 (Ayes - 6; Noes - 1, Absent - 0, Abstain - 0), the Planning Commission recommended adoption of Climate Action Plan Option 3 – Residential and Non-residential Development, related findings and actions including the General Plan Amendment, Guidelines for Determining Significance, and Threshold of Significance, as presented in the January 18, 2018 Planning Commission Staff Report, with one revision to CAP measure E-1.2 to create an incentive program for replacement of water heaters in existing homes.

GENERAL INFORMATION: Any interested person may appear at and be heard during this hearing. This public hearing is accessible to individuals with disabilities. If interpreter services for the hearing impaired are needed, contact the American with Disabilities Coordinator at (858) 505-6521, in advance of the meeting so that arrangements may be made.

NOTE: If you challenge the Board's action in court, you may be limited to raising only those issues you or someone else raised at a public hearing, or in written correspondence delivered to the Hearing Body at or before the hearing. Rules of the Hearing Body may limit or impose requirements on the submittal of such written correspondence.

For additional information regarding this proposal, contact Donald Chase at (858) 694-3831 or by e-mail at CAP@sdcounty.ca.gov



Accrediting Commission for Schools Western Association of Schools and Colleges

533 Airport Boulevard, Suite 200 • Burlingame, California 94010
(650) 696-1060 • Fax (650) 696-1867
mail@acsWSC.org • www.acsWSC.org

FRED VAN LEUVEN, ED.D.
President

MARILYN S. GEORGE, ED.D.
Vice President

COMMISSION MEMBERS

STEPHEN CATHERS
Chairperson
East Asia Regional Council of Schools

GREGORY FRANKLIN
Vice Chairperson
Association of California School
Administrators

THOMAS ADAMS
California Department of Education

MICHAEL ALVAREZ
Western Catholic Educational Association

SAMANTHA BENISH
California Federation of Teachers

RON CARRUTH
Association of California School
Administrators

NANCY COONIS
Western Catholic Educational Association

ERIKA CRUZ
Pacific Islands

MITCHELL D'OLIER
Public Member, Hawaii

ODIE DOUGLAS
Association of California School
Administrators

JOSEPH DUGAN
Public Member, California

LEE DUNCAN
Association of Christian Schools
International

JUAN A. FLECHA
Association of California School
Administrators

ANDREA FUKUMOTO
Hawaii State Department of Education

DAVID GAUDI
Hawaii Association of Independent Schools

BARRY GROVES
Association of California School
Administrators

MELISSA HANDY
Hawaii Association of Independent Schools

LAURA HERMAN
Charter Schools

DEREK MINAKAMI
Hawaii Government Employees'
Association

SUZANNE MULCAHY
Hawaii State Department of Education

BARBARA NUNES
California School Boards Association

DOREEN OLESON
California Association of Independent
Schools

MATTHEW RUSSO
Postsecondary Education

LAUREL SALERNO-WHITE
California Teachers Association

MARSHA SERAFIN
California Association of Private School
Organizations

KIMBERLY SHIELDS
Western Catholic Educational Association

SALLY TODD
Western Catholic Educational Association

BERIT VON POHLE
Pacific Union Conference of Seventh-day
Adventists

JOEL WAHLERS
National Lutheran School Accreditation

DIANA WALSH-REUSS
Association of California School
Administrators

SOPHIA WAUGH
California Congress of Parents and
Teachers, Inc. (PTA)

DAVID YOSHIHARA
Association of California School
Administrators

February 5, 2018

Mrs. Jessica Spallino
Executive Director
Method Schools
24620 Jefferson Ave.
Murrieta, CA 92562

Dear Mrs. Spallino:

The Accrediting Commission for Schools, Western Association of Schools and Colleges (ACS WASC) announces the action taken at the Winter 2018 Commission Meeting. The ACS WASC Commissioners have determined Method Schools (K - 12) meets the ACS WASC criteria for accreditation. This accreditation status is based on all of the information provided by the school, including the self-study report, and the satisfactory completion of the on-site accreditation visit.

It is the decision of the Commission to grant Six-Year Accreditation Status with a Mid-cycle One-day Visit through June 30, 2024.

Method Schools is required to prepare a Mid-cycle Progress Report for the Mid-cycle Visit. The report and visit should demonstrate that the school has:

- Addressed the critical areas for follow-up through the schoolwide action plan;
- Made appropriate progress on the implementation of the schoolwide action plan; and
- Improved student achievement relative to the schoolwide learner outcomes and the academic standards.

Accreditation status is conditioned upon Method Schools's continued adherence with the ACS WASC policies, procedures, and criteria for accreditation. This includes a requirement that an accredited school annually contribute members from the school staff or district to participate on visiting committees. Failure to maintain compliance with said policies, procedures, and standards is grounds for modification and/or withdrawal of the accreditation.

February 5, 2018
Method Schools
Page 2

The Commission looks forward to Method Schools's anticipated success and continuing improvement in keeping with ACS WASC's pursuit of excellence in elementary, secondary, and adult education.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Cathers". The signature is fluid and cursive, with the first name "Stephen" and last name "Cathers" clearly distinguishable.

Stephen Cathers
Commission Chairperson

cc: Visiting Committee Chairperson
Superintendent



Accrediting Commission for Schools Western Association of Schools and Colleges

533 Airport Boulevard, Suite 200 • Burlingame, California 94010
(650) 696-1060 • Fax (650) 696-1867
mail@acswasc.org • www.acswasc.org

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Administrators

SOPHIA WAUGH
California Congress of Parents and
Teachers, Inc. (PTA)

DAVID YOSHIHARA
Association of California School
Administrators

February 1, 2018

Ms. Lindsay Reese
Principal
Diego Hills Central Public Charter
4585 College Avenue
San Diego, CA 92115

Dear Ms. Reese:

The Accrediting Commission for Schools, Western Association of Schools and Colleges (ACS WASC) announces the action taken at the Winter 2018 Commission Meeting. The ACS WASC Commissioners have determined Diego Hills Central Public Charter (9 - 12) meets the ACS WASC criteria for accreditation. This accreditation status is based on all of the information provided by the school, including the initial visit report, and the satisfactory completion of the on-site initial accreditation visit.

It is the decision of the Commission to grant Diego Hills Central Public Charter (grades 9th through 12th) Initial Accreditation Status through June 30, 2021.

Prior to the end of this initial accreditation period, schools must complete a self-study assessment and submit a self-study report, including the progress made in meeting the recommendations of the Initial Visit Committee. Self-study training will be provided and schools will be expected to have key staff participate in these training sessions. An ACS WASC Visiting Committee will conduct a site visit to review the school's self-study findings and supporting evidence, conduct classroom observations, and dialogue with all stakeholders. The committee will evaluate the school's programs and operations and the impact on student learning.

Accreditation status is conditioned upon Diego Hills Central Public Charter's continued adherence with the ACS WASC policies, procedures, and criteria for accreditation. One accreditation requirement is the obligation of schools to notify ACS WASC of any changes which might be substantive in nature with an explanation of the change and the anticipated effect on the educational program (see attached).

Another accreditation requirement is that schools and districts annually contribute members to participate on visiting committees. This is particularly helpful to newly accredited schools in order to gain a better understanding of the accreditation process. New members can sign up to serve on a visiting committee on the ACS WASC portal at <https://webportal.acswasc.org>. Failure to maintain compliance with said policies, procedures, and standards is grounds for modification and/or withdrawal of accreditation.

The approval of initial accreditation entitles you to use the following phrase on transcripts or in school advertising: "Fully Accredited by (or) Accredited by the Accrediting Commission for Schools, Western Association of Schools and Colleges," until such time as your accreditation has either lapsed or been denied. If all grade levels operated by the school were included in the initial visit review, the above statement is sufficient. In other cases, the statement must specify the grade levels accredited, i.e., "Fully Accredited for Grades (9–12 for example) by the Accrediting Commission for Schools, Western Association of Schools and Colleges."

Transcripts of students who are graduating or transferring from grades covered by the accreditation may be stamped or embossed with the ACS WASC accredited seal which can be obtained from the ACS WASC office, or the "Accredited by ..." phrase can be typed on the transcript.

If you choose to disclose your status in any communications with the public, you must specify the programs or grade levels which are covered by the initial status. You must also include the name, address and website of the Accrediting Commission for Schools in the same communication. The information to include is:

Accrediting Commission for Schools
Western Association of Schools and Colleges
533 Airport Blvd., Suite 200, Burlingame, CA 94010
www.acswasc.org

The Commission looks forward to Diego Hills Central Public Charter's anticipated success and continuing improvement in keeping with ACS WASC's pursuit of excellence in elementary, secondary, and adult education.

Sincerely,



Stephen Cathers
Commission Chairperson

Enclosures: Initial Visit Visiting Committee Report
ACS WASC Substantive Change Policy and Procedures
ACS WASC Accreditation Stamp and Embosser Order Form

cc: Chairperson, Initial Visit Committee
Superintendent

DEHESA SCHOOL DISTRICT

To: Members of the Board
and Supt. Nancy Hauer

From: Anna Buxbaum
Business Manager

Subject: Monthly Budget Update

Meeting Date: February 15, 2018

- Action
- First Reading
- Information
- Presentation
- Discussion
- Public Hearing
- Roll Call Vote Required

Background:

At the October 20, 2011 Board Meeting, Members were asked about their preferences for monthly budget updates. Consensus was that a statement of fund balances and clear, concise updates on key issues would be preferred during months falling in-between major reports.

Report:

Attached are 1) Fund balances (Cash in County Treasury), 2) Construction expenditure reports for the Bond and Developer Fee Funds

Financial Impact:

N/A-Form Informational Purposes Only

Student Impact:

NA – For Informational Purposes Only

Recommendation:

NA – For Informational Purposes Only

Dehesa School District

Fund Balances

(Cash in County Treasury as of February 8, 2018)

| FUND | DESCRIPTION | BALANCE |
|-------------|--|------------------------|
| 01-00 | GENERAL FUND | \$ 1,684,112.61 |
| 09-00 | CHARTER SCHOOLS SPECIAL REVENUE FUND (FD 39) | \$ 130,454.91 |
| 12-06 | CHILD DEVELOPMENT FUND | \$ 4,355.48 |
| 13-00 | CAFETERIA SPECIAL REVENUE FUND | \$ 6,426.04 |
| 14-00 | DEFERRED MAINTENANCE FUND | \$ 186.06 |
| 17-42 | SPECIAL RESOURCE FUND (CHARTER OVERSIGHT) | \$ 1,037,354.97 |
| 20-00 | SPECIAL RESERVE OPEB/RETIREE BENEFITS FUND | \$ 762,806.15 |
| 21-39 | BUILDING FUND | \$ 199,797.58 |
| 25-19 | CAPITAL FACILITIES/SB2068 FUND | \$ 22,791.19 |
| 40-00 | SPECIAL RESERVES/CAPITAL PROJECTS | \$ 7,587.34 |
| | GRAND TOTAL | \$ 3,855,872.33 |

Please note that cash balances in the General Fund fluctuate on a regular basis. This is a normal feature of the fluid budget/accounting process.

**Dehesa School District
Capital Facilities Funds 25-19**

1/31/2018

| Current Year Project Activity | | | Revenue Amount |
|---|------------------------|--|---------------------|
| 7/1/2017 | Beginning Fund Balance | | 12,224.35 |
| 7/25/2017 | Interest | 2016-17 4th Qtr Interest | 42.92 |
| 8/3/2017 | Interest | 2016-17 4th Qtr Interest - 2nd Distribution | 3.20 |
| 8/23/2017 | Developer Fees | Residential Developer Fees | 3,005.72 |
| 8/28/2017 | Developer Fees | Residential Developer Fees | 1,005.71 |
| 9/1/2017 | Developer Fees | Residential Developer Fees | 4,096.19 |
| 10/25/2017 | Interest | 2017-18 1st Qtr Interest | 29.42 |
| 11/15/2017 | Interest | 2017-18 1st Qtr Interest - 2nd Distribution | 13.07 |
| 1/11/2018 | Developer Fees | Residential Developer Fees | 5,574.60 |
| 1/23/2018 | Interest | 2017-18 2nd Qtr Interest | 33.51 |
| | | | |
| | | | |
| Total | | | \$ 26,028.69 |
| | | | |
| Payment Date | Service Provider | Services Performed | Expenditure Amount |
| 10/3/2017 | G Wayne Oetken & Assoc | Consulting Services: June-July 2017 | 1,300.00 |
| 11/13/2017 | G Wayne Oetken & Assoc | Consulting Services: Sept 2017, 08/23/17 Meeting | 1,100.00 |
| 1/2/2018 | G Wayne Oetken & Assoc | Consulting Services: Oct 2017, 10/12/17 Meeting | 837.50 |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL CURRENT YEAR EXPENSES | | | \$ 3,237.50 |
| TOTAL FUNDS AVAILABLE AS OF 01/31/2018 | | | \$ 22,791.19 |

**DEHESA SCHOOL DISTRICT
DEVELOPER FEE REPORT
Fiscal Year 2017-18**

| DATE | ADDRESS | RES | COM | SQUARE FEET | AMOUNT |
|--------------|-------------------------|-----|-----|-------------|---------------------|
| 08/10/17 | 14606 Quail Haven Ln | X | | 1,844 | \$ 3,005.72 |
| 08/28/17 | 2540 Vista Rodeo Dr | X | | 617 | \$ 1,005.71 |
| 09/01/17 | 1914 Harbison Canyon Rd | X | | 2,513 | \$ 4,096.19 |
| 1/11/2018 | 16245 Sequan Truck Tr | X | | 3,420 | \$ 5,574.60 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| TOTAL | | | | | \$ 13,682.22 |

Residential Rate \$ 1.63 Per Sq. Ft
Commercial Rate \$ 0.26 Per Sq. Ft

DEHESA SCHOOL DISTRICT

To: Members of the Board
From: Nancy Hauer
Subject: Dehesa School Enrollment
as of February 15, 2018

- Meeting Date: February 15, 2018
- Action
 - First Reading
 - Information
 - Presentation
 - Public Hearing
 - Roll Call Vote Required
 - Discussion

Enrollment
January 18, 2018

By Grade Level

| | |
|-------------------|------------|
| EAK..... | 9 |
| Kindergarten..... | 15 |
| 1st Grade..... | 16 |
| 2nd Grade..... | 15 |
| 3rd Grade..... | 16 |
| 4th Grade..... | 16 |
| 5th Grade..... | 21 |
| 6th Grade..... | 14 |
| 7th..... | 16 |
| 8th..... | 14 |
| | 152 |

Enrollment
February 23, 2017

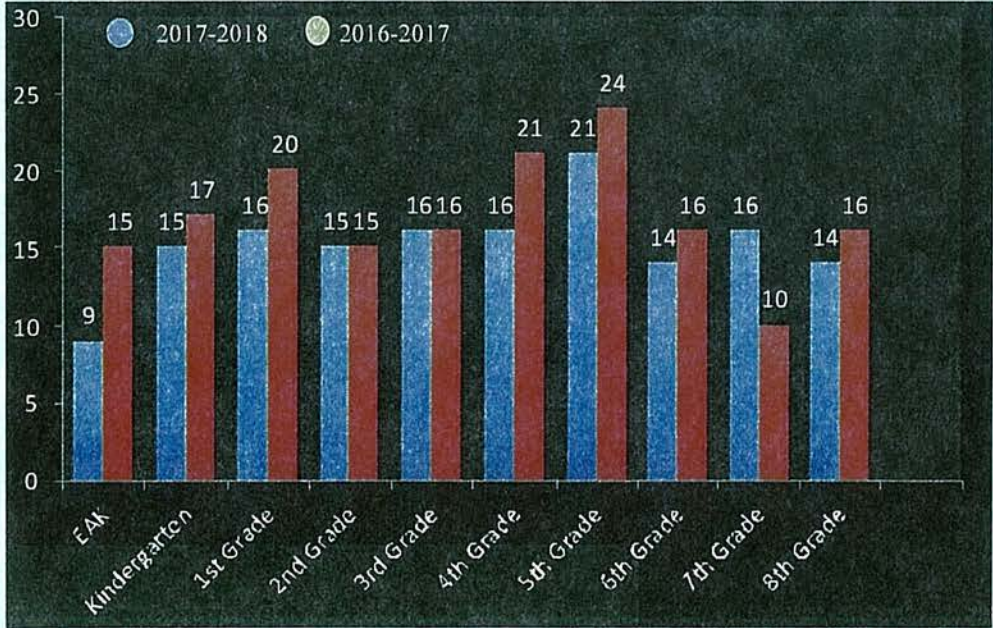
By Grade Level

| | |
|-------------------|------------|
| EAK..... | 15 |
| Kindergarten..... | 17 |
| 1st Grade..... | 20 |
| 2nd Grade..... | 15 |
| 3rd Grade..... | 16 |
| 4th Grade..... | 21 |
| 5th Grade..... | 24 |
| 6th Grade..... | 16 |
| 7th..... | 10 |
| 8th..... | 16 |
| | 170 |

Inter District
Transfers

Students who live in our
District but attend a
different school
23

Students who live in
another district but attend
our school
70





County of San Diego
CLERK OF THE BOARD OF SUPERVISORS
1600 Pacific Highway . Room 402
San Diego, CA 92101
(619) 531-5600 Fax (619) 338-8159

DAVID HALL
EXECUTIVE OFFICER/CLERK

January 26, 2018

**2017-2018 STATEMENT OF ECONOMIC INTERESTS
FORM 700 ANNUAL DISCLOSURES
DATE DUE: APRIL 2, 2018**

Dear Agency Officials,

The Political Reform Act requires officials and employees who are designated in an agency's Conflict of Interest Code to file a Statement of Economic Interest (Form 700) annually. The Regulations of the Fair Political Practices Commission (FPPC) requires that Agency Officials coordinate the completion of Statement of Economic Interests (Form 700) for each of their designated filers. The following information is provided in order to ensure your compliance with FPPC regulations.

Form 700

Each individual serving in a position listed within your agency's Conflict of Interest Code must complete and submit a Form 700. A copy of your agency's current Conflict of Interest Code, along with a list of designated positions who must file a Form 700, is available on our website at http://www.sandiegocounty.gov/content/sdc/cob/conflict_interest.html.

Designated Conflict of Interest Filers may now submit their Form 700's electronically using the eDisclosure system or file a hard copy.

To electronically file: The eDisclosure system makes it easier for filers to comply with reporting requirements. This online application is secure and password-protected, it assists filers with filling out the form accurately and completely, and performs an error-check prior to finalization. Each filer will see a list of positions for which they are required to file Form 700's. Once they have completed their form, the system will provide the filer the option to electronically submit their completed Form 700 or the option to print their form and submit it manually. All Form 700's completed through electronic submission must be submitted by April 2, 2018.

To file a hard copy: If filers prefer not to use the eDisclosure system, an interactive version of the form, which can be completed on-line and printed, is available on the FPPC's website at www.fppc.ca.gov/Form700.html.

Please coordinate the completion of Form 700's by each designated filer in your agency, retain a copy within your agency, and forward the originals to the following address, no later than April 2, 2018:

**Clerk of the Board of Supervisors
Statement of Economic Interests, Form 700
1600 Pacific Highway, Room 402
San Diego, CA 92101**



County of San Diego
CLERK OF THE BOARD OF SUPERVISORS
1600 Pacific Highway, Room 402
San Diego, CA 92101
(619) 531-5600 Fax (619) 338-8159

DAVID HALL
EXECUTIVE OFFICER/CLERK

Transmittal Form

A transmittal form should be used when forwarding original Form 700's to the Clerk of the Board. The transmittal form should list the names of the most recent filers according to our records. As the Agency Official, to access the most current listing of filers for your agency, log in to eDisclosure at:

<https://www.southtechhosting.com/sandiegocounty/edisclosure/default.aspx>

Once logged in, please follow these steps to access your Transmittal Form:

1. Select "Filer Reports" on the menu list to the left of the screen.
2. Select "General Status" under "Report". Filing Year should be 2017.
3. Select "Report Date" as today's date.
4. Select the name of your agency under "Agency". Select "Get Report".

If any individual listed on the transmittal sheet is no longer a member, a "Leaving Office" Form 700 filing is required.

If a current member is not listed, please add the individual's name to the list. A new member is required to file a Form 700 within 30 days after assuming office. If he/she did not file, one must be filed now. In addition, an "Annual" filing is required if a member assumed office before October 1, 2017.

Late Filing

The Fair Political Practices Commission (FPPC) prescribes fines of \$10 per day up to a maximum of \$100 for any statement that is filed late. In addition, persons who fail to file their Form 700 on time may be referred to the FPPC's enforcement division and/or the District Attorney for investigation and possible prosecution.

We appreciate your cooperation in carrying out state law and ensuring transparency in government. If you need more information regarding this process, please call Brian Andrade, Senior Board Assistant, at (619) 685-2593 or email to Form700@sdcounty.ca.gov. If you need assistance with reporting requirements or have questions about other requirements under the Fair Political Practices Act, please call the Fair Political Practices Commission toll-free assistance number at (866) 275-3772 or contact an attorney.

Sincerely,

DAVID HALL
Executive Director/Clerk of the Board of Supervisors

cc: Helen Robbins-Meyer, Chief Administrative Officer
Communications Received for Board of Supervisors Official Records

FORM 700 TRANSMITTAL SHEET

TO: Clerk of the Board of Supervisors
(Conflict of Interest Filings)
1600 Pacific Highway, Room 402
San Diego, CA 92101-2471

FROM: _____
Agency / Department

STATEMENT OF ECONOMIC INTEREST, FORM 700 SUBMITTAL

We are enclosing Form 700 for all the following designated code filers from the above agency:

NAME

NAME

(Use reverse side if necessary)

CONTACT PERSON:

(Print name)

(Signature)

PHONE NO: _____

FAX No. _____

2017/2018 Statement of Economic Interests



Form 700

A Public Document

Also available on the FPPC website:

- ***Form 700 in Excel format***
- ***Reference Pamphlet for Form 700***

California Fair Political Practices Commission
Email Advice: advice@fppc.ca.gov
Toll-free advice line: 1 (866) ASK-FPPC • 1 (866) 275-3772
Telephone: (916)322-5660 • Website: www.fppc.ca.gov

What's New

Gift Limit Increase

The gift limit increased to \$470 for calendar years 2017 and 2018. The gift limit during 2016 was \$460.

Who must file:

- Elected and appointed officials and candidates listed in Government Code Section 87200
- Employees, appointed officials, and consultants filing pursuant to a conflict of interest code ("code filers").
Obtain your disclosure categories, which describe the interests you must report, from your agency; they are not part of the Form 700
- Candidates running for local elective offices that are designated in a conflict of interest code (e.g., county sheriffs, city clerks, school board trustees, and water board members)

Exception: Candidates for a county central committee are not required to file the Form 700.

- Members of newly created boards and commissions not yet covered under a conflict of interest code
- Employees in newly created positions of existing agencies

See Reference Pamphlet, page 3, at www.fppc.ca.gov.

Where to file:

87200 Filers

| | | |
|----------------------|---|-----------------------------|
| State offices | ⇒ | Your agency |
| Judicial offices | ⇒ | The clerk of your court |
| Retired Judges | ⇒ | Directly with FPPC |
| County offices | ⇒ | Your county filing official |
| City offices | ⇒ | Your city clerk |
| Multi-County offices | ⇒ | Your agency |

Code Filers — State and Local Officials, Employees, and Consultants Designated in a Conflict of Interest

Code: File with your agency, board, or commission unless otherwise specified in your agency's code (e.g., Legislative staff files directly with FPPC). In most cases, the agency, board, or commission will retain the statements.

Members of Boards and Commissions of Newly

Created Agencies: File with your newly created agency or with your agency's code reviewing body.

Employees in Newly Created Positions of Existing

Agencies: File with your agency or with your agency's code reviewing body. See Reference Pamphlet, page 3.

Candidates: File with your local elections office.

How to file:

The Form 700 is available at www.fppc.ca.gov. Form 700 schedules are also available in Excel format. All statements must have an original "wet" signature or be duly authorized by your filing officer to file electronically under Government Code Section 87500.2. Instructions, examples, FAQs, and a reference pamphlet are available to help answer your questions.

When to file:

Annual Statements

⇒ March 1, 2018

- Elected State Officers
- Judges and Court Commissioners
- State Board and State Commission Members listed in Government Code Section 87200

⇒ April 2, 2018

- Most other filers

Individuals filing under conflict of interest codes in city and county jurisdictions should verify the annual filing date with their local filing officers.

Statements postmarked by the filing deadline are considered filed on time.

Assuming Office and Leaving Office Statements

Most filers file within 30 days of assuming or leaving office or within 30 days of the effective date of a newly adopted or amended conflict of interest code.

Exception:

If you assumed office between October 1, 2017, and December 31, 2017, and filed an assuming office statement, you are not required to file an annual statement until March 1, 2019, or April 1, 2019, whichever is applicable. The annual statement will cover the day after you assumed office through December 31, 2018. See Reference Pamphlet, pages 6 and 7, for additional exceptions.

Candidate Statements

File no later than the final filing date for the declaration of candidacy or nomination documents.

Amendments

Statements may be amended at any time. You are only required to amend the schedule that needs to be revised. It is not necessary to amend the entire filed form. Obtain amendment schedules at www.fppc.ca.gov.

There is no provision for filing deadline extensions unless the filer is serving in active military duty.

Statements of 30 pages or less may be faxed by the deadline as long as the originally signed paper version is sent by first class mail to the filing official within 24 hours.

Introduction

The Political Reform Act (Gov. Code Sections 81000-91014) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions that may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the attached Statement of Economic Interests, Form 700, and for interpreting the law's provisions.

Gift Prohibition

Gifts received by most state and local officials, employees, and candidates are subject to a limit. During 2017 and 2018, the gift limit is \$470 from a single source during a calendar year.

In addition, state officials, state candidates, and certain state employees are subject to a \$10 limit per calendar month on gifts from lobbyists and lobbying firms registered with the Secretary of State. See Reference Pamphlet, page 10.

State and local officials and employees should check with their agency to determine if other restrictions apply.

Disqualification

Public officials are, under certain circumstances, required to disqualify themselves from making, participating in, or attempting to influence governmental decisions that will affect their economic interests. This may include interests they are not required to disclose (i.e., a personal residence is often not reportable, but may be disqualifying). Specific disqualification requirements apply to 87200 filers (e.g., city councilmembers, members of boards of supervisors, planning commissioners, etc.). These officials must publicly identify the economic interest that creates a conflict of interest and leave the room before a discussion or vote takes place at a public meeting. For more information, consult Government Code Section 87105, Regulation 18707, and the Guide to Recognizing Conflicts of Interest at www.fppc.ca.gov.

Honorarium Ban

Most state and local officials, employees, and candidates are prohibited from accepting an honorarium for any speech given, article published, or attendance at a conference, convention, meeting, or like gathering. See Reference Pamphlet, page 10.

Loan Restrictions

Certain state and local officials are subject to restrictions on loans. See Reference Pamphlet, page 14.

Post-Governmental Employment

There are restrictions on representing clients or employers before former agencies. The provisions apply to elected state officials, most state employees, local elected officials, county chief administrative officers, city managers, including the chief administrator of a city, and general managers or chief administrators of local special districts and JPAs. The FPPC website has fact sheets explaining the provisions.

Late Filing

The filing officer who retains originally-signed or electronically filed statements of economic interests may impose on an individual a fine for any statement that is filed late. The fine is \$10 per day up to a maximum of \$100. Late filing penalties may be reduced or waived under certain circumstances.

Persons who fail to timely file their Form 700 may be referred to the FPPC's Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to \$5,000 per violation may be imposed.

For assistance concerning reporting, prohibitions, and restrictions under the Act:

- Email questions to advice@fppc.ca.gov.
- Call the FPPC toll-free at (866) 275-3772.

Form 700 is a Public Document Public Access Must Be Provided

Statements of Economic Interests are public documents. The filing officer must permit any member of the public to inspect and receive a copy of any statement.

- Statements must be available as soon as possible during the agency's regular business hours, but in any event not later than the second business day after the statement is received. Access to the Form 700 is not subject to the Public Records Act procedures.
- No conditions may be placed on persons seeking access to the forms.
- No information or identification may be required from persons seeking access.
- Reproduction fees of no more than 10 cents per page may be charged.

Types of Form 700 Filings

Assuming Office Statement:

If you are a newly appointed official or are newly employed in a position designated, or that will be designated, in a state or local agency's conflict of interest code, your assuming office date is the date you were sworn in or otherwise authorized to serve in the position. If you are a newly elected official, your assuming office date is the date you were sworn in.

- Investments, interests in real property, and business positions held on the date you assumed the office or position must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date you assumed the office or position is reportable.

For positions subject to confirmation by the State Senate or the Commission on Judicial Performance, your assuming office date is the date you were appointed or nominated to the position.

Example:

Maria Lopez was nominated by the Governor to serve on a state agency board that is subject to state Senate confirmation. The assuming office date is the date Maria's nomination is submitted to the Senate. Maria must report investments, interests in real property, and business positions she holds on that date, and income (including loans, gifts, and travel payments) received during the 12 months prior to that date.

If your office or position has been added to a newly adopted or newly amended conflict of interest code, use the effective date of the code or amendment, whichever is applicable.

- Investments, interests in real property, and business positions held on the effective date of the code or amendment must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the effective date of the code or amendment is reportable.

Annual Statement:

Generally, the period covered is January 1, 2017, through December 31, 2017. If the period covered by the statement is different than January 1, 2017, through December 31, 2017, (for example, you assumed office between October 1, 2016, and December 31, 2016 or you are combining statements), you must specify the period covered.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2017.

- If your disclosure category changes during a reporting period, disclose under the old category until the effective date of the conflict of interest code amendment and disclose under the new disclosure category through the end of the reporting period.

Leaving Office Statement:

Generally, the period covered is January 1, 2017, through the date you stopped performing the duties of your position. If the period covered differs from January 1, 2017, through the date you stopped performing the duties of your position (for example, you assumed office between October 1, 2016, and December 31, 2016, or you are combining statements), the period covered must be specified. The reporting period can cover parts of two calendar years.

- Investments, interests in real property, business positions held, and income (including loans, gifts, and travel payments) received during the period covered by the statement must be reported. Do not change the preprinted dates on Schedules A-1, A-2, and B unless you are required to report the acquisition or disposition of an interest that did not occur in 2017.

Candidate Statement:

If you are filing a statement in connection with your candidacy for state or local office, investments, interests in real property, and business positions held on the date of filing your declaration of candidacy must be reported. In addition, income (including loans, gifts, and travel payments) received during the 12 months prior to the date of filing your declaration of candidacy is reportable. Do not change the preprinted dates on Schedules A-1, A-2, and B.

Candidates running for local elective offices (e.g., county sheriffs, city clerks, school board trustees, or water district board members) must file candidate statements, as required by the conflict of interest code for the elected position. The code may be obtained from the agency of the elected position.

Amendments:

If you discover errors or omissions on any statement, file an amendment as soon as possible. You are only required to amend the schedule that needs to be revised; it is not necessary to refile the entire form. Obtain amendment schedules from the FPPC website at www.fppc.ca.gov.

Instructions Cover Page

Enter your name, mailing address, and daytime telephone number in the spaces provided. **Because the Form 700 is a public document, you may list your business/office address instead of your home address.**

Part 1. Office, Agency, or Court

- Enter the name of the office sought or held, or the agency or court. Consultants must enter the public agency name rather than their private firm's name. (Examples: State Assembly; Board of Supervisors; Office of the Mayor; Department of Finance; Hope County Superior Court)
- Indicate the name of your division, board, or district, if applicable. (Examples: Division of Waste Management; Board of Accountancy; District 45). **Do not use acronyms.**
- Enter your position title. (Examples: Director; Chief Counsel; City Council Member; Staff Services Analyst)
- If you hold multiple positions (i.e., a city council member who also is a member of a county board or commission), you may be required to file statements with each agency. To simplify your filing obligations, you may complete an expanded statement.
- To do this, enter the name of the other agency(ies) with which you are required to file and your position title(s) in the space provided. **Do not use acronyms.** Attach an additional sheet if necessary. Complete one statement covering the disclosure requirements for all positions. Each copy must contain an original signature. Therefore, before signing the statement, make a copy for each agency. Sign each copy with an original signature and file with each agency.

If you assume or leave a position after a filing deadline, you must complete a separate statement. For example, a city council member who assumes a position with a county special district after the April 1 annual filing deadline must file a separate assuming office statement. In subsequent years, the city council member may expand his or her annual filing to include both positions.

Example:

Scott Baker is a city council member for the City of Lincoln and a board member for the Camp Far West Irrigation District – a multi-county agency that covers Placer and Yuba counties. Scott will complete one Form 700 using full disclosure (as required for the city position) and covering interests in both Placer and Yuba counties (as required for the multi-county position) and list both positions on the Cover Page. Before signing the statement, Scott will make a copy and sign both statements. One statement will be filed with City of Lincoln and the other will be filed with Camp Far West Irrigation District. Both will contain an original signature.

Part 2. Jurisdiction of Office

- Check the box indicating the jurisdiction of your agency and, if applicable, identify the jurisdiction. Judges, judicial candidates, and court commissioners have statewide jurisdiction. All other filers should review the Reference Pamphlet, page 13, to determine their jurisdiction.
- If your agency is a multi-county office, list each county in which your agency has jurisdiction.

- If your agency is not a state office, court, county office, city office, or multi-county office (e.g., school districts, special districts and JPAs), check the "other" box and enter the county or city in which the agency has jurisdiction.

Example:

This filer is a member of a water district board with jurisdiction in portions of Yuba and Sutter Counties.

| | |
|---|---|
| 1. Office, Agency, or Court | |
| Agency Name (Do not use acronyms) Feather River Irrigation District | |
| Division, Board, Department, District, # applicable N/A | Your Position Board Member |
| ▶ If filing for multiple positions, list below or on an attachment. (Do not use acronyms) | |
| Agency: N/A | Position: _____ |
| 2. Jurisdiction of Office (Check at least one box) | |
| <input type="checkbox"/> State | <input type="checkbox"/> Judge or Court Commissioner (Statewide Jurisdiction) |
| <input checked="" type="checkbox"/> Multi-County Yuba & Sutter Counties | <input type="checkbox"/> County of _____ |
| <input type="checkbox"/> City of _____ | <input type="checkbox"/> Other _____ |

Part 3. Type of Statement

Check at least one box. The period covered by a statement is determined by the type of statement you are filing. If you are completing a 2017 annual statement, **do not** change the pre-printed dates to reflect 2018. Your annual statement is used for reporting the **previous year's** economic interests. Economic interests for your annual filing covering January 1, 2018, through December 31, 2018, will be disclosed on your statement filed in 2019. See Reference Pamphlet, page 4.

Combining Statements: Certain types of statements may be combined. For example, if you leave office after January 1, but before the deadline for filing your annual statement, you may combine your annual and leaving office statements. File by the earliest deadline. Consult your filing officer or the FPPC.

Part 4. Schedule Summary

- Complete the Schedule Summary after you have reviewed each schedule to determine if you have reportable interests.
- Enter the total number of completed pages including the cover page and either check the box for each schedule you use to disclose interests; **or** if you have nothing to disclose on any schedule, check the "No reportable interests" box. Please **do not** attach any blank schedules.

Part 5. Verification

Complete the verification by signing the statement and entering the date signed. All statements must have an original "wet" signature or be duly authorized by your filing officer to file electronically under Government Code Section 87500.2. Instructions, examples, FAQs, and a reference pamphlet are available to help answer your questions. **When you sign your statement, you are stating, under penalty of perjury, that it is true and correct.** Only the filer has authority to sign the statement. An unsigned statement is not considered filed and you may be subject to late filing penalties.

FPPC Form 700 (2017/2018)

FPPC Advice Email: advice@fppc.ca.gov

FPPC Toll-Free Helpline: 866/275-3772 www.fppc.ca.gov

Instructions – 1

COVER PAGE

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

Division, Board, Department, District, if applicable Your Position

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: Position:

2. Jurisdiction of Office (Check at least one box)

- State
- Multi-County
- City of
- Judge or Court Commissioner (Statewide Jurisdiction)
- County of
- Other

3. Type of Statement (Check at least one box)

- Annual:** The period covered is January 1, 2017, through December 31, 2017.
-or- The period covered is ____/____/____, through December 31, 2017.
- Assuming Office:** Date assumed ____/____/____
- Candidate:** Date of Election _____ and office sought, if different than Part 1: _____
- Leaving Office:** Date Left ____/____/____ (Check one)
 - The period covered is January 1, 2017, through the date of leaving office.
 - or- The period covered is ____/____/____, through the date of leaving office.

4. Schedule Summary (must complete) ► Total number of pages including this cover page: _____

Schedules attached

- Schedule A-1 - Investments** – schedule attached
 - Schedule A-2 - Investments** – schedule attached
 - Schedule B - Real Property** – schedule attached
 - Schedule C - Income, Loans, & Business Positions** – schedule attached
 - Schedule D - Income – Gifts** – schedule attached
 - Schedule E - Income – Gifts – Travel Payments** – schedule attached
- or- **None - No reportable interests on any schedule**

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE
(Business or Agency Address Recommended - Public Document)

DAYTIME TELEPHONE NUMBER E-MAIL ADDRESS
()

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed (month, day, year) Signature (File the originally signed statement with your filing official.)

Which Schedule Do I Use?

Common Reportable Interests

| | |
|--------------|---|
| Schedule A-1 | Stocks, including those held in an IRA or a 401K |
| Schedule A-2 | Business entities (including certain independent contracting), sole proprietorships, partnerships, LLCs, corporations, and trusts |
| Schedule B | Rental property in the jurisdiction, or within two miles of the boundaries of the jurisdiction |
| Schedule C | Non-governmental salaries of public official and spouse/registered domestic partner |
| Schedule D | Gifts from businesses (such as tickets to sporting or entertainment events) |
| Schedule E | Travel payments from third parties (not your employer) |

Common Non-Reportable Interests

| | |
|--------------|--|
| Schedule A-1 | Insurance policies, government bonds, diversified mutual funds, certain funds similar to diversified mutual funds (such as exchange traded funds) and investments held in certain retirement accounts. See Reference Pamphlet, page 13, for detailed information. (Regulation 18237) |
| Schedule A-2 | Savings and checking accounts and annuities |
| Schedule B | A residence used exclusively as a personal residence (such as a home or vacation cabin) |
| Schedule C | Governmental salary (such as a school district) |
| Schedule D | Gifts from family members |
| Schedule E | Travel paid by your government agency |

Remember:

- ✓ Mark the "No reportable interests" box on Part 4 of the Schedule Summary on the Cover Page if you determine you have nothing to disclose and file the Cover Page only. **Make sure you carefully read all instructions to ensure proper reporting.**
- ✓ The Form 700 is a public document.
- ✓ **Most individuals must consult their agency's conflict of interest code for reportable interests.**
- ✓ Most individuals file the Form 700 with their agencies.

Questions and Answers

General

- Q. What is the reporting period for disclosing interests on an assuming office statement or a candidate statement?
- A. On an assuming office statement, disclose all reportable investments, interests in real property, and business positions held on the date you assumed office. In addition, you must disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you assumed office.

On a candidate statement, disclose all reportable investments, interests in real property, and business positions held on the date you file your declaration of candidacy. You must also disclose income (including loans, gifts and travel payments) received during the 12 months prior to the date you file your declaration of candidacy.

- Q. I hold two other board positions in addition to my position with the county. Must I file three statements of economic interests?
- A. Yes, three are required. However, you may complete one statement listing the county and the two boards on the Cover Page or an attachment as the agencies for which you will be filing. Report your economic interests using the largest jurisdiction and highest disclosure requirements assigned to you by the three agencies. Make two copies of the entire statement before signing it, sign each copy with an original signature, and distribute one original to the county and to each of the two boards. Remember to complete separate statements for positions that you leave or assume during the year.
- Q. I am a department head who recently began acting as city manager. Should I file as the city manager?
- A. Yes. File an assuming office statement as city manager. Persons serving as “acting,” “interim,” or “alternate” must file as if they hold the position because they are or may be performing the duties of the position.
- Q. As a designated employee, I left one state agency to work for another state agency. Must I file a leaving office statement?
- A. Yes. You may also need to file an assuming office statement for the new agency.

- Q. My spouse and I are currently separated and in the process of obtaining a divorce. Must I still report my spouse's income, investments, and interests in real property?
- A. Yes. A public official must continue to report a spouse's economic interests until such time as dissolution of marriage proceedings is final. However, if a separate property agreement has been reached prior to that time, your estranged spouse's income may not have to be reported. Contact the FPPC for more information.

Investment Disclosure

- Q. I have an investment interest in shares of stock in a company that does not have an office in my jurisdiction. Must I still disclose my investment interest in this company?
- A. Probably. The definition of “doing business in the jurisdiction” is not limited to whether the business has an office or physical location in your jurisdiction. See Reference Pamphlet, page 13.
- Q. My spouse and I have a living trust. The trust holds rental property in my jurisdiction, our primary residence, and investments in diversified mutual funds. I have full disclosure. How is this trust disclosed?
- A. Disclose the name of the trust, the rental property and its income on Schedule A-2. Your primary residence and investments in diversified mutual funds registered with the SEC are not reportable.
- Q. I am required to report all investments. I have an IRA that contains stocks through an account managed by a brokerage firm. Must I disclose these stocks even though they are held in an IRA and I did not decide which stocks to purchase?
- A. Yes. Disclose on Schedule A-1 or A-2 any stock worth \$2,000 or more in a business entity located in or doing business in your jurisdiction.

Questions and Answers Continued

Q. I am the sole owner of my business, an S-Corporation. I believe that the nature of the business is such that it cannot be said to have any "fair market value" because it has no assets. I operate the corporation under an agreement with a large insurance company. My contract does not have resale value because of its nature as a personal services contract. Must I report the fair market value for my business on Schedule A-2 of the Form 700?

A. Yes. Even if there are no *tangible* assets, intangible assets, such as relationships with companies and clients are commonly sold to qualified professionals. The "fair market value" is often quantified for other purposes, such as marital dissolutions or estate planning. In addition, the IRS presumes that "personal services corporations" have a fair market value. A professional "book of business" and the associated goodwill that generates income are not without a determinable value. The Form 700 does not require a precise fair market value; it is only necessary to check a box indicating the broad range within which the value falls.

Q. I own stock in IBM and must report this investment on Schedule A-1. I initially purchased this stock in the early 1990s; however, I am constantly buying and selling shares. Must I note these dates in the "Acquired" and "Disposed" fields?

A. No. You must only report dates in the "Acquired" or "Disposed" fields when, during the reporting period, you initially purchase a reportable investment worth \$2,000 or more or when you dispose of the entire investment. You are not required to track the partial trading of an investment.

Q. On last year's filing I reported stock in Encoe valued at \$2,000 - \$10,000. Late last year the value of this stock fell below and remains at less than \$2,000. How should this be reported on this year's statement?

A. You are not required to report an investment if the value was less than \$2,000 during the **entire** reporting period. However, because a disposed date is not required for stocks that fall below \$2,000, you may want to report the stock and note in the "comments" section that the value fell below \$2,000. This would be for informational purposes only; it is not a requirement.

Q. We have a Section 529 account set up to save money for our son's college education. Is this reportable?

A. If the Section 529 account contains reportable interests (e.g., common stock valued at \$2,000 or more), those interests are reportable (not the actual Section 529 account). If the account contains solely mutual funds, then nothing is reported.

Income Disclosure

Q. I reported a business entity on Schedule A-2. Clients of my business are located in several states. Must I report all clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2, Part 3?

A. No, only the clients located in or doing business on a regular basis in your jurisdiction must be disclosed.

Q. I believe I am not required to disclose the names of clients from whom my pro rata share of income is \$10,000 or more on Schedule A-2 because of their right to privacy. Is there an exception for reporting clients' names?

A. Regulation 18740 provides a procedure for requesting an exemption to allow a client's name not to be disclosed if disclosure of the name would violate a legally recognized privilege under California or Federal law. This regulation may be obtained from our website at www.fppc.ca.gov. See Reference Pamphlet, page 14.

Q. I am sole owner of a private law practice that is not reportable based on my limited disclosure category. However, some of the sources of income to my law practice are from reportable sources. Do I have to disclose this income?

A. Yes, even though the law practice is not reportable, reportable sources of income to the law practice of \$10,000 or more must be disclosed. This information would be disclosed on Schedule C with a note in the "comments" section indicating that the business entity is not a reportable investment. The note would be for informational purposes only; it is not a requirement.

Questions and Answers Continued

Q. I am the sole owner of my business. Where do I disclose my income - on Schedule A-2 or Schedule C?

A. Sources of income to a business in which you have an ownership interest of 10% or greater are disclosed on Schedule A-2. See Reference Pamphlet, page 8, for the definition of "business entity."

Q. My husband is a partner in a four-person firm where all of his business is based on his own billings and collections from various clients. How do I report my community property interest in this business and the income generated in this manner?

A. If your husband's investment in the firm is 10% or greater, disclose 100% of his share of the business on Schedule A-2, Part 1 and 50% of his income on Schedule A-2, Parts 2 and 3. For example, a client of your husband's must be a source of at least \$20,000 during the reporting period before the client's name is reported.

Q. How do I disclose my spouse's or registered domestic partner's salary?

A. Report the name of the employer as a source of income on Schedule C.

Q. I am a doctor. For purposes of reporting \$10,000 sources of income on Schedule A-2, Part 3, are the patients or their insurance carriers considered sources of income?

A. If your patients exercise sufficient control by selecting you instead of other doctors, then your patients, rather than their insurance carriers, are sources of income to you. See Reference Pamphlet, page 14, for additional information.

Q. I received a loan from my grandfather to purchase my home. Is this loan reportable?

A. No. Loans received from family members are not reportable.

Q. Many years ago, I loaned my parents several thousand dollars, which they paid back this year. Do I need to report this loan repayment on my Form 700?

A. No. Payments received on a loan made to a family member are not reportable.

Real Property Disclosure

Q. During this reporting period we switched our principal place of residence into a rental. I have full disclosure and the property is located in my agency's jurisdiction, so it is now reportable. Because I have not reported this property before, do I need to show an "acquired" date?

A. No, you are not required to show an "acquired" date because you previously owned the property. However, you may want to note in the "comments" section that the property was not previously reported because it was used exclusively as your residence. This would be for informational purposes only; it is not a requirement.

Q. I am a city manager, and I own a rental property located in an adjacent city, but one mile from the city limit. Do I need to report this property interest?

A. Yes. You are required to report this property because it is located within 2 miles of the boundaries of the city you manage.

Q. Must I report a home that I own as a personal residence for my daughter?

A. You are not required to disclose a home used as a personal residence for a family member unless you receive income from it, such as rental income.

Q. I am a co-signer on a loan for a rental property owned by a friend. Since I am listed on the deed of trust, do I need to report my friend's property as an interest in real property on my Form 700?

A. No. Simply being a co-signer on a loan for property does not create a reportable interest in real property for you.

Gift Disclosure

Q. If I received a reportable gift of two tickets to a concert valued at \$100 each, but gave the tickets to a friend because I could not attend the concert, do I have any reporting obligations?

A. Yes. Since you accepted the gift and exercised discretion and control of the use of the tickets, you must disclose the gift on Schedule D.

Questions and Answers Continued

- Q. Mary and Joe Benson, a married couple, want to give a piece of artwork to a county supervisor. Is each spouse considered a separate source for purposes of the gift limit and disclosure?
- A. Yes, each spouse may make a gift valued at the gift limit during a calendar year. For example, during 2017 the gift limit was \$470, so the Bensons may have given the supervisor artwork valued at no more than \$940. The supervisor must identify Joe and Mary Benson as the sources of the gift.
- Q. I received free admission to an educational conference related to my official duties. Part of the conference fees included a round of golf. Is the value of the golf considered informational material?
- A. No. The value of personal benefits, such as golf, attendance at a concert, or sporting event, are gifts subject to reporting and limits.
- Q. I am a Form 700 filer with full disclosure. Our agency holds a holiday raffle to raise funds for a local charity. I bought \$10 worth of raffle tickets and won a gift basket valued at \$120. The gift basket was donated by Doug Brewer, a citizen in our city. At the same event, I bought raffle tickets for, and won a quilt valued at \$70. The quilt was donated by a coworker. Are these reportable gifts?
- A. Because the gift basket was donated by an outside source (not an agency employee), you have received a reportable gift valued at \$110 (the value of the basket less the consideration paid). The source of the gift is Doug Brewer and the agency is disclosed as the intermediary. Because the quilt was donated by an employee of your agency, it is not a reportable gift.
- Q. My agency is responsible for disbursing grants. An applicant (501(c)(3) organization) met with agency employees to present its application. At this meeting, the applicant provided food and beverages. Would the food and beverages be considered gifts to the employees? These employees are designated in our agency's conflict of interest code and the applicant is a reportable source of income under the code.
- A. Yes. If the value of the food and beverages consumed by any one filer, plus any other gifts received from the same source during the reporting period total \$50 or more, the food and beverages would be reported using the fair market value and would be subject to the gift limit.

Instructions – Schedules A-1 and A-2 Investments

“Investment” means a financial interest in any business entity (including a consulting business or other independent contracting business) that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency’s jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more at any time during the reporting period. See Reference Pamphlet, page 13.

Reportable investments include:

- Stocks, bonds, warrants, and options, including those held in margin or brokerage accounts and managed investment funds (See Reference Pamphlet, page 13.)
- Sole proprietorships
- Your own business or your spouse’s or registered domestic partner’s business (See Reference Pamphlet, page 8, for the definition of “business entity.”)
- Your spouse’s or registered domestic partner’s investments even if they are legally separate property
- Partnerships (e.g., a law firm or family farm)
- Investments in reportable business entities held in a retirement account (See Reference Pamphlet, page 15.)
- If you, your spouse or registered domestic partner, and dependent children together had a 10% or greater ownership interest in a business entity or trust (including a living trust), you must disclose investments held by the business entity or trust. See Reference Pamphlet, page 15, for more information on disclosing trusts.
- Business trusts

You are not required to disclose:

- Government bonds, diversified mutual funds, certain funds similar to diversified mutual funds (such as exchange traded funds) and investments held in certain retirement accounts. See Reference Pamphlet, page 13, for detailed information. (Regulation 18237)
- Bank accounts, savings accounts, money market accounts and certificates of deposits
- Insurance policies
- Annuities
- Commodities
- Shares in a credit union
- Government bonds (including municipal bonds)
- Retirement accounts invested in non-reportable interests (e.g., insurance policies, mutual funds, or government bonds) (See Reference Pamphlet, page 15.)

- Government defined-benefit pension plans (such as CalPERS and CalSTRS plans)
- Certain interests held in a blind trust (See Reference Pamphlet, page 16.)

Use Schedule A-1 to report ownership of less than 10% (e.g., stock). Schedule C (Income) may also be required if the investment is not a stock or corporate bond. See second example below.

Use Schedule A-2 to report ownership of 10% or greater (e.g., a sole proprietorship).

To Complete Schedule A-1:

Do not attach brokerage or financial statements.

- Disclose the name of the business entity.
- Provide a general description of the business activity of the entity (e.g., pharmaceuticals, computers, automobile manufacturing, or communications).
- Check the box indicating the highest fair market value of your investment during the reporting period. If you are filing a candidate or an assuming office statement, indicate the fair market value on the filing date or the date you took office, respectively.
- Identify the nature of your investment (e.g., stocks, warrants, options, or bonds).
- An acquired or disposed of date is only required if you initially acquired or entirely disposed of the investment interest during the reporting period. The date of a stock dividend reinvestment or partial disposal is not required. Generally, these dates will not apply if you are filing a candidate or an assuming office statement.

Examples:

John Smith holds a state agency position. His conflict of interest code requires full disclosure of investments. John must disclose his stock holdings of \$2,000 or more in any company that is located in or does business in California, as well as those stocks held by his spouse or registered domestic partner and dependent children.

Susan Jones is a city council member. She has a 4% interest, worth \$5,000, in a limited partnership located in the city. Susan must disclose the partnership on Schedule A-1 and income of \$500 or more received from the partnership on Schedule C.

Reminders

- Do you know your agency’s jurisdiction?
- Did you hold investments at any time during the period covered by this statement?
- Code filers – your disclosure categories may only require disclosure of specific investments.

SCHEDULE A-1 Investments

Stocks, Bonds, and Other Interests (Ownership Interest is Less Than 10%) *Do not attach brokerage or financial statements.*

| |
|---|
| CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION |
| Name _____ |

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000 \$10,001 - \$100,000

\$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____
(Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:

____/____/17 ____/____/17
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000 \$10,001 - \$100,000

\$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____
(Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:

____/____/17 ____/____/17
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000 \$10,001 - \$100,000

\$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____
(Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:

____/____/17 ____/____/17
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000 \$10,001 - \$100,000

\$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____
(Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:

____/____/17 ____/____/17
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000 \$10,001 - \$100,000

\$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____
(Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:

____/____/17 ____/____/17
ACQUIRED DISPOSED

▶ NAME OF BUSINESS ENTITY _____

GENERAL DESCRIPTION OF THIS BUSINESS _____

FAIR MARKET VALUE

\$2,000 - \$10,000 \$10,001 - \$100,000

\$100,001 - \$1,000,000 Over \$1,000,000

NATURE OF INVESTMENT

Stock Other _____
(Describe)

Partnership Income Received of \$0 - \$499
 Income Received of \$500 or More *(Report on Schedule C)*

IF APPLICABLE, LIST DATE:

____/____/17 ____/____/17
ACQUIRED DISPOSED

Comments: _____

Instructions – Schedule A-2 Investments, Income, and Assets of Business Entities/Trusts

Use Schedule A-2 to report investments in a business entity (including a consulting business or other independent contracting business) or trust (including a living trust) in which you, your spouse or registered domestic partner, and your dependent children, together or separately, had a 10% or greater interest, totaling \$2,000 or more, during the reporting period and which is located in, doing business in, planning to do business in, or which has done business during the previous two years in your agency's jurisdiction. See Reference Pamphlet, page 13. A trust located outside your agency's jurisdiction is reportable if it holds assets that are located in or doing business in the jurisdiction. Do not report a trust that contains non-reportable interests. For example, a trust containing only your personal residence not used in whole or in part as a business, your savings account, and some municipal bonds, is not reportable.

Also report on Schedule A-2 investments and real property held by that entity or trust if your pro rata share of the investment or real property interest was \$2,000 or more during the reporting period.

To Complete Schedule A-2:

Part 1. Disclose the name and address of the business entity or trust. If you are reporting an interest in a business entity, check "Business Entity" and complete the box as follows:

- Provide a general description of the business activity of the entity.
- Check the box indicating the highest fair market value of your investment during the reporting period.
- If you initially acquired or entirely disposed of this interest during the reporting period, enter the date acquired or disposed.
- Identify the nature of your investment.
- Disclose the job title or business position you held with the entity, if any (i.e., if you were a director, officer, partner, trustee, employee, or held any position of management). A business position held by your spouse is not reportable.

Part 2. Check the box indicating **your pro rata** share of the **gross** income received **by** the business entity or trust. This amount includes your pro rata share of the **gross** income **from** the business entity or trust, as well as your community property interest in your spouse's or registered domestic partner's share. Gross income is the total amount of income before deducting expenses, losses, or taxes.

Part 3. Disclose the name of each source of income that is located in, doing business in, planning to do business in, or that has done business during the previous two years in your agency's jurisdiction, as follows:

- Disclose each source of income and outstanding loan **to the business entity or trust** identified in Part 1 if your pro rata share of the **gross** income (including your community property interest in your spouse's or registered domestic partner's share) to the business entity or trust from that source was \$10,000 or more during the reporting

period. See Reference Pamphlet, page 11, for examples. Income from governmental sources may be reportable if not considered salary. See Regulation 18232. Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.

- Disclose each individual or entity that was a source of commission income of \$10,000 or more during the reporting period through the business entity identified in Part 1. See Reference Pamphlet, page 8, for an explanation of commission income.

You may be required to disclose sources of income located outside your jurisdiction. For example, you may have a client who resides outside your jurisdiction who does business on a regular basis with you. Such a client, if a reportable source of \$10,000 or more, must be disclosed.

Mark "None" if you do not have any reportable \$10,000 sources of income to disclose. Using phrases such as "various clients" or "not disclosing sources pursuant to attorney-client privilege" may trigger a request for an amendment to your statement. See Reference Pamphlet, page 14, for details about requesting an exemption from disclosing privileged information.

Part 4. Report any investments or interests in real property held or leased **by the entity or trust** identified in Part 1 if your pro rata share of the interest held was \$2,000 or more during the reporting period. Attach additional schedules or use FPPC's Form 700 Excel spreadsheet if needed.

- Check the applicable box identifying the interest held as real property or an investment.
- If investment, provide the name and description of the business entity.
- If real property, report the precise location (e.g., an assessor's parcel number or address).
- Check the box indicating the highest fair market value of your interest in the real property or investment during the reporting period. (Report the fair market value of the portion of your residence claimed as a tax deduction if you are utilizing your residence for business purposes.)
- Identify the nature of your interest.
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property or investment during the reporting period.

SCHEDULE A-2

Investments, Income, and Assets of Business Entities/Trusts

(Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700

FAIR POLITICAL PRACTICES COMMISSION

Name _____

▶ 1. BUSINESS ENTITY OR TRUST

Name _____

Address (Business Address Acceptable) _____

Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

| | |
|--|--|
| <p>FAIR MARKET VALUE</p> <input type="checkbox"/> \$0 - \$1,999 <input type="checkbox"/> \$2,000 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$1,000,000 <input type="checkbox"/> Over \$1,000,000 | <p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/17 ____/____/17</p> <p style="text-align: center;">ACQUIRED DISPOSED</p> |
|--|--|

NATURE OF INVESTMENT
 Partnership Sole Proprietorship _____ Other

YOUR BUSINESS POSITION _____

▶ 1. BUSINESS ENTITY OR TRUST

Name _____

Address (Business Address Acceptable) _____

Check one
 Trust, go to 2 Business Entity, complete the box, then go to 2

GENERAL DESCRIPTION OF THIS BUSINESS

| | |
|--|--|
| <p>FAIR MARKET VALUE</p> <input type="checkbox"/> \$0 - \$1,999 <input type="checkbox"/> \$2,000 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$1,000,000 <input type="checkbox"/> Over \$1,000,000 | <p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/17 ____/____/17</p> <p style="text-align: center;">ACQUIRED DISPOSED</p> |
|--|--|

NATURE OF INVESTMENT
 Partnership Sole Proprietorship _____ Other

YOUR BUSINESS POSITION _____

▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

| | |
|---|---|
| <input type="checkbox"/> \$0 - \$499 | <input type="checkbox"/> \$10,001 - \$100,000 |
| <input type="checkbox"/> \$500 - \$1,000 | <input type="checkbox"/> OVER \$100,000 |
| <input type="checkbox"/> \$1,001 - \$10,000 | |

▶ 2. IDENTIFY THE GROSS INCOME RECEIVED (INCLUDE YOUR PRO RATA SHARE OF THE GROSS INCOME TO THE ENTITY/TRUST)

| | |
|---|---|
| <input type="checkbox"/> \$0 - \$499 | <input type="checkbox"/> \$10,001 - \$100,000 |
| <input type="checkbox"/> \$500 - \$1,000 | <input type="checkbox"/> OVER \$100,000 |
| <input type="checkbox"/> \$1,001 - \$10,000 | |

▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary.)

None or Names listed below

▶ 3. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$10,000 OR MORE (Attach a separate sheet if necessary.)

None or Names listed below

▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:
 INVESTMENT REAL PROPERTY

Name of Business Entity, if Investment, or Assessor's Parcel Number or Street Address of Real Property _____

Description of Business Activity or City or Other Precise Location of Real Property _____

| | |
|--|--|
| <p>FAIR MARKET VALUE</p> <input type="checkbox"/> \$2,000 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$1,000,000 <input type="checkbox"/> Over \$1,000,000 | <p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/17 ____/____/17</p> <p style="text-align: center;">ACQUIRED DISPOSED</p> |
|--|--|

NATURE OF INTEREST
 Property Ownership/Deed of Trust Stock Partnership

Leasehold _____ Yrs. remaining Other _____

Check box if additional schedules reporting investments or real property are attached

▶ 4. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD OR LEASED BY THE BUSINESS ENTITY OR TRUST

Check one box:
 INVESTMENT REAL PROPERTY

Name of Business Entity, if Investment, or Assessor's Parcel Number or Street Address of Real Property _____

Description of Business Activity or City or Other Precise Location of Real Property _____

| | |
|--|--|
| <p>FAIR MARKET VALUE</p> <input type="checkbox"/> \$2,000 - \$10,000 <input type="checkbox"/> \$10,001 - \$100,000 <input type="checkbox"/> \$100,001 - \$1,000,000 <input type="checkbox"/> Over \$1,000,000 | <p>IF APPLICABLE, LIST DATE:</p> <p style="text-align: center;">____/____/17 ____/____/17</p> <p style="text-align: center;">ACQUIRED DISPOSED</p> |
|--|--|

NATURE OF INTEREST
 Property Ownership/Deed of Trust Stock Partnership

Leasehold _____ Yrs. remaining Other _____

Check box if additional schedules reporting investments or real property are attached

Comments: _____

Instructions – Schedule B Interests in Real Property

Report interests in real property located in your agency's jurisdiction in which you, your spouse or registered domestic partner, or your dependent children had a direct, indirect, or beneficial interest totaling \$2,000 or more any time during the reporting period. Real property is also considered to be "within the jurisdiction" of a local government agency if the property or any part of it is located within two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by the local government agency. See Reference Pamphlet, page 13.

Interests in real property include:

- An ownership interest (including a beneficial ownership interest)
- A deed of trust, easement, or option to acquire property
- A leasehold interest (See Reference Pamphlet, page 14.)
- A mining lease
- An interest in real property held in a retirement account (See Reference Pamphlet, page 15.)
- An interest in real property held by a business entity or trust in which you, your spouse or registered domestic partner, and your dependent children together had a 10% or greater ownership interest (Report on Schedule A-2.)
- Your spouse's or registered domestic partner's interests in real property that are legally held separately by him or her

You are not required to report:

- A residence, such as a home or vacation cabin, used exclusively as a personal residence (However, a residence in which you rent out a room or for which you claim a business deduction may be reportable. If reportable, report the fair market value of the portion claimed as a tax deduction.)
- Interests in real property held through a blind trust (See Reference Pamphlet, page 16, for exceptions.)

Please note: A non-reportable residence can still be grounds for a conflict of interest and may be disqualifying.

To Complete Schedule B:

- Report the precise location (e.g., an assessor's parcel number or address) of the real property.
- Check the box indicating the fair market value of your interest in the property (regardless of what you owe on the property).
- Enter the date acquired or disposed only if you initially acquired or entirely disposed of your interest in the property during the reporting period.
- Identify the nature of your interest. If it is a leasehold, disclose the number of years remaining on the lease.

Reminders

- Income and loans already reported on Schedule B are not also required to be reported on Schedule C.
- Real property already reported on Schedule A-2, Part 4 is not also required to be reported on Schedule B.
- Code filers – do your disclosure categories require disclosure of real property?

- If you received rental income, check the box indicating the gross amount you received.
- If you had a 10% or greater interest in real property and received rental income, list the name of the source(s) if your pro rata share of the gross income from any single tenant was \$10,000 or more during the reporting period. If you received a total of \$10,000 or more from two or more tenants acting in concert (in most cases, this will apply to married couples), disclose the name of each tenant. Otherwise, mark "None."
- Loans from a private lender that total \$500 or more and are secured by real property may be reportable. **Loans from commercial lending institutions made in the lender's regular course of business on terms available to members of the public without regard to your official status are not reportable.**

When reporting a loan:

- Provide the name and address of the lender.
- Describe the lender's business activity.
- Disclose the interest rate and term of the loan. For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period. The term of a loan is the total number of months or years given for repayment of the loan at the time the loan was established.
- Check the box indicating the highest balance of the loan during the reporting period.
- Identify a guarantor, if applicable.

If you have more than one reportable loan on a single piece of real property, report the additional loan(s) on Schedule C.

Example:

Joe Nelson is a city planning commissioner. Joe received rental income of \$12,000 during the reporting period from a single tenant who rented property Joe owned in the city's jurisdiction. If Joe had received the \$12,000 from two or more tenants, the tenants' names would not be required as long as no single tenant paid \$10,000 or more. A married couple would be considered a single tenant.

| | |
|---|---|
| ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS 4600 24th Street | |
| CITY Sacramento | |
| FAIR MARKET VALUE | IF APPLICABLE, LIST DATE: |
| <input type="checkbox"/> \$2,000 - \$10,000 | <input type="checkbox"/> / / 17 |
| <input type="checkbox"/> \$10,001 - \$100,000 | <input type="checkbox"/> ACQUIRED <input type="checkbox"/> DISPOSED |
| <input checked="" type="checkbox"/> \$100,001 - \$1,000,000 | <input type="checkbox"/> / / 17 |
| <input type="checkbox"/> Over \$1,000,000 | |
| NATURE OF INTEREST | |
| <input type="checkbox"/> Ownership/Deed of Trust | <input type="checkbox"/> Easement |
| <input type="checkbox"/> Leasehold | <input type="checkbox"/> Other |
| | Yrs. remaining |
| IF RENTAL PROPERTY, GROSS INCOME RECEIVED | |
| <input type="checkbox"/> \$0 - \$499 | <input type="checkbox"/> \$500 - \$1,000 |
| <input type="checkbox"/> \$1,001 - \$100,000 | <input type="checkbox"/> OVER \$100,000 |
| <input checked="" type="checkbox"/> \$10,001 - \$100,000 | |
| SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more. | |
| <input type="checkbox"/> None | |
| Henry Wells | |
| NAME OF LENDER* | |
| Sophia Petroillo | |
| ADDRESS (Business Address Acceptable) | |
| 2121 Blue Sky Parkway, Sacramento | |
| BUSINESS ACTIVITY, IF ANY, OF LENDER | |
| Restaurant Owner | |
| INTEREST RATE | TERM (Month/Years) |
| 8 % <input type="checkbox"/> None | 15 Years |
| HIGHEST BALANCE DURING REPORTING PERIOD | |
| <input type="checkbox"/> \$500 - \$1,000 | <input type="checkbox"/> \$1,001 - \$10,000 |
| <input type="checkbox"/> \$10,001 - \$100,000 | <input type="checkbox"/> OVER \$100,000 |
| <input type="checkbox"/> Guarantor, if applicable | |
| Comments: | |

Instructions – Schedule C

Income, Loans, & Business Positions

(Income Other Than Gifts and Travel Payments)

Reporting Income:

Report the source and amount of gross income of \$500 or more you received during the reporting period. Gross income is the total amount of income before deducting expenses, losses, or taxes and includes loans other than loans from a commercial lending institution. See Reference Pamphlet, page 11. You must also report the source of income to your spouse or registered domestic partner if your community property share was \$500 or more during the reporting period.

The source and income must be reported only if the source is located in, doing business in, planning to do business in, or has done business during the previous two years in your agency's jurisdiction. See Reference Pamphlet, page 13, for more information about doing business in the jurisdiction. Reportable sources of income may be further limited by your disclosure category located in your agency's conflict of interest code.

Reporting Business Positions:

You must report your job title with each reportable business entity even if you received no income during the reporting period. Use the comments section to indicate that no income was received.

Commonly reportable income and loans include:

- Salary/wages, per diem, and reimbursement for expenses including travel payments provided by your employer
- Community property interest (50%) in your spouse's or registered domestic partner's income - **report the employer's name and all other required information**
- Income from investment interests, such as partnerships, reported on Schedule A-1
- Commission income not required to be reported on Schedule A-2 (See Reference Pamphlet, page 8.)
- Gross income from any sale, including the sale of a house or car (Report your pro rata share of the total sale price.)
- Rental income not required to be reported on Schedule B
- Prizes or awards not disclosed as gifts
- Payments received on loans you made to others
- An honorarium received prior to becoming a public official (See Reference Pamphlet, page 10, concerning your ability to receive future honoraria.)
- Incentive compensation (See Reference Pamphlet, page 12.)

Reminders

- Code filers – your disclosure categories may not require disclosure of all sources of income.
- If you or your spouse or registered domestic partner are self-employed, report the business entity on Schedule A-2.
- Do not disclose on Schedule C income, loans, or business positions already reported on Schedules A-2 or B.

You are not required to report:

- Salary, reimbursement for expenses or per diem, or social security, disability, or other similar benefit payments received by you or your spouse or registered domestic partner from a federal, state, or local government agency.
- Stock dividends and income from the sale of stock unless the source can be identified.
- Income from a PERS retirement account.

See Reference Pamphlet, page 11, for more exceptions to income reporting.

To Complete Schedule C:

Part 1. Income Received/Business Position Disclosure

- Disclose the name and address of each source of income or each business entity with which you held a business position.
- Provide a general description of the business activity if the source is a business entity.
- Check the box indicating the amount of gross income received.
- Identify the consideration for which the income was received.
- For income from commission sales, check the box indicating the gross income received and list the name of each source of commission income of \$10,000 or more. See Reference Pamphlet, page 8. **Note: If you receive commission income on a regular basis or have an ownership interest of 10% or more, you must disclose the business entity and the income on Schedule A-2.**
- Disclose the job title or business position, if any, that you held with the business entity, even if you did not receive income during the reporting period.

Part 2. Loans Received or Outstanding During the Reporting Period

- Provide the name and address of the lender.
- Provide a general description of the business activity if the lender is a business entity.
- Check the box indicating the highest balance of the loan during the reporting period.
- Disclose the interest rate and the term of the loan.
 - For variable interest rate loans, disclose the conditions of the loan (e.g., Prime + 2) or the average interest rate paid during the reporting period.
 - The term of the loan is the total number of months or years given for repayment of the loan at the time the loan was entered into.
- Identify the security, if any, for the loan.

SCHEDULE C
Income, Loans, & Business
Positions
(Other than Gifts and Travel Payments)

| |
|--|
| CALIFORNIA FORM 700 <small>FAIR POLITICAL PRACTICES COMMISSION</small> |
| Name _____ |

▶ 1. INCOME RECEIVED

NAME OF SOURCE OF INCOME _____

ADDRESS *(Business Address Acceptable)* _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

YOUR BUSINESS POSITION _____

GROSS INCOME RECEIVED No Income - Business Position Only

\$500 - \$1,000 \$1,001 - \$10,000

\$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

Salary Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)

Partnership (Less than 10% ownership. For 10% or greater use
Schedule A-2.)

Sale of _____
(Real property, car, boat, etc.)

Loan repayment

Commission or Rental Income, list each source of \$10,000 or more

(Describe)

Other _____
(Describe)

NAME OF SOURCE OF INCOME _____

ADDRESS *(Business Address Acceptable)* _____

BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

YOUR BUSINESS POSITION _____

GROSS INCOME RECEIVED No Income - Business Position Only

\$500 - \$1,000 \$1,001 - \$10,000

\$10,001 - \$100,000 OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

Salary Spouse's or registered domestic partner's income
(For self-employed use Schedule A-2.)

Partnership (Less than 10% ownership. For 10% or greater use
Schedule A-2.)

Sale of _____
(Real property, car, boat, etc.)

Loan repayment

Commission or Rental Income, list each source of \$10,000 or more

(Describe)

Other _____
(Describe)

▶ 2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

| | | |
|--|---|-------------------------------|
| NAME OF LENDER* _____ | INTEREST RATE _____% | TERM (Months/Years) _____ |
| ADDRESS <i>(Business Address Acceptable)</i> _____ | <input type="checkbox"/> None | |
| BUSINESS ACTIVITY, IF ANY, OF LENDER _____ | SECURITY FOR LOAN | |
| | <input type="checkbox"/> None <input type="checkbox"/> Personal residence | |
| HIGHEST BALANCE DURING REPORTING PERIOD | <input type="checkbox"/> Real Property _____ | <small>Street address</small> |
| <input type="checkbox"/> \$500 - \$1,000 | | _____ |
| <input type="checkbox"/> \$1,001 - \$10,000 | | <small>City</small> |
| <input type="checkbox"/> \$10,001 - \$100,000 | <input type="checkbox"/> Guarantor _____ | |
| <input type="checkbox"/> OVER \$100,000 | <input type="checkbox"/> Other _____ | <small>(Describe)</small> |

Comments: _____

Instructions – Schedule D Income – Gifts

A gift is anything of value for which you have not provided equal or greater consideration to the donor. A gift is reportable if its fair market value is \$50 or more. In addition, multiple gifts totaling \$50 or more received during the reporting period from a single source must be reported.

It is the acceptance of a gift, not the ultimate use to which it is put, that imposes your reporting obligation. Except as noted below, you must report a gift even if you never used it or if you gave it away to another person.

If the exact amount of a gift is unknown, you must make a good faith estimate of the item's fair market value. Listing the value of a gift as "over \$50" or "value unknown" is not adequate disclosure. In addition, if you received a gift through an intermediary, you must disclose the name, address, and business activity of both the donor and the intermediary. You may indicate an intermediary either in the "source" field after the name or in the "comments" section at the bottom of Schedule D.

Commonly reportable gifts include:

- Tickets/passes to sporting or entertainment events
- Tickets/passes to amusement parks
- Parking passes not used for official agency business
- Food, beverages, and accommodations, including those provided in direct connection with your attendance at a convention, conference, meeting, social event, meal, or like gathering
- Rebates/discounts not made in the regular course of business to members of the public without regard to official status
- Wedding gifts (See Reference Pamphlet, page 16)
- An honorarium received prior to assuming office (You may report an honorarium as income on Schedule C, rather than as a gift on Schedule D, if you provided services of equal or greater value than the payment received. See Reference Pamphlet, page 10, regarding your ability to receive future honoraria.)
- Transportation and lodging (See Schedule E.)
- Forgiveness of a loan received by you

You are not required to disclose:

- Gifts that were not used and that, within 30 days after receipt, were returned to the donor or delivered to a charitable organization or government agency without

Reminders

- Gifts from a single source are subject to a \$470 limit during 2017. See Reference Pamphlet, page 10.
- Code filers – you only need to report gifts from reportable sources.

Gift Tracking Mobile Application

- FPPC has created a gift tracking app for mobile devices that helps filers track gifts and provides a quick and easy way to upload the information to the Form 700. Visit FPPC's website to download the app.

being claimed by you as a charitable contribution for tax purposes

- Gifts from your spouse or registered domestic partner, child, parent, grandparent, grandchild, brother, sister, and certain other family members (See Regulation 18942 for a complete list.). The exception does not apply if the donor was acting as an agent or intermediary for a reportable source who was the true donor.
- Gifts of similar value exchanged between you and an individual, other than a lobbyist registered to lobby your state agency, on holidays, birthdays, or similar occasions
- Gifts of informational material provided to assist you in the performance of your official duties (e.g., books, pamphlets, reports, calendars, periodicals, or educational seminars)
- A monetary bequest or inheritance (However, inherited investments or real property may be reportable on other schedules.)
- Personalized plaques or trophies with an individual value of less than \$250
- Campaign contributions
- Up to two tickets, for your own use, to attend a fundraiser for a campaign committee or candidate, or to a fundraiser for an organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code. The ticket must be received from the organization or committee holding the fundraiser.
- Gifts given to members of your immediate family if the source has an established relationship with the family member and there is no evidence to suggest the donor had a purpose to influence you. (See Regulation 18943.)
- Free admission, food, and nominal items (such as a pen, pencil, mouse pad, note pad or similar item) available to all attendees, at the event at which the official makes a speech (as defined in Regulation 18950(b)(2)), so long as the admission is provided by the person who organizes the event.
- Any other payment not identified above, that would otherwise meet the definition of gift, where the payment is made by an individual who is not a lobbyist registered to lobby the official's state agency, where it is clear that the gift was made because of an existing personal or business relationship unrelated to the official's position and there is no evidence whatsoever at the time the gift is made to suggest the donor had a purpose to influence you.

To Complete Schedule D:

- Disclose the full name (not an acronym), address, and, if a business entity, the business activity of the source.
- Provide the date (month, day, and year) of receipt, and disclose the fair market value and description of the gift.

**SCHEDULE D
 Income – Gifts**

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

▶ NAME OF SOURCE *(Not an Acronym)*

ADDRESS *(Business Address Acceptable)*

BUSINESS ACTIVITY, IF ANY, OF SOURCE

| DATE (mm/dd/yy) | VALUE | DESCRIPTION OF GIFT(S) |
|-----------------|----------|------------------------|
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |
| ___/___/___ | \$ _____ | _____ |

Comments: _____

Instructions – Schedule E Travel Payments, Advances, and Reimbursements

Travel payments reportable on Schedule E include advances and reimbursements for travel and related expenses, including lodging and meals.

Gifts of travel may be subject to the gift limit. In addition, certain travel payments are reportable gifts, but are not subject to the gift limit. To avoid possible misinterpretation or the perception that you have received a gift in excess of the gift limit, you may wish to provide a specific description of the purpose of your travel. See the FPPC fact sheet entitled "Limitations and Restrictions on Gifts, Honoraria, Travel, and Loans" at www.fppc.ca.gov.

You are not required to disclose:

- Travel payments received from any state, local, or federal government agency for which you provided services equal or greater in value than the payments received, such as reimbursement for travel on agency business from your government agency employer.
- A payment for travel from another local, state, or federal government agency and related per diem expenses when the travel is for education, training or other inter-agency programs or purposes.
- Travel payments received from your employer in the normal course of your employment that are included in the income reported on Schedule C.
- A travel payment that was received from a non-profit entity exempt from taxation under Internal Revenue Code Section 501(c)(3) for which you provided equal or greater consideration, such as reimbursement for travel on business for a 501(c)(3) organization for which you are a board member.

Note: Certain travel payments may not be reportable if reported on Form 801 by your agency.

To Complete Schedule E:

- Disclose the full name (not an acronym) and address of the source of the travel payment.
- Identify the business activity if the source is a business entity.
- Check the box to identify the payment as a gift or income, report the amount, and disclose the date(s).
 - **Travel payments are gifts** if you did not provide services that were equal to or greater in value than the payments received. You must disclose gifts totaling \$50 or more from a single source during the period covered by the statement.

When reporting travel payments that are gifts, you must provide a description of the gift, the **date(s)** received, and the **travel destination**.

- **Travel payments are income** if you provided services that were equal to or greater in value than the payments received. You must disclose income totaling \$500 or more from a single source during the period covered by the statement. You have the burden of proving the payments are income rather than gifts. When reporting travel payments as income, you must describe the services you provided in exchange for the payment. You are not required to disclose the date(s) for travel payments that are income.

Example:

City council member Rick Chandler is the chairman of a 501 (c)(6) trade association and the association pays for Rick's travel to attend its meetings. Because Rick is deemed to be providing equal or greater consideration for the travel payment by virtue of serving on the board, this payment may be reported as income. Payments for Rick to attend other events for which he is not providing services are likely considered gifts.

| | |
|--|----------------|
| ▶ NAME OF SOURCE (Not an Acronym) | |
| Health Services Trade Association | |
| ADDRESS (Business Address Acceptable) | |
| 1230 K Street, Suite 610 | |
| CITY AND STATE | |
| Sacramento, CA | |
| <input type="checkbox"/> 501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE | |
| Association of Healthcare Workers | |
| DATE(S): | AMT: \$ 150.00 |
| (If gift) | |
| ▶ MUST CHECK ONE: <input type="checkbox"/> Gift -or- <input checked="" type="checkbox"/> Income | |
| <input type="radio"/> Made a Speech/Participated in a Panel | |
| <input checked="" type="radio"/> Other - Provide Description: Travel reimbursement for board meeting | |

Name _____

SCHEDULE E
Income – Gifts
Travel Payments, Advances,
and Reimbursements

- Mark either the gift or income box.
- Mark the “501(c)(3)” box for a travel payment received from a nonprofit 501(c)(3) organization or the “Speech” box if you made a speech or participated in a panel. These payments are not subject to the gift limit, but may result in a disqualifying conflict of interest.
- For gifts of travel, provide the travel destination.

▶ NAME OF SOURCE *(Not an Acronym)* _____

ADDRESS *(Business Address Acceptable)* _____

CITY AND STATE _____

501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: Gift **-or-** Income

Made a Speech/Participated in a Panel

Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

▶ NAME OF SOURCE *(Not an Acronym)* _____

ADDRESS *(Business Address Acceptable)* _____

CITY AND STATE _____

501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: Gift **-or-** Income

Made a Speech/Participated in a Panel

Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

▶ NAME OF SOURCE *(Not an Acronym)* _____

ADDRESS *(Business Address Acceptable)* _____

CITY AND STATE _____

501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: Gift **-or-** Income

Made a Speech/Participated in a Panel

Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

▶ NAME OF SOURCE *(Not an Acronym)* _____

ADDRESS *(Business Address Acceptable)* _____

CITY AND STATE _____

501 (c)(3) or DESCRIBE BUSINESS ACTIVITY, IF ANY, OF SOURCE _____

DATE(S): ____/____/____ - ____/____/____ AMT: \$ _____
(If gift)

▶ MUST CHECK ONE: Gift **-or-** Income

Made a Speech/Participated in a Panel

Other - Provide Description _____

▶ If Gift, Provide Travel Destination _____

Comments: _____

| | | | |
|---|-------------------------------------|------------------|----------------|
| CARRIER NAME Dehesa School District | CA NUMBER 50797 | LOC. CODE 680 | SUBAREA B31 |
| STREET ADDRESS, CITY, STATE, ZIP CODE 4612 Dehesa Rd., El Cajon, CA 92019 | PHONE NUMBER (619) 444-2161 | DATE 02/02/18 | |
| CARRIER REPRESENTATIVE Jackie Finch | TITLE Transportation Coordinator | TIME IN | TIME OUT |
| INSPECTION LOCATION (IF OTHER THAN THE CARRIER'S PRINCIPAL PLACE OF BUSINESS) | U.S. DOT NUMBER | MC NUMBER | |

On this date, the above named motor carrier was inspected by the California Highway Patrol. The inspection evaluated the carrier's compliance with the following requirements:

- CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM [VC 34520 & 49 CFR 382]
 OTHER: _____

REMARKS

Controlled Substance and Alcohol Testing Program

See attached pages (part B and Part C) for inspection findings, actions necessary to gain compliance and directives.

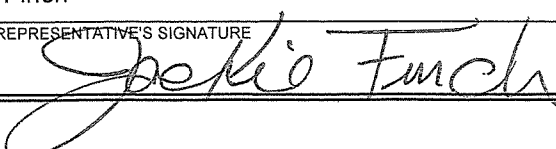
Carrier has been issued a satisfactory rating.

As a result of the inspection noted above, this carrier was assigned a compliance rating of SATISFACTORY. This rating applies only to carrier requirements - Terminals are rated separately.


| | | | | | |
|---|----------------------------------|--|--|--|---------------------|
| RATING HISTORY 1 <u>S</u> 2 <u>S</u> 3 <u>S</u> 4 <u>S</u> | NUMBER OF RECORDS INSPECTED 6 | NUMBER OF VIOLATIONS | CHP 345 ISSUED <input type="checkbox"/> | SUSPENSE DATE <input checked="" type="checkbox"/> Auto <input type="checkbox"/> None | CHP 100D COLUMN NO. |
| INSPECTED BY (NAME) Tim Mattison | ID NUMBER A10482 | CARRIER TYPE <input type="checkbox"/> Truck <input checked="" type="checkbox"/> Bus | | | |

MOTOR CARRIER CERTIFICATION

I hereby certify that all violations recorded hereon and on the attached pages 2 through 7 will be corrected in accordance with applicable provisions of the California Vehicle Code and the California Code of Regulations. I understand that I may request a review of an unsatisfactory rating by contacting the Border Division Motor Carrier Safety Unit Supervisor at (858) 650-3655 within 5 calendar days of the rating.

| | | |
|---|--|--|
| CARRIER REPRESENTATIVE'S PRINTED NAME Jackie Finch | TITLE Transportation Coordinator | DRIVER LICENSE NUMBER AND STATE N7534081/CA |
| CARRIER REPRESENTATIVE'S SIGNATURE  | CURRENT CARRIER RATING SATISFACTORY | DATE 02/02/18 |

California Highway Patrol

| | | | |
|--|----------------------------|---|---|
|  | US DOT # 2886194 | Legal: DEHESA SCHOOL DISTRICT Operating (DBA): DEHESA SCHOOL | 2-1 |
| MC/MX #: | | State #: 50797 | Federal Tax ID: 95-6000988 (EIN) |
| Review Type: Non-ratable Review - Special Study | | | |
| Scope: | Terminal | Location of Review/Audit: Company facility in the U. S. | Territory: E |
| Operation Types | Interstate | Intrastate | |
| Carrier: | N/A | Non-HM | Business: Corporation |
| Shipper: | N/A | N/A | Gross Revenue: |
| Cargo Tank: | N/A | | for year ending: |
| Company Physical Address: | | | |
| 4612 DEHESA ROAD EL CAJON, CA 92019 | | | |
| Contact Name: Jackie Finch | | | |
| Phone numbers: (1) 619- 444-2161 | | (2) | Fax |
| E-Mail Address: | | | |
| Company Mailing Address: | | | |
| 4612 DEHESA ROAD EL CAJON, CA 92019 | | | |
| Carrier Classification | | | |
| Private Passenger, Non-business | | Other: S Bus | |
| Cargo Classification | | | |
| Passengers | | Other: Controlled Substance | |
| Equipment | | | |
| | Owned | Term Leased | Trip Leased |
| School Bus, 16+ | 4 | 0 | 0 |
| Power units used in the U.S.: 4 | | | |
| Percentage of time used in the U.S.: 100 | | | |
| Does carrier transport placardable quantities of HM? | | No | |
| Is an HM Permit required? | | N/A | |
| Driver Information | | | |
| | Inter | Intra | Average trip leased drivers/month: 0 |
| < 100 Miles: | | 3 | Total Drivers: 3 |
| >= 100 Miles: | | | CDL Drivers: 3 |





DEHESA SCHOOL (DEHESA SCHOOL DISTRICT dba) - Terminal
U.S. DOT #: 2886194

State #: 50797 3-7

Review Date:
02/02/2018

Part A

QUESTIONS regarding this report may be directed to the Border Division
Motor Carrier Safety Unit at:

9330 Farnham Street
San Diego, California 92123
(858) 650-3655

This TERMINAL REVIEW deals only with safety compliance at this terminal.

Person(s) Interviewed

Name: Jackie Finch

Title: Transportation Coordinator

Name:

Title:





DEHESA SCHOOL (DEHESA SCHOOL DISTRICT dba) - Terminal

U.S. DOT #: 2886194

State #: 50797

4-1

Review Date:

02/02/2018

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 25,000
Recordable Accidents 0

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 4
OOS Vehicle (MCMIS): 0
Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

This Review is not Rated.





DEHESA SCHOOL (DEHESA SCHOOL DISTRICT dba) - Terminal

U.S. DOT #: 2886194

State #: 50797

5.7

Review Date:

02/02/2018

Part B Requirements and/or Recommendations

1. Forms and publications are available at the CHP internet website at: <http://www.chp.ca.gov/publications/index.html>
2. 13CCR 1233.5 Carrier is required to notify the Department, in writing, of any change of address or cessation of regulated activity at any of the carrier's terminal. Such notification shall be made within 15 days of the change and shall be forwarded to:
CALIFORNIA HIGHWAY PATROL
COMMERCIAL RECORDS UNIT
P.O. BOX 942898
SACRAMENTO, CA 94298-0001





DEHESA SCHOOL (DEHESA SCHOOL DISTRICT dba) - Terminal

U.S. DOT #: 2886194

State #: 50797

6-7

Review Date:

02/02/2018

Part C

Reason for Review: Other C SAT
Planned Action: Compliance Monitoring

Parts Reviewed Certification:

325 382 383 387 390 391 392 393 395 396 397 398 399 171 172 173 177 178 180

Prior Reviews

3/8/2017
5/11/2016
5/8/2015

Prior Prosecutions

Reason not Rated: Special Study

Study Code: CA

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Yes - Intrastate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

Not Applicable

Corporate Contact: Jackie Finch

Corporate Contact Title: Transportation Coordinator

Special Study Information:

Remarks:

Carrier Name: Dehesa School District

Terminal Address: 4612 Dehesa Rd., El Cajon, CA 92019

CA # 50797

FCN # 69604

Rating Information:

In accordance with 13 CCR 1233, this carrier has been rated Satisfactory at this time.

Controlled Substance and Alcohol Testing Program

Carrier provided proof of enrollment in a controlled substance and alcohol testing program for the calendar year of 2018.

Carrier uses a consortium, CTI, Inc., PO Box 11869, Santa Ana, CA 92711 (800) 440-3784, to comply with Controlled Substance and Alcohol Testing requirements.

Carrier is directed to fully comply with all applicable Federal, State, Local laws / ordinances, statutory and regulatory requirements.





DEHESA SCHOOL (DEHESA SCHOOL DISTRICT dba) - Terminal

U.S. DOT #: 2886194

State #: 50797

7-7

Review Date:


02/02/2018

Part C

| | | | |
|--------------------|-----|-------|---------------|
| Upload Authorized: | Yes | No | |
| Authorized by: | | Date: | |
| Uploaded: | Yes | No | Failure Code: |
| Verified by: | | Date: | |



California Highway Patrol

| | | | | | | | | | |
|--|----------------------------|---|--|--------------------|---|---|--------------------|---|---|
|  | US DOT # 2886194 | Legal: DEHESA SCHOOL DISTRICT Operating (DBA): DEHESA SCHOOL | 2.1' | | | | | | |
| MC/MX #: | | State #: 50797 | Federal Tax ID: 95-6000988 (EIN) | | | | | | |
| Review Type: Non-ratable Review - Special Study | | | | | | | | | |
| Scope: Terminal | | Location of Review/Audit: Company facility in the U. S. | | | | | | | |
| Territory: E | | | | | | | | | |
| Operation Types | | | | | | | | | |
| | Interstate | Intrastate | | | | | | | |
| Carrier: | N/A | Non-HM | Business: Corporation Gross Revenue: for year ending: | | | | | | |
| Shipper: | N/A | N/A | | | | | | | |
| Cargo Tank: | N/A | | | | | | | | |
| Company Physical Address: | | | | | | | | | |
| 4612 DEHESA ROAD EL CAJON, CA 92019 | | | | | | | | | |
| Contact Name: Jackie Finch | | | | | | | | | |
| Phone numbers: (1) 619- 444-2161 | | (2) | Fax | | | | | | |
| E-Mail Address: | | | | | | | | | |
| Company Mailing Address: | | | | | | | | | |
| 4612 DEHESA ROAD EL CAJON, CA 92019 | | | | | | | | | |
| Carrier Classification | | | | | | | | | |
| Private Passenger, Non-business | | Other: S Bus | | | | | | | |
| Cargo Classification | | | | | | | | | |
| Passengers | | | | | | | | | |
| Equipment | | | | | | | | | |
| | Owned | | | Term Leased | | | Trip Leased | | |
| School Bus, 16+ | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Power units used in the U.S.: 4 | | | | | | | | | |
| Percentage of time used in the U.S.: 100 | | | | | | | | | |
| Does carrier transport placardable quantities of HM? | | | | | No | | | | |
| Is an HM Permit required? | | | | | N/A | | | | |
| Driver Information | | | | | | | | | |
| | Inter | | Intra | | Average trip leased drivers/month: 0 | | | | |
| < 100 Miles: | 3 | | 3 | | Total Drivers: 3 | | | | |
| >= 100 Miles: | | | | | CDL Drivers: 3 | | | | |





DEHESA SCHOOL (DEHESA SCHOOL DISTRICT dba) - Terminal

U.S. DOT #: 2886194

State #: 50797

3.11

Review Date:

02/02/2018

Part A

QUESTIONS regarding this report may be directed to the Border Division
Motor Carrier Safety Unit at:

9330 Farnham Street
San Diego, California 92123
(858) 650-3655

This TERMINAL REVIEW deals only with safety compliance at this terminal.

Person(s) Interviewed

Name: Jackie Finch

Title: Transportation Coordinator

Name:

Title:





DEHESA SCHOOL (DEHESA SCHOOL DISTRICT dba) - Terminal
U.S. DOT #: 2886194

State #: 50797

4.11

Review Date:
02/02/2018

Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 25,000
Recordable Accidents 0

OOS Vehicle (CR): 0
Number of Vehicle Inspected (CR): 4
OOS Vehicle (MCMIS): 0
Number of Vehicles Inspected (MCMIS): 0

Your proposed safety rating is :

This Review is not Rated.





DEHESA SCHOOL (DEHESA SCHOOL DISTRICT dba) - Terminal

U.S. DOT #: 2886194

State #: 50797



Review Date:

02/02/2018

Part B Requirements and/or Recommendations

1. Forms and publications are available at the CHP internet website at: <http://www.chp.ca.gov/publications/index.html>
2. 13CCR 1233.5 Carrier is required to notify the Department, in writing, of any change of address or cessation of regulated activity at any of the carrier's terminal. Such notification shall be made within 15 days of the change and shall be forwarded to:
CALIFORNIA HIGHWAY PATROL
COMMERCIAL RECORDS UNIT
P.O. BOX 942898
SACRAMENTO, CA 94298-0001





DEHESA SCHOOL (DEHESA SCHOOL DISTRICT dba) - Terminal

U.S. DOT #: 2886194

State #: 50797

Review Date:

02/02/2018

Part C

Reason for Review: Other Bus
Planned Action: Compliance Monitoring

Parts Reviewed Certification:

325 382 383 387 390 391 392 393 395 396 397 398 399 171 172 173 177 178 180

Prior Reviews

2/2/2018
5/11/2016
5/6/2015

Prior Prosecutions

Reason not Rated: Special Study

Study Code: CA

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness
procedures contained in 49 CFR part 385 subpart A, AND does it
transport passengers in a commercial motor vehicle?

Yes - Intrastate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

Not Applicable

Corporate Contact: Jackie Finch

Corporate Contact Title: Transportation Coordinator

Special Study Information:

Remarks:

Terminal Name: Dehesa School District

Terminal Address: 4612 Dehesa Rd., El Cajon, CA 92019

CA # 50797

FCN # 69604

Rating Information:

In accordance with 13 CCR 1233, this terminal has been rated Satisfactory at this time.

Annual Terminal Inspection & Annual School Bus Certification

Inspection Note:

Carrier's annual terminal inspection was conducted in conjunction with annual school bus certification process. Carrier's
random sample was taken from the first 3 buses inspected 02-01-2018.

Inspected and certified 4 school buses.

Additional Information:

Carrier is directed to correct all violations and areas of non-compliance noted herein this report.

Carrier is directed to fully comply with all applicable Federal, State, Local laws / ordinances, statutory and regulatory
requirements.





DEHESA SCHOOL (DEHESA SCHOOL DISTRICT dba) - Terminal

U.S. DOT #: 2886194

State #: 50797

Review Date:

02/02/2018

Part C

| | | |
|--------------------|-----|---------------|
| Upload Authorized: | Yes | No |
| Authorized by: | | Date: |
| Uploaded: | Yes | No |
| Verified by: | | Failure Code: |
| | | Date: |





California Highway Patrol
9330 Farnham Street
San Diego, CA 92123
Phone: (858) 650-3600
Internationally Accredited Agency CHP407F/343A

Report Number: CAA104820292
Inspection Date: 02/01/2018
Start: 12:00 PM PD End: 1:00 PM PD
Inspection Level: V - Terminal
HM Inspection Type: None

DEHESA SCHOOL DISTRICT
4612 DEHESA ROAD
EL CAJON, CA, 92019
USDOT: 2886194
MC/MX#:
State#: 50797
Location: EL CAJON, CA
Highway:
County: SAN DIEGO

Phone#: (619)444-2161
Fax#: (619)444-2015

Driver:
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
Milepost: Shipper: N/A
Origin: N/A
Destination: N/A
Bill of Lading: N/A
Cargo: N/A

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA Existing, CVSA #

BRAKE ADJUSTMENTS

Table with columns: Axle #, Right, Left, Chamber

VIOLATIONS

Table with columns: Section, Type, Unit, OOS, Citation #, VerifyCrash, Violations Discovered

HazMat: No HM transported
Placard:
Cargo Tank:

Special Checks: No data for special checks

State Information:

Beat/Sub Area: B31; Odometer: 194641; File Code Number: 69604; Regulated Vehicle: Y; Pre-Cleared Vehicle: N; Fuel Type: D; Passenger Capacity: 48; Veh #1 Type: 13; WC Passenger Capacity: 2; Bus Type: 1; School Bus Cert: 02-01-2018

Notes: 45/3000 01-22-2018 / 194,441 Certified 02-01-2018

Pursuant to Section 24004 CVC, violations recorded on this SafetyNet Inspection Report must be corrected prior to redispach. Violations marked out of service must be corrected before the vehicle is operated on the highway. For your convenience, KEEP THIS REPORT OR A COPY IN THE VEHICLE UNTIL ALL VIOLATIONS ARE CLEARED. This document should NOT be forwarded to the court for clearance procedures. DO NOT RETURN THIS FORM TO THE CALIFORNIA HIGHWAY PATROL.

Report Prepared By: T. Mattison
Badge #: A10482
Copy Received By:
X _____ X _____





California Highway Patrol
9330 Farnham Street
San Diego, CA 92123
Phone: (858) 650-3600
Internationally Accredited Agency CHP407F/343A

Report Number: CAA104820294
Inspection Date: 02/01/2018
Start: 10:00 AM PD End: 11:00 AM PD
Inspection Level: V - Terminal
HM Inspection Type: None

DEHESA SCHOOL DISTRICT
4612 DEHESA ROAD
EL CAJON, CA, 92019
USDOT: 2886194
MC/MX#:
State#: 50797
Location: EL CAJON, CA
Highway:
County: SAN DIEGO

Phone#: (619)444-2161
Fax#: (619)444-2015

Driver:
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
Milepost: Shipper: N/A
Origin: N/A Destination: N/A
Bill of Lading: N/A
Cargo: N/A

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA Existing, CVSA #

BRAKE ADJUSTMENTS

Table with columns: Axle #, Right, Left, Chamber

VIOLATIONS

Table with columns: Section, Type, Unit, OOS, Citation #, VerifyCrash, Violations Discovered

HazMat: No HM transported Placard: Cargo Tank:

Special Checks: No data for special checks

State Information:

Beat/Sub Area: B31; Odometer: 124127; File Code Number: 69604; Regulated Vehicle: Y; Pre-Cleared Vehicle: N; Fuel Type: D; Passenger Capacity: 84; Veh #1 Type: 13; WC Passenger Capacity: 0; Bus Type: 1; School Bus Cert: 02-01-2018

Notes: 45/3000 01-23-2018 / 123,980 Certified 02-01-2018.

Pursuant to Section 24004 CVC, violations recorded on this SafetyNet Inspection Report must be corrected prior to redispach. Violations marked out of service must be corrected before the vehicle is operated on the highway. For your convenience, KEEP THIS REPORT OR A COPY IN THE VEHICLE UNTIL ALL VIOLATIONS ARE CLEARED. This document should NOT be forwarded to the court for clearance procedures. DO NOT RETURN THIS FORM TO THE CALIFORNIA HIGHWAY PATROL.

Report Prepared By: T. Mattison Badge #: A10482 Copy Received By:

X _____ X _____





California Highway Patrol
9330 Farnham Street
San Diego, CA 92123
Phone: (858) 650-3600
Internationally Accredited Agency CHP407F/343A

Report Number: CAA104820291
Inspection Date: 02/01/2018
Start: 9:00 AM PD End: 10:00 AM PD
Inspection Level: V - Terminal
HM Inspection Type: None

DEHESA SCHOOL DISTRICT
4612 DEHESA ROAD
EL CAJON, CA, 92019
USDOT: 2886194
MC/MX#:
State#: 50797
Location: EL CAJON, CA
Highway:
County: SAN DIEGO

Phone#: (619)444-2161
Fax#: (619)444-2015

Driver:
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State:
State:

Milepost:
Origin:
Destination:
Shipper: N/A
Bill of Lading: N/A
Cargo:

VEHICLE IDENTIFICATION

| Unit | Type | Make | Year | State | Plate | Equipment ID | VIN | GVWR | CVSA Existing | CVSA # |
|------|------|------|------|-------|---------|--------------|-------------------|-------|---------------|--------|
| 1 | SB | GMC | 2010 | CA | 1142573 | 10 | 1GD9G5AG1A1119288 | 14200 | | |

BRAKE ADJUSTMENTS

| Axle # | 1 | 2 |
|---------|------|------|
| Right | N/A | N/A |
| Left | N/A | N/A |
| Chamber | HYDR | HYDR |

VIOLATIONS

| Section | Type | Unit | OOS | Citation # | VerifyCrash | Violations Discovered |
|------------------|------|------|-----|------------|-------------|--|
| 1232(A) CCR /001 | S | 1 | N | | N N | General maintenance--396.3 (a)(1): Vanity panel inner cushion worn, steel frame can be felt in front of first seat, right side |

HazMat: No HM transported
Placard:
Cargo Tank:

Special Checks: No data for special checks

State Information:

Beat/Sub Area: B31; Odometer: 58576; File Code Number: 69604; Regulated Vehicle: Y; Pre-Cleared Vehicle: N; Fuel Type: G; Passenger Capacity: 24; Veh #1 Type: 13; WC Passenger Capacity: 1; Bus Type: 1 ; School Bus Cert: 02-01-2018

Notes: 45/3000 01-25-2018 / 58,125 Certified 02-01-2018

Pursuant to Section 24004 CVC, violations recorded on this SafetyNet Inspection Report must be corrected prior to redispach. Violations marked out of service must be corrected before the vehicle is operated on the highway. For your convenience, KEEP THIS REPORT OR A COPY IN THE VEHICLE UNTIL ALL VIOLATIONS ARE CLEARED. This document should NOT be forwarded to the court for clearance procedures. DO NOT RETURN THIS FORM TO THE CALIFORNIA HIGHWAY PATROL.

Report Prepared By: T. Mattison
Badge #: A10482
Copy Received By:

X _____ X _____





California Highway Patrol
9330 Farnham Street
San Diego, CA 92123
Phone: (858) 650-3600
Internationally Accredited Agency CHP407F/343A

Report Number: CAA104820293
Inspection Date: 02/01/2018
Start: 11:00 AM PD End: 12:00 PM PD
Inspection Level: V - Terminal
HM Inspection Type: None

DEHESA SCHOOL DISTRICT
4612 DEHESA ROAD
EL CAJON, CA, 92019

USDOT: 2886194

MC/MX#:

State#: 50797

Location: EL CAJON, CA

Highway:

County: SAN DIEGO

Phone#: (619)444-2161

Fax#: (619)444-2015

Driver:

License#:

Date of Birth:

CoDriver:

License#:

Date of Birth:

State:

State:

Milepost:

Shipper: N/A

Origin: N/A

Destination: N/A

Bill of Lading: N/A

Cargo: N/A

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate, Equipment ID, VIN, GVWR, CVSA Existing, CVSA #

BRAKE ADJUSTMENTS

Table with columns: Axle #, Right, Left, Chamber

VIOLATIONS

Table with columns: Section, Type, Unit, OOS, Citation #, VerifyCrash, Violations Discovered

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks: No data for special checks

State Information:

Beat/Sub Area: B31; Odometer: 56039; File Code Number: 69604; Regulated Vehicle: Y; Pre-Cleared Vehicle: N; Fuel Type: D; Passenger Capacity: 79; Veh #1 Type: 13; WC Passenger Capacity: 0; Bus Type: 1; School Bus Cert: 02-01-2018

Notes: 45/3000 01-24-2018 / 55,118 Reinspected and Certified, 02-01-2018

Pursuant to Section 24004 CVC, violations recorded on this SafetyNet Inspection Report must be corrected prior to redispach. Violations marked out of service must be corrected before the vehicle is operated on the highway. For your convenience, KEEP THIS REPORT OR A COPY IN THE VEHICLE UNTIL ALL VIOLATIONS ARE CLEARED. This document should NOT be forwarded to the court for clearance procedures. DO NOT RETURN THIS FORM TO THE CALIFORNIA HIGHWAY PATROL.

Report Prepared By:

T. Mattison

Badge #:

A10482

Copy Received By:

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DEHESA SCHOOL DISTRICT

To: Members of the Board
From: Nancy Hauer
Subject: Proposed Calendar for
2018-2019

Meeting Date: February 15, 2018

- Action
- First Reading
- Information
- Presentation
- Discussion
- Public Hearing
- Roll Call Vote Required

Background:

The calendar is negotiated annually with the Dehesa Teachers' Association and the California School Employees Association Dehesa Chapter #663. There is agreement with both associations.

Report:

This calendar reflects 181 student instructional days and 4 staff development days for certificated and classified employees. The start date for the 2018-19 school year is August 20, and the last student day is June 14, 2019. The calendar also continues to have minimum days every Wednesday.

Financial Impact:

There is no financial impact or change from the 2018-19 school year.

Student Impact:

Having the 2018-2019 calendar passed in February will be beneficial to our students and families. It is also best for students to have a complete year of 181 days. Having minimum days every Wednesday will continue to enhance our staff development, collaboration and partnering with parents for success.

Recommendation:

Administration recommends that the Governing Board approve the 2018-2019 calendar.

Agenda Item #: VII.C.1

Dehesa School District

2018-2019 School Calendar

| July 2018 | | | | | | |
|-----------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
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| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

| August 2018 | | | | | | |
|-------------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
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| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

| September 2018 | | | | | | |
|----------------|----|----|----|----|----|----|
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| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | | | | | | |

| October 2018 | | | | | | |
|--------------|----|----|----|----|----|----|
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| 28 | 29 | 30 | 31 | | | |

| November 2018 | | | | | | |
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| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

| December 2018 | | | | | | |
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| 30 | 31 | | | | | |

| January 2019 | | | | | | |
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| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 | | |

| February 2019 | | | | | | |
|---------------|----|----|----|----|----|----|
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| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | | |

| March 2019 | | | | | | |
|------------|----|----|----|----|----|----|
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| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | |

| April 2019 | | | | | | |
|------------|----|----|----|----|----|----|
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| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |

| May 2019 | | | | | | |
|----------|----|----|----|----|----|----|
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| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

| June 2019 | | | | | | |
|-----------|----|----|----|----|----|----|
| Su | M | Tu | W | Th | F | Sa |
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| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | | | | | | |

- School Closed
- Early Release Day
- Holidays

- Staff Development
- First and Last Day of School

- 11 Month Employee's first/Last Days
- Certificated Staff Returns / Classified CPR Cla

| | |
|-------------------|----------------------------------|
| Aug 16th/17th | Staff Development |
| Aug 20th | First Day of School for students |
| Nov 9,13,14,15,16 | Parent/Teacher Conferences |
| Feb 14th | Staff Development/No School |
| Nov 19th-23rd | Thanksgiving Break |

| | |
|------------------|--------------------|
| Dec.21st-Jan 4th | Winter Break |
| April 15th-26th | Spring Break |
| June 13th | Last Day of School |

DEHESA SCHOOL DISTRICT

To: Members of the Board
From: Nancy Hauer
Subject: MOU with Diego Hills
Central

Meeting Date: February 15, 2018

- Action
- First Reading
- Information
- Presentation
- Discussion
- Public Hearing
- Roll Call Vote Required

Background: Dehesa School District Authorized Diego Hills Central at its August Board meeting. The petition was approved and the MOU was approved at the December meeting.

Report: The MOU was developed and reviewed by legal counsel. The dates for the MOU are 7/1/2017 through 6/30/2022.

Financial Impact: The District will receive 1% oversight fees and the revised MOU will remove the \$2,000.00 per month for rental of facilities at the school site.

Student Impact: Allowing students to select personalized independent study which meets the needs of students is vital.

Recommendation: Administration recommends approval of the revised MOU with Diego Hills Central effective 7/1/2017 through 6/30/2022.

Agenda Item #: VII.C.2

**MEMORANDUM OF UNDERSTANDING
BETWEEN
DEHESA ELEMENTARY SCHOOL DISTRICT
AND
DIEGO HILLS CENTRAL PUBLIC CHARTER**

Effective 7/1/2017-6/30/2022

The governing board of the Dehesa Elementary School District ("District") formally approved on August 17, 2017 the Diego Hills Central Public Charter ("Charter School") charter petition as submitted to the District and thereby granted a charter ("Charter") to the Charter School pursuant to the terms of the Charter Schools Act of 1992, as amended ("Charter Schools Act") (the District and Charter School hereinafter individually a "Party" or collectively the "Parties"). The Charter, among other matters, calls for the District and Charter School to enter into a mutually agreeable memorandum of understanding ("MOU") regarding the funding entitlements of the Charter School pursuant to the Charter Schools Act. The Charter School and District intend to use this MOU as the basis for establishing such entitlements and developing similar understandings in future fiscal years.

This MOU shall serve to clarify the status of the Charter School and define the responsibilities of the parties. This MOU provides for oversight, direct and indirect services to be provided by the District to Charter School, and the remuneration to be paid by Charter School to the District. Education Code Section 47607(a)(2) provides the procedure for any material revision of an existing charter. To the extent that this MOU is inconsistent with any of the terms of the Charter, the language of the Charter shall supersede the terms of this MOU. In the event of any such conflict, both Parties agree to meet in good faith to negotiate necessary changes to align the Charter and this MOU.

I. PURPOSES OF THIS MOU

The purposes of this MOU are to:

- A. Outline specific funding sources anticipated to be available to the Charter School;
- B. Define the oversight responsibility and services that the District will provide to the Charter School; and
- C. Clarify the responsibilities of each Party.

II. TERM

This MOU shall be co-terminus with the Charter granted to Charter School, from July 1, 2017 through June 30, 2022. Notwithstanding the foregoing, this MOU may be terminated by the written mutual consent of both the governing bodies of the District and the Charter School, or modified pursuant to Section XI, subsection A hereof.

This MOU shall automatically terminate if the Charter is: (i) revoked by the District; (ii) not renewed in compliance with Education Code Section 47604.5 or 47607; or (iii) rescinded by the Charter School.

III. LEGAL RELATIONSHIP

- A. The Parties recognize that the Charter School is a separate legal entity. The Charter School shall be operated by a non-profit public benefit corporation under Education Code Section 47604. As such, in accordance with Education Code Section 47604(c), if the District complies with all oversight responsibilities required by law, the District shall not be liable for the debts or obligations of the Charter School or for claims arising from the performance of acts, errors, or omissions by the Charter School.
- B. The Charter School is authorized to serve students in grades K-12. The Charter School will make efforts to attract students in grades K-8 and shall serve such students in an online program.
- C. With respect to its operations under this MOU, the District and the Charter School shall, to the fullest extent permitted by law, hold harmless, indemnify, and defend each other, their officers, their trustees, directors, employees, agents and consultants from and against any and all claims, demands, actions, suits, losses, liability expenses and costs arising under this MOU including, without limitation, reasonable attorneys' fees and actual costs arising out of injury to any persons, including death or damage to any property caused by, connected with, or attributable to their willful misconduct, negligent acts, errors or omissions of their directors, trustees, officers, employees, agents and consultants under this MOU. In accordance with Section XI below, the District shall be named as an additional insured under general liability insurance carried on behalf of the Charter School.

IV. DISTRICT OVERSIGHT

- A. In accordance with Education Code Section 47613(b), the District shall charge for the actual costs of supervisory oversight (as defined below) not to exceed one percent (1%) of the revenue of the Charter School. "Revenue" is defined in accordance with Education Code Section 47613(f) as the amount received in the current fiscal year from the local control funding formula calculated pursuant to Education Code Section 42238.02, as implemented by Education Code Section 42238.03.
- B. Charter School and the District agree that "supervisory oversight," as used in Education Code Section 47613 and Education Code Section 47604.32, shall include the following:
 - 1. All activities related to the Charter revocation and renewal and processes as described in Education Code Section 47607.
 - 2. Activities relating to monitoring the performance of and compliance with the Charter School with respect to the terms of its Charter, related MOUs, and all applicable laws.
 - 3. Participate in the dispute resolution process described in the Charter.
 - 4. Review and timely respond to the Charter School's annual independent fiscal and performance audit, as more fully described in Section IX below.
 - 5. Select a representative to act as a liaison to the Charter School.
 - 6. Visit the Charter School on a regular basis, the frequency of which shall be determined by the District as sufficient to meet its oversight obligations..
 - 7. Monitor the fiscal condition of the Charter School.

8. Provide timely notification to the California Department of Education if any of the following circumstances occur:

- (a) A renewal of the Charter is granted or denied;
- (b) The Charter is revoked; or
- (c) The Charter School ceases operation for any reason.

C. The Charter School shall pay the costs of the supervisory oversight annually. The District shall invoice the Charter School for fees due. The Charter School shall pay all invoices within thirty (30) business days of their issuance by the District.

V. SERVICES

In addition to the supervisory oversight described above, the District shall provide additional services to the Charter School as described in the chart below for fees as also described therein. The timing of payment for the additional services shall be agreed upon annually in writing by the Parties.

| Description of Service | Description of How Fee Shall Be Calculated |
|---|---|
| A. STRS/PERS, Reporting (if applicable) | Actual Costs (Education Code Section 47611.3) |
| B. The District and Charter School will work together to identify services that the District will provide to the Charter School for the following school year, which may be adjusted throughout the school year as necessary to support the Charter School. Such services may include, but not be limited to facilities use (See Section VI), professional development, in-service training, and transportation services. | 2% of the revenue of the Charter School. For this purpose, "revenue" is defined as the amount received in the current fiscal year from the local control funding formula calculated pursuant to Education Code Section 42238.02, as implemented by Education Code Section 42238.03. The timing of payment for these services shall be agreed upon annually in writing by the Parties. This fee is in addition to the 1% oversight fee discussed above under "District Oversight," subsection (A). |

VI. FACILITIES USE

A. Designated Space. The Parties agree that the Charter School shall have use of the designated space set forth by the District as described in Exhibit 1 hereto located at 4612 Dehesa Road, El Cajon, CA, CA 92019 ("Designated Space") for so long as the Charter remains in effect or as otherwise agreed by the parties in writing.

B. Facility Management. The Charter School will be responsible for having the appropriate staff to managing all of its activities happening at the facility.

C. Mutuality of Cleanliness. Both Parties agree to keep the Designated Space clean and free from clutter, and at the end of use to put all furniture back in the agreed upon location. The District shall be responsible for any repairs, work, or maintenance of any kind, for the Designated Space

that are necessary to keep the Designated Space in good working order and repair, and in compliance with all applicable laws.

- D. Primary Use. It is understood that the general use of the Designated Space will be for Charter School to provide educational support services to public school students. The Designated Space will also be used for testing and meetings pertaining to Charter School programs.
- E. Keys and Codes. The Charter School may be given a certain number of keys and security codes to access the building(s) within the Designated Space. Charter School agrees to not make any unauthorized copies of such keys or codes and to return all District keys upon termination of this MOU. The Charter School must obtain District's prior written approval before providing anyone outside of Charter School with any keys to the facility or any of its security codes.
- F. Secured Cabinets. The District understands that the Charter School will have locked cabinets, containing student information, at the facilities and agrees that no District staff will have access to these or any other Charter School designated files or storage lockers.
- G. Communication Utilities. It is agreed that the Charter School may need to have a separate phone and data line installed on premises for the purpose of running its programs. The Charter School will pay for all costs associated with the procurement and removal of such installation, services and equipment.
- H. Charter School Equipment. The Charter School shall have the right to use and store various audio, video, computer and other equipment at the facility. Should this MOU be terminated for any reason, the District shall allow reasonable and timely access to Charter School for the retrieval of any such equipment.
- I. Improvements. If the Charter School wishes to make any improvements to the structure of the Designated Space ("improvements" defined as any changes that are projected by the Charter School to cost more than \$10,000), the Charter School shall first receive written permission from the District to perform the improvements. The Charter School shall submit its request to the District in writing, and the District agrees to respond to the Charter School's request within thirty (30) calendar days. If the District does not respond to the Charter School's request within thirty (30) calendar days, the Charter School's request shall be deemed approved.
- J. Property Insurance. In accordance with Section X below, Charter School will, at its own expense, provide and maintain business personal property insurance coverage for the Designated Space.

If the Designated Space is damaged or destroyed during the term of the MOU, the District shall immediately provide the Charter School with alternative facilities that are substantially the same as the Designated Space to accommodate the Charter School's program, and that are located in close proximity to the Designated Space.

VII. DATA REPORTING

- A. Average Daily Attendance. The Charter School will develop an attendance-reporting calendar and maintain a system to record and account for the average daily attendance ("ADA") in a manner as required pursuant to Education Code Section 41372 and Title V of California Code of

Regulations section 11960. The Charter School shall submit enrollment and attendance data to the District as necessary. -

- B. California Basic Education Data System (Enrollment). The Charter School shall complete and submit enrollment and other necessary demographic information to the California Basic Education Data System (CBEDS).
- C. Other Data. The District and Charter School shall work cooperatively to supply any other information necessary to enable the Charter School and District to calculate entitlement to all available funding sources.
- D. State Testing. The Charter School shall submit as required all data related to the mandated State testing programs.

VIII. BUDGET AND FINANCE

- A. Financial Reporting. The Charter School shall prepare and submit the following financial information to the District and County Superintendent of Schools:
 - 1. On or before July 1, a preliminary budget.
 - 2. On or before July 1, 2017, and annually thereafter, an annual update (Local Control Accountability Plan) required pursuant to Education Code Section 47606.5.
 - 3. On or before December 15, an interim financial report. This report shall reflect changes through October 31.
 - 4. On or before March 15, a second interim financial report. This report shall reflect changes through January 31.
 - 5. On or before September 15, a final unaudited report for the full prior year.
- B. Revenue Documents. The Charter School shall provide the LCFF Calculator used for determining general purpose funding.
- C. Response to Inquiries. The Charter School shall promptly respond to all reasonable inquiries regarding its financial records (Education Code Section 47604.3).
- D. Basic Funding. The Charter School will receive basic funding directly from the State, pursuant to Education Code Section 47651.
- E. Lottery Funding. The Charter School will receive lottery funding directly from the State.
- F. In Lieu Property Taxes. The District shall transfer funding in lieu of property taxes to the Charter School in accordance with Education Code Section 47635.

IX. AUDIT

The Charter School will contract and pay for an independent annual audit of the Charter School's financial affairs. The audit will verify the accuracy of Charter School's financial statements, reporting practices and amounts paid to the District. The audit will be conducted in accordance with generally accepted accounting principles applicable to public schools and in compliance with the audit provisions of the Charter.

X. INSURANCE AND RISK MANAGEMENT

- A. The Charter School will, at its own expense, provide and maintain in full force and effect at all times during this MOU commercially reasonable insurance policies for the operation of the Charter School.:
- B. The District shall be named as an additional insured under insurance carried on behalf of the Charter School which specifically relate to the Charter and this MOU.
- C. The Charter School shall provide the District with certificates of insurance upon request.

XI. MISCELLANEOUS

- A. Amendments, Modification and Supplements. Amendments, modifications, and supplements to this MOU are allowed and will be binding on the Parties after the effective date thereof, provided such amendments, modification and supplements: (1) are in writing, signed by an authorized representative of both Parties; and (2) incorporate by reference this MOU and identify the specific sections or clauses contained herein which are amended, modified and supplemented or indicate that the material is new. The term, "this MOU" shall be deemed to include any future amendments, modifications and supplements.
- B. Assignment. Neither Party may assign or delegate its obligations under this MOU without the prior written consent of the other Party.
- C. Compliance with Laws and Regulations. The Parties shall comply with all federal, state and local laws and regulations applicable to their performance as described in this MOU.
- D. Consent. Where consent, approval or mutual agreement is required of a Party, it shall not be unreasonably withheld or delayed.
- E. Default. If either Party refuses or fails in any material respect properly to perform its obligations under this MOU, or violates any of the material terms or conditions of the MOU, such refusal, failure or violation shall constitute default. In such event, the non-defaulting Party may so notify the other Party in writing of the default and allow that Party a period of thirty (30) calendar days to cure such default. If the defaulting Party does not cure such default within said thirty (30) calendar days; the non-defaulting Party shall have the right to terminate this MOU upon written notice to the other Party. Termination of this MOU shall not equate to revocation of the Charter which may only be accomplished in accordance with Education Code Section 47607 and its

implementing regulations. Notwithstanding rights provided through this clause, all service fees for current month and previously certified student attendance shall still be due and payable per the terms of this MOU. If such default is for failure of the District to pay service fees that have already been transferred to the District from State or other granting entity, then the District shall only be granted a period of ten (10) working days to cure such default.

- F. Dispute Resolution. Any and all disputes arising out of the interpretation or performance of this MOU shall be subject to the dispute resolution procedure set forth in the Charter, which are incorporated herein by this reference.
- G. Entire Agreement. Except for written amendments, supplements or modifications made after the execution of this MOU, this MOU and its attachments represent the entire agreement between the parties hereto with respect to the subject matter of this MOU and supersedes all prior renegotiations, representations and agreements, either oral or written.
- H. Forces Outside the Control of the Parties (Force Majeure). In the event performance of this MOU, or any obligations hereunder, is prevented, restricted or interfered with by reason of acts of God, wars, revolution, civil commotion, acts of public enemy, embargo, acts of the government in its sovereign capacity, labor difficulties, including without limitation, strikes, slowdowns, picketing or boycotts, unavailability of equipment from vendors, or any other circumstances beyond the reasonable control and without the fault or negligence of the Party affected, the Party affected, upon giving prompt notice to the other Party, shall be excused from such performance on a day-to-day basis to the extent of such prevention restriction, or interference (and the other Party shall be excused from such performance on a day-to-day basis until the delay, restriction or interference has ceased), provided, however, that the Party so affected shall use its best reasonable efforts to avoid and remove such cause of nonperformance and both parties shall proceed whenever such causes are removed or cease.
- I. Severability. If any provision or any part of this MOU is for any reason held to be invalid and/or unenforceable or contrary to public policy, law, or statute and/or ordinance, the remainder of this MOU shall not be affected and shall remain valid and fully enforceable.
- J. Governing Law. This MOU shall be governed by and interpreted or construed in accordance with the laws of the State of California.
- K. Headings. The headings in this MOU are inserted for convenience and identification only and are in no way intended to define or limit the scope, extend or intents of this MOU or any of the provisions hereof.
- L. Independent Contractor Relationship. Each Party shall remain an independent contractor with respect to the other and shall be responsible for compliance with all laws, rules and regulations involving, but not limited to, employment of labor, hours of labor, health and safety, working conditions and payment of wages. The persons provided by each Party shall be solely that Party's employees and shall be under the sole and exclusive direction and control of that Party. They shall not be considered employees of the other Party for any purpose.

- M. Taxes and Assessments. Each Party shall be responsible for payment of taxes, including federal, state and municipal taxes, chargeable or assessed with respect to its employees, such as Social Security, unemployment, worker's compensation, disability insurance, and federal and state withholding.
- N. Insolvency. Either Party may terminate this MOU by notice, in writing, if the other Party admits insolvency, makes an assignment for the benefit of creditors, or has a trustee or receiver appointed over all or any substantial part of its assets.
- O. Successors. This MOU shall be binding on and inure to the benefit of the respective successors and permitted assigns of the Parties.
- P. Notifications. All notices, requests, and other communications under this MOU shall be in writing and mailed to the proper addresses as follows:

To the District at:

DEHESA Elementary School District
 4612 Dehesa Road,
 El Cajon, CA, CA 92019

To the Charter School at:

Diego Hills Central Public Charter
 177 Holston Drive
 Lancaster CA, 93535

IN WITNESS WHEREOF, the Parties hereto execute this MOU.

DEHESA ELEMENTARY SCHOOL DISTRICT

DIEGO HILLS CENTRAL PUBLIC CHARTER

By _____

By _____

Date _____

Date _____

EXHIBIT 1
DESIGNATED SPACE

[Add a map with the space highlighted or a detailed description of space being designated by the District.]

DEHESA SCHOOL DISTRICT

To: Members of the Board
From: Nancy Hauer
Subject: Facilities Use Agreement
with Diego Hills Central

Meeting Date: February 15, 2018

- Action
- First Reading
- Information
- Presentation
- Discussion
- Public Hearing
- Roll Call Vote Required

Background: In May of 2015 The District approved a Facilities Use Agreement with Diego Hills to utilize facilities on the Dehesa School campus. Since the Facilities Use Agreement was terminated with Diego Hills Charter. A new agreement needs to be established for Diego Hills Central.

Report: Diego Hills Central will be meeting with students from Sycuan and the surrounding area. It is imperative that we provide facilities available for them to meet the needs of students. The term of this agreement will be from February 1, 2018 through June 30, 2022.

Financial Impact: The District will no longer be receiving rental fees for use of facilities by Diego Hills Central, as this is part of our oversight.

Student Impact: N/A

Recommendation: Administration recommends acceptance of the Facilities Use Agreement between Dehesa and Diego Hills Central effective February 1, 2018.

Agenda Item #: VII.C.3



**FACILITIES USE AGREEMENT
BY AND BETWEEN
DEHESA ELEMENTARY SCHOOL DISTRICT
AND
DIEGO HILLS CENTRAL PUBLIC CHARTER**

- 1. Parties.** This Facilities Use Agreement (hereinafter referred to as "AGREEMENT") is made by and entered into between Dehesa Elementary School District, a public school district organized and existing under the laws of the State of California, (hereunder "DISTRICT"), and DIEGO HILLS CENTRAL PUBLIC CHARTER (hereunder called "CHARTER SCHOOL"). Hereinafter, the DISTRICT and CHARTER SCHOOL may also collectively referred to as "the Parties".
- 2. Purpose.** The purpose of this AGREEMENT is to establish the terms and conditions under which CHARTER SCHOOL will use DISTRICT's site as a resource center to provide service to students, including, but not limited to, those in the Sycuan Band of Kumeyaay Nation and those in Dehesa Valley.
- 3. Term.** The term of this AGREEMENT shall commence after the AGREEMENT has been approved by the DISTRICT's board and signed by both Parties. The term of this AGREEMENT shall be February 1, 2018 to end June 30, 2022, ("Expiration Date"), unless terminated earlier pursuant to the terms of this AGREEMENT.
- 4. Independent Relationship.** DISTRICT and CHARTER SCHOOL acknowledge and agree that this AGREEMENT is by and between two independent entities and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association, co-workers or otherwise as participants in a joint or common undertaking. CHARTER SCHOOL shall have no power or authority, expressed or implied, to represent, act for, or otherwise create or assume any obligation on behalf of, or binding upon, DISTRICT other than as expressly set forth herein.
- 5. Use of District Facilities.**

 - 5.1** The DISTRICT agrees to allow CHARTER SCHOOL to use Room C-2, located at the Dehesa Elementary School District site at 4612 Dehesa Road, El Cajon, CA 92019 ("Facilities"), for the sole purpose of operating a resource center of the CHARTER SCHOOL in accordance with the CHARTER SCHOOL's charter. Unless agreed upon in advance and in writing by the DISTRICT, CHARTER SCHOOL will



not be allowed to use any other space and the DISTRICT shall not be required at any time to provide for any additional space of facilities during the Term of this AGREEMENT.

- 5.2 Schedule of Use.** CHARTER SCHOOL will be allowed to use the Facilities Monday through Friday from 7:00 a.m. to no later than 6:00p.m., unless additional hours are needed for certain events and prior written approval is obtained from the DISTRICT.
- 5.3 Supervision/Safety.** CHARTER SCHOOL is responsible for the supervision and safety of its students and staff while using the Facilities. CHARTER SCHOOL shall comply with all rules, regulations and security measures that are adopted by the DISTRICT to provide for the safety of students at the site. CHARTER SCHOOL's supervision responsibility shall include the provision of a sufficient number of qualified CHARTER SCHOOL staff to properly supervise CHARTER SCHOOL's students during all periods of time when they are physically present at the Facilities, including while students are entering and exiting the Facilities prior to and following periods of scheduled use.
- CHARTER SCHOOL's supervision responsibility shall also include taking appropriate measures to minimize disruption to the DISTRICT's students caused by CHARTER SCHOOL students' use of the Facilities per this AGREEMENT. CHARTER SCHOOL students and staff shall recognize the authority/direction of DISTRICT staff at all time while at the site.
- 5.4 Cleaning.** CHARTER SCHOOL shall keep the Facilities reasonably clean and free from clutter.
- 5.5** CHARTER SCHOOL will be given a certain number of keys and security codes to access the facilities. CHARTER SCHOOL shall not make any unauthorized copies of such keys or codes and must return all DISTRICT keys upon termination of this AGREEMENT. CHARTER SCHOOL must obtain the DISTRICT's prior written approval before providing anyone (including staff) with any keys and/or security codes. A list of all individuals who have been given keys and/or codes shall be maintained by the CHARTER SCHOOL and provided to DISTRICT upon request.
- 5.6** It is agreed that CHARTER SCHOOL may need to have a separate telephone and/or data line installed on the DISTRICT premises for the purposes of operating CHARTER



SCHOOL's program. CHARTER SCHOOL will be solely responsible for all costs associated with the procurement, installation, and removal of such services and equipment. Any telephone and/or data lines installed on the DISTRICT premises for the purposes of operating CHARTER SCHOOL's program are solely for use by CHARTER SCHOOL, and the DISTRICT agrees to not use the lines of access the information available through such lines.

CHARTER SCHOOL shall not make any alteration or improvements in, about, or upon Facilities, including the installation of any telephone or data equipment, except as specifically consented to in writing by the DISTRICT. Any such alteration or improvements installed or attached shall remain the property of the CHARTER SCHOOL and shall be removed by the CHARTER SCHOOL from the Facilities prior to the termination of the is AGREEMENT, unless agreed otherwise by the DISTRICT. Upon expiration of this AGREEMENT or earlier termination, the CHARTER SCHOOL shall restore the DISTRICT's property to the same condition as that existing at the time of entering into this AGREEMENT, reasonable wear and tear excepted.

- 5.7 Prohibited Use.** The CHARTER SCHOOL shall not do or permit anything to be done in or about the Facilities nor bring or keep anything therein which will in any way increase the existing insurance rate or affect any other insurance upon the Facilities or any of its contents (unless the Charter School shall pay an increases premium as a result of such use or acts), or cause a cancellation of any insurance policy covering said Facilities or any part thereof or any of its contents, nor shall the CHARTER SCHOOL sell or permit to be kept, used, or sold in or about said Facilities any articles which may be prohibited by a standard form policy of fire insurance.

The CHARTER SCHOOL shall not use the Facilities under its control or permit anything to be done in or about the Facilities under its control that will in any way conflict with any applicable law, statute, ordinance or governmental rule, or regulation or requirement of CHARTER SCHOOL, or which may hereafter be enacted or promulgated during the Term of this AGREEMENT.

- 5.8 Student Confidentiality.** CHARTER SCHOOL may have locked cabinets that contain student information upon the Facilities. The DISTRICT agrees that none of its staff will have access to these or any other CHARTER SCHOOL files or storage lockers.

- 6. Compliance with District Policies.** CHARTER SCHOOL shall comply with DISTRICT policies regarding the use of the Facilities.



-
- 7. Responsibility for Damage/Theft.** CHARTER SCHOOL shall be responsible for the repair of any damage to the Facilities, or any portion of the DISTRICT site or grounds that is damaged due to, as a result of, or arising out of CHARTER SCHOOL's use of the Facilities. Such repairs shall be sufficient to restore the damaged item to its condition prior to such damage. CHARTERS SCHOOL shall ensure that such repairs are made within a reasonable time after the damage occurs. CHARTER SCHOOL shall also be responsible for any theft of DISTRICT or DISTRICT staff or student property caused by CHARTER SCHOOL's students while on the site.
 - 8. Fingerprinting.** CHARTER SCHOOL shall be responsible for ensuring compliance with all applicable fingerprinting and criminal background investigation requirements described in the Education Code section 45125.1.
 - 9. Termination.** This AGREEMENT will automatically terminate upon the Expiration Date. This AGREEMENT may also be terminated prior to the Expiration Date if either party gives the other party thirty (30) days prior written notice.
 - 10. Indemnification.** The CHARTER SCHOOL shall, to the fullest extent permitted by law, indemnify, defend and hold harmless the DISTRICT, its officers, directors, and employees, attorneys, agents, representatives, volunteers, successors and assigns (collectively hereinafter District and District Personnel) from and against any and all actions, suits, claims, demands, losses, cost, penalties, obligations, errors, omissions, or liabilities, including legal costs, attorney's fees, and expert witness fees, whether or not suit is actually filed, and/or any judgment rendered against District and/or District Personnel, that may be asserted or claimed by any person, firm or entity arising out of the CHARTER SCHOOL's use of the Facilities or from the conduct of its business of from any activity, work, or other things done, permitted or suffered by the SCHARTER SCHOOL in or about the Facilities during the term of this AGREEMENT. This indemnity and hold harmless provision shall exclude actions brought they third persons against the DISTRICT arising out of the negligence or intentional acts, errors or omissions of the District and/or District Personnel. The DISTRICT shall, to the fullest extent permitted by law, indemnify, defend and hold harmless CHARTERS CHOOOL, its officers, directors, and employees, attorneys, agents, representatives, volunteers, successors and assigns (collectively hereinafter Charter School and Charter School Personnel) from and against any and all actions, suits, claims, demands, losses, costs, penalties, obligation, errors, omissions, or liabilities, including legal costs, attorney's fees, and expert witness fees, whether or not suit is actually filed, and/or any judgment rendered against Charter



School and/or Charter School Personnel, that may be asserted or claimed by any person, firm or entity arising out of the negligence or intentional acts, errors, or omissions of the District and/or District Personnel.

11. Insurance.

11.1 CHARTER SCHOOL shall maintain in force at all times during the duration and performance of this AGREEMENT the policies of insurance specified in this Section. Such insurance must have the approval of the DISTRICT as to limit, form, and amount, and shall be placed with insurers with a current A.M. Best's rating of no less than A-VII, unless otherwise acceptable by DISTRICT, and admitted to conduct business in the State of California, or accepted by the Surplus Lines Association to do business in California.

(a) Worker's Compensation and Employer's Liability Insurance.

Such coverage shall be maintained, in type and amount, in strict compliance with all applicable state and Federal statutes and regulations. Coverage shall include evidence of Employer's Liability insurance providing limits of not less than \$1,000,000 per accident. A waiver of subrogation endorsement shall be provided to DISTRICT by CHARTER SCHOOL's insurer.

(b) Commercial General Liability and Automobile Liability Insurance.

(1) The insurance shall include, but shall not be limited to, protection against claims arising from death, bodily or personal injury, or damage to property resulting from actions, failures to act, or operations of the insured, or by its employees or agents, or volunteers, or by anyone directly or indirectly employed by the insured. The amount of insurance coverage shall not be less than \$1,000,000 per occurrence.

(2) The commercial general liability and automobile liability insurance policies shall contain, or be endorsed to contain, the following provision:

(i) Provision or endorsement naming the DISTRICT and each of its officers, employees, and against, as additional insureds in regards to: liability arising out of the performance of any work or operations performed by or on behalf of CHARTER SCHOOL under this AGREEMENT; liability arising out of activities performed by or on behalf of CHARTER SCHOOL; and automobiles owned, leased, hired or borrowed by CHARTER SCHOOL. The coverage shall contain no special limitations on the scope of protection afforded to the DISTRICT, its officers, officials, employees or volunteers.

(ii) Provision or endorsement stating that for any claims related to this AGREEMENT, CHARTER SCHOOL's insurance coverage shall be primary insurance as respects the DISTRICT, its officers, agents, employees and volunteers. Any insurance or self- insurance maintained by the DISTRICT, its officers, agents, employees or volunteers



shall be in excess of CHARTER SCHOOL's insurance and shall not contribute with it.

11.2 Verification of Coverage. Prior to execution of this AGREEMENT, CHARTER SCHOOL shall furnish DISTRICT with certificates of insurance and endorsements affecting coverage for all policies required by the AGREEMENT. The endorsements shall be signed by a person authorized by the insurer to bind coverage on its behalf. However, failure to do so shall not operate as a waiver of these insurance requirements.

11.3 Waiver of Subrogation. CHARTER SCHOOL hereby grants DISTRICT a waiver of any rights to subrogation which any insurer of CHARTER SCHOOL may acquire against DISTRICT by virtue of the payment of any loss under such insurance. CHARTER SCHOOL agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation.

11.4 Notice of Cancellation. Coverage required under this AGREEMENT shall not be canceled or non-renewed without 30 days' prior written notice from CHARTER SCHOOL to the DISTRICT.

11.5 Deductibles and Self-Insured Retention. Any deductible or self-insured retentions must be declared to and approved by DISTRICT. At the option of DISTRICT, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects DISTRICT, its officers, officials, employees and volunteers or CHARTER SCHOOL shall provide a financial guarantee satisfactory to DISTRICT guaranteeing payment of losses and related investigations, claim administration and defense expenses.

11.6 Subcontractors. CHARTER SCHOOL shall require and verify that all subcontractors working at the Facilities under CHARTER SCHOOL's direction maintain insurance meeting all the requirements stated above. The maintenance by CHARTER SCHOOL and its subcontractors of the above coverage and limits of insurance is a material element of this AGREEMENT. The failure of CHARTER SCHOOL or of any of its subcontractors to maintain or renew coverage or to provide evidence of renewal may be treated by DISTRICT as a material breach of this AGREEMENT.

12. General Provision.

12.1. Amendments. Either party may request changes to this AGREEMENT. Any changes, modifications, revisions or amendments to this AGREEMENT, which are mutually agreed upon by and between the parties to the AGREEMENT, shall be



incorporated by written instrument and effective when executed and signed by all parties to this AGREEMENT.

12.2 Governing Law. The construction, interpretation and enforcement of this AGREEMENT shall be governed by the laws of the State of California. The courts of the State of California shall have jurisdiction over any action arising out of this AGREEMENT and over the parties.

12.3 Entire Agreement. This AGREEMENT, and all its incorporated documents, constitute the entire agreement between the parties and superseded all prior discussion, negotiations and agreements, whether oral or written.

12.4 Notice. Any notice required or permitted to be given under this AGREEMENT shall be deemed to have been given, served and received if given in writing and personally delivered or either deposited in the United States mail, registered or certified mail, postage prepaid, return receipt required, or sent by overnight delivery service or facsimile transmission, addressed as follows:

If to DISTRICT:

Dehesa Elementary School District
Attn: Nancy Hauer
4612 Dehesa Road
El Cajon, CA 92019
Fax: 619-444-2105

If to CHARTER SCHOOL:

Diego Hills Central Public Charter
Attn: Bill Toomey
177 Holston Drive
Lancaster, CA 93535
Office: 661-272-1225

Any notice personally given or sent by facsimile transmission shall be effective upon receipt. Any notice sent by overnight delivery service shall be effective the business day next following delivery thereof to the overnight delivery service. Any notice given by mail shall be effective three (3) business days after deposit in the United States mail.

12.5 Severability. Should any portion of this AGREEMENT be judicially determined to be illegal or unenforceable, the remainder of the AGREEMENT shall continue in full force and effect, and either party may renegotiate the terms affected by the severance.

12.6 Third Party Beneficiary Rights. The parties do not intend to create in any other individual or entity the status of a third party beneficiary, and this AGREEMENT shall not be construed so as to create such status. The rights, duties and obligations contained in this AGREEMENT shall operate only between the parties to this AGREEMENT, and shall inure solely



to the benefit of the parties to this AGREEMENT.

12.7 Authority. Each person below warrants and guarantees that she/he is legally authorized to execute this AGREEMENT on behalf of the designated entity.

12.8 Counterparts. This AGREEMENT may be executed in counterparts, and all counterparts together shall be construed as one document.

12.9 Delivery by Facsimile/Email. Duly executed signatures to this AGREEMENT may be delivered by facsimile, or scanned and emailed in .pdf format, and signature pages delivered by such methods shall be deemed equivalent to and of the same force and effect as original signature pages.

12.10 Subject to Ratification. This AGREEMENT is subject to approval/ratification by the DISTRICT's board.

In witness whereof, the parties to this AGREEMENT through their authorized representatives have execute this AGREEMENT on the set forth below, and certify that they have read, understood, and agreed to the terms and conditions of this AGREEMENT as set forth herein.

DISTRICT:

Signature: _____

Print: _____

Title: _____

Dated: _____

CHARTER SCHOOL:

Signature: _____

Print: _____

Title: _____

Dated: _____

DEHESA SCHOOL DISTRICT

To: Members of the Board
From: Nancy Hauer
Subject: Termination of Contract for G.
Wayne Oetken &
Associates

Meeting Date: February 15, 2018

- Action
- First Reading
- Information
- Presentation
- Discussion
- Public Hearing
- Roll Call Vote Required

Background:

G. Wayne and Associates has been our Facilities Project Oversight since 2012.

Report:

An extension to the Agreement for Services between G. Wayne and Associates and Dehesa School District was extended to June 30, 2018. This contract will be terminated upon vote of the Board.

Financial Impact:

The proposed fee will not exceed \$3,000.00 which can be discontinued any time with 60 days' notice.

Student Impact:

None

Recommendation:

It is recommended that the Governing Board approve the termination of the Agreement between G. Wayne Oetken & Associates and the District as presented.

Agenda Item #: VII.C.4

AGREEMENT FOR CONSULTING SERVICES

THIS AGREEMENT is made between **Dehesa School District** (the "District") and **G. Wayne Oetken & Associates**, an independent contractor, PO Box 1161, La Mesa, CA, 91944-1161 ("Consultant").

WHEREAS, Consultant is skilled and experienced in the field of public school Business Administration, fiscal operations and facilities; and

WHEREAS, the District has Approved and Acknowledged State School Building Program Applications on file with the Office of Public School Construction; and

WHEREAS, the State School Building Program is undergoing major change and reorganization; and

WHEREAS, it is necessary to monitor such Program modification with respect to the District's Application for Funding; and

WHEREAS, the District staff will require assistance with monitoring the State Program; and

WHEREAS, inasmuch as G. Wayne Oetken & Associates has recognized skills in representing the interest of School Districts with other agencies and organizations including a Consultant in Sacramento with expertise regarding the State School Building Program and contacts within the Office of Public School Construction; and

THEREFORE, in consideration of mutual covenants, conditions, and promises contained herein, the District and Consultant agree as follows:

1. Services to be Performed

Provide a monthly report reflecting

- Status of initial State Bond Sale to fund the Program
- Actions taken or being considered by the SAB which would/might affect the District's Application
- Status of the District's Application and estimated funding timeline
- Recommended actions which the District should consider to move the Application forward

2. Payment for Services

- A. The District shall pay Consultant a fee of \$650.00 per month for the services set forth in Section 1, payable monthly upon receipt of invoices from the Consultant.

3. Reimbursable Expenses

- A. The District shall reimburse Consultant for the following incidental expenses:

- Mileage expended in carrying out his duties at the current IRS standard mileage rate per mile, billed monthly by Consultant.

- B. Consultant shall submit an invoice and adequate receipts and documentation as requested by the District to support reimbursement of all reimbursable expenses.

4. Term

The Consulting Services to be provided under this Agreement shall commence on May 1, 2017 and will end on June 30, 2018 unless extended by the parties in a written amendment.

5. Consultant's Capacity and Responsibilities

- A. It is expressly understood that Consultant is an independent contractor and not the agent, partner, or employee of the District. Consultant is not an employee of the District and is not entitled to tax withholding, Workers Compensation, unemployment compensation, or any employee benefits, statutory or otherwise. The District recognizes that Consultant has contracts with other school districts and may perform services for those entities during the term of this contract.

- B. Consultant shall not have the authority to enter into any contract or agreement to bind the District and shall not represent to anyone that Consultant has such authority.

6. Confidentiality of Information

- A. Consultant agrees to keep confidential and not disclose to third parties any confidential information provided by the District pursuant to this Agreement unless Consultant has received the prior written consent of the District to make such disclosure. This obligation of confidentiality does not extend to any information that:

1. Was in the possession of Consultant at the time of disclosure by the District, directly or indirectly;
 2. Is or shall become, through no fault of Consultant, available to the general public; or
 3. Is independently developed and hereafter supplied to Consultant by a third party without restriction or disclosure.
- B. This provision shall survive expiration and termination of this Agreement.

7. Property Rights and Reports

- A. Consultant agrees that any reports, documentation, copyrightable work, discoveries, inventions, or improvements developed by Consultant solely or with others, resulting from the performance of Consulting Services pursuant to this Agreement, are the property of the District, and Consultant agrees to assign all rights therein to the District.
- B. This provision shall survive expiration and termination of this Agreement.

8. Assignment

Consultant may not assign, transfer, convey, subcontract, or otherwise dispose of his interest or delegate any part of his duties hereunder without the prior written consent of the District.

9. Indemnification

To the fullest extent permitted by law, each party shall indemnify and hold harmless the other party and any agents and employees of it from and against claims, damages, losses, and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, provided that such claim, damage, loss, or expense is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including loss of use resulting therefrom, but only to the extent caused in whole or in part by negligent acts or omissions of the indemnifying party. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described herein.

10. Termination

- A. Either party may at any time and for any reason terminate this Agreement upon not less than 30 days prior written notice to the other party.
- B. The District may terminate this Agreement at any time for breach thereof by Consultant.

11. Coordination

Consultant shall cooperate with such consultants, persons, or entities as the District shall designate from time to time in connection with the services to be performed by Consultant hereunder; and Consultant agrees to meet with such consultants and other persons or entities at such times as the District may require

12. Notices

Any notice, approval, consent, acceptance, request, bill, demand, or statement hereunder from either party to the other shall be in writing and shall be deemed given when deposited with the United States Postal Service with regular mail postage thereon fully paid, or delivered by hand from one party to the other with an appropriate receipt obtained, addressed as follows:

If to the District, to:

Nancy Hauer, Superintendent
Dehesa School District
4612 Dehesa Road
El Cajon, CA 92019-2922

If to Consultant, to:

G. Wayne Oetken & Associates
PO Box 1161
La Mesa, CA 91944-1161

13. Captions or Headings

The captions or headings of the various articles, paragraphs, and subparagraphs contained in this Agreement are intended for convenience and for reference purposes only and in no way define, limit, or describe the scope or intent of this Agreement or in any way affect this Agreement.

14. Miscellaneous

- A. If this Agreement contains any unlawful provisions not an essential part of the Agreement and which appear not to have been a controlling or material inducement to the making hereof, the same shall be deemed to be of no effect, and the same shall, upon the application of either party, be stricken from this Agreement without affecting the binding force of the Agreement as it shall remain after omitting such provisions.
- B. This Agreement shall be construed and enforced in accordance with the laws of the State of California.
- C. It is expressly understood by the parties hereto that any dispute hereunder, unless settled by the parties, shall be resolved by legal action brought in the Superior Court of the State of California.
- D. This Agreement constitutes the entire agreement between the parties and incorporates all prior understandings in connection with the subject matter hereof. This Agreement may not be changed, waived, or discharged except by an instrument in writing signed by the party against whom such change, waiver, or discharge is sought to be enforced.

IN WITNESS WHEREOF, the District and Consultant have executed this Agreement by and through their respective representatives as of the date first above written.

Dated: 6-8-17

THE DISTRICT

DEHESA SCHOOL DISTRICT

By: Nancy Hauer
Nancy Hauer
Its Superintendent

Dated: 6-8-17

CONSULTANT

G. WAYNE OETKEN & ASSOCIATES

By: G. Wayne Oetken
G. Wayne Oetken

**AGREEMENT FOR CONSULTING SERVICES
ASSESSMENT OF PROPOSED SYCUAN HOTEL
AMENDMENT 1**

The attached Agreement for Consulting Services between **Dehesa School District** (the "District") and **G. Wayne Oetken & Associates**, an independent contractor, PO Box 1161, La Mesa, CA, 91944-1161 ("Consultant") shall be amended as follows:

Section 4. Term

The term of the Agreement shall be extended from June 30, 2017 to June 30, 2018.

All other terms of the Agreement remain unchanged.

IN WITNESS WHEREOF, the District and Consultant have executed this Agreement Amendment by and through their respective representatives.

Dated: 6-15-17

THE DISTRICT

DEHESA SCHOOL DISTRICT

By: Nancy Hauer
Nancy Hauer
Its Superintendent

Dated: 6-8-17

CONSULTANT

G. WAYNE OETKEN & ASSOCIATES

By: G. Wayne Oetken
G. Wayne Oetken
Its Proprietor

DEHESA SCHOOL DISTRICT

To: Members of the Board
From: Nancy Hauer
Subject: Agreement for Consulting Services with G. Wayne Oetken & Associates Amendment I

Meeting Date: February 15, 2018

- Action
- First Reading
- Information
- Presentation
- Discussion
- Public Hearing
- Roll Call Vote Required

Background:

G. Wayne and Associates has been our Facilities Project Oversight since 2012.

Report:

An extension to the Agreement for Services between G. Wayne and Associates and Dehesa School District was extended to June 30, 2018. This contract will be terminated upon vote of the Board. Amendment it will change the payment from 650.00 per month to 250.00 per month in which an analysis of the SAB meeting is provided.

Financial Impact:

The proposed fee will not exceed \$3,000.00 which can be discontinued any time with 60 days notice.

Student Impact:

None

Recommendation:

It is recommended that the Governing Board approve the Amendment I of the Agreement between G. Wayne Oetken & Associates and the District as presented.

Agenda Item #: VII.C.5

AGREEMENT FOR CONSULTING SERVICES
STATUS REPORTS REGARDING STATE SCHOOL BUILDING PROGRAM
AMENDMENT 1

The attached Agreement for Consulting Services between **Dehesa School District** (the "District") and **G. Wayne Oetken & Associates**, an independent contractor, PO Box 1161, La Mesa, CA, 91944-1161 ("Consultant") shall be amended as follows:

Section 1. Services to be Performed

- A. Provide an annotated version of the CASH Bulletin published following each meeting of the State Allocation Board (SAB).
- B. Annotated comments will explain all Actions taken by the SAB, which relate to the District's State School Building Program Application for funding.

Section 2. Payment for Services

The District shall pay the Consultant a fee of \$250.00 for each periodic Annotated CASH Bulletin following meetings of the SAB, as set forth in Section 1 above, payable upon receipt of invoices from the Consultant.

All other terms of the Agreement remain unchanged.

IN WITNESS WHEREOF, the District and Consultant have executed this Agreement Amendment by and through their respective representatives.

Dated: _____

THE DISTRICT

DEHESA SCHOOL DISTRICT

By: _____
Nancy Hauer
Its Superintendent

Dated: _____

CONSULTANT

G. WAYNE OETKEN & ASSOCIATES

By: _____
G. Wayne Oetken
Its Proprietor

DEHESA SCHOOL DISTRICT

To: Members of the Board

From: Nancy Hauer

Subject: **New Agreement for Consulting Services with G. Wayne Oetken & Associates**

Meeting Date: February 15, 2018

- Action
- First Reading
- Information
- Presentation
- Discussion
- Public Hearing
- Roll Call Vote Required

Background:

G. Wayne and Associates has been our Facilities Project Oversight since 2012.

Report:

This contract will allow Wayne Oetken to take all necessary action locally, and with the State to advance the District's Application for Funding through the State School Building Program. This contract, if approved will commence on 2/1/18 and terminate on 12/31/18.

Financial Impact:

The proposed fee of \$150.00 per hour will not exceed \$20,000.00. This contract may be terminated at any time with 30 days' notice.

Student Impact:

None

Recommendation:

It is recommended that the Governing Board approve the Agreement for Consulting Services between G. Wayne Oetken & Associates and the District as presented.

Agenda Item #: VII.C.6

AGREEMENT FOR CONSULTING SERVICES

THIS AGREEMENT is made between **Dehesa School District** (the “District”) and **G. Wayne Oetken & Associates**, an independent contractor, PO Box 1161, La Mesa, CA, 91944-1161 (“Consultant”).

WHEREAS, Consultant is skilled and experienced in the field of public school Business Administration, fiscal operations and facilities; and

WHEREAS, the District has Approved and Acknowledged State School Building Program Applications on file with the Office of Public School Construction; and

WHEREAS, the State School Building Program is undergoing major change and reorganization; and

WHEREAS, it is necessary to monitor such Program modification and take action with respect to the District’s Application for Funding; and

WHEREAS, the District staff will require assistance with monitoring and taking of such actions regarding the State Program; and

WHEREAS, inasmuch as G. Wayne Oetken & Associates has recognized skills in representing the interest of School Districts with other agencies and organizations including a Consultant in Sacramento with expertise regarding the State School Building Program and contacts within the Office of Public School Construction; and

THEREFORE, in consideration of mutual covenants, conditions, and promises contained herein, the District and Consultant agree as follows:

1. Services to be Performed
 - A. Take all action necessary, locally and with the State, to advance the District’s Application for Funding through the State School Building Program (SSBP).
 - B. Communicate with the District’s Superintendent and Governing Board to obtain guidance and direction regarding action to be taken.
 - C. Coordinate with Organizations and Individuals locally and in Sacramento to support District objective. Represent the District with State Agencies.
 - D. Pursue an administrative solution to attain the District’s funding objective; if that is not possible, coordinate an Appeal to the State Allocation Board.

E. Coordinate the Services of other Professionals as required to support the District's objective.

2. Payment for Services

A. The District shall pay Consultant \$150.00 per hour for the services set forth in Section 1, not to exceed \$20,000, payable monthly upon receipt of invoices from the Consultant.

3. Reimbursable Expenses

A. The District shall reimburse Consultant for the following incidental expenses:

- Mileage expended in carrying out his duties at the current IRS standard mileage rate per mile, billed monthly by Consultant.

B. All required travel shall be approved in advance by the Superintendent.

C. Consultant shall submit an invoice and adequate receipts and documentation as requested by the District to support claims for all reimbursable expenses.

4. Term

The Consulting Services to be provided under this Agreement shall commence on February 1, 2018 and will end on December 31, 2018 unless extended by the parties in a written amendment.

5. Consultant's Capacity and Responsibilities

A. It is expressly understood that Consultant is an independent contractor and not the agent, partner, or employee of the District. Consultant is not an employee of the District and is not entitled to tax withholding, Workers Compensation, unemployment compensation, or any employee benefits, statutory or otherwise. The District recognizes that Consultant has contracts with other school districts and may perform services for those entities during the term of this contract.

B. Consultant shall not have the authority to enter into any contract or agreement to bind the District and shall not represent to anyone that Consultant has such authority.

6. Confidentiality of Information

- A. Consultant agrees to keep confidential and not disclose to third parties any confidential information provided by the District pursuant to this Agreement unless Consultant has received the prior written consent of the District to make such disclosure. This obligation of confidentiality does not extend to any information that:
1. Was in the possession of Consultant at the time of disclosure by the District, directly or indirectly;
 2. Is or shall become, through no fault of Consultant, available to the general public; or
 3. Is independently developed and hereafter supplied to Consultant by a third party without restriction or disclosure.
- B. This provision shall survive expiration and termination of this Agreement.

7. Property Rights and Reports

- A. Consultant agrees that any reports, documentation, copyrightable work, discoveries, inventions, or improvements developed by Consultant solely or with others, resulting from the performance of Consulting Services pursuant to this Agreement, are the property of the District, and Consultant agrees to assign all rights therein to the District.
- B. This provision shall survive expiration and termination of this Agreement.

8. Indemnification

To the fullest extent permitted by law, each party shall indemnify and hold harmless the other party and any agents and employees of it from and against claims, damages, losses, and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, provided that such claim, damage, loss, or expense is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including loss of use resulting therefrom, but only to the extent caused in whole or in part by negligent acts or omissions of the indemnifying party. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described herein.

9. Termination

- A. Either party may at any time and for any reason terminate this Agreement upon not less than 30 days prior written notice to the other party.

B. The District may terminate this Agreement at any time for breach thereof by Consultant.

10. Coordination

Consultant shall cooperate with such consultants, persons, or entities as the District shall designate from time to time in connection with the services to be performed by Consultant hereunder; and Consultant agrees to meet with such consultants and other persons or entities at such times as the District may require

11. Notices

Any notice, approval, consent, acceptance, request, bill, demand, or statement hereunder from either party to the other shall be in writing and shall be deemed given when deposited with the United States Postal Service with regular mail postage thereon fully paid, or delivered by hand from one party to the other with an appropriate receipt obtained, addressed as follows:

If to the District, to:

Nancy Hauer, Superintendent
Dehesa School District
4612 Dehesa Road
El Cajon, CA 92019-2922

If to Consultant, to:

G. Wayne Oetken & Associates
PO Box 1161
La Mesa, CA 91944-1161

12. Captions or Headings

The captions or headings of the various articles, paragraphs, and subparagraphs contained in this Agreement are intended for convenience and for reference purposes only and in no way define, limit, or describe the scope or intent of this Agreement or in any way affect this Agreement.

13. Miscellaneous

A. If this Agreement contains any unlawful provisions not an essential part of the Agreement and which appear not to have been a controlling or material inducement to the making hereof, the same shall be deemed to be of no effect, and the same shall, upon the application of either party, be stricken

from this Agreement without affecting the binding force of the Agreement as it shall remain after omitting such provisions.

- B. This Agreement shall be construed and enforced in accordance with the laws of the State of California.
- C. It is expressly understood by the parties hereto that any dispute hereunder, unless settled by the parties, shall be resolved by legal action brought in the Superior Court of the State of California.
- D. This Agreement constitutes the entire agreement between the parties and incorporates all prior understandings in connection with the subject matter hereof. This Agreement may not be changed, waived, or discharged except by an instrument in writing signed by the party against whom such change, waiver, or discharge is sought to be enforced.

IN WITNESS WHEREOF, the District and Consultant have executed this Agreement by and through their respective representatives as of the date first above written.

Dated: _____

THE DISTRICT

DEHESA SCHOOL DISTRICT

By: _____

Nancy Hauer
Its Superintendent

Dated: _____

CONSULTANT

G. WAYNE OETKEN & ASSOCIATES

By: _____

G. Wayne Oetken

DEHESA SCHOOL DISTRICT

To: Members of the Board
From: Nancy Hauer
Subject: Policy Updates Board
Bylaws 9000's

Meeting Date: February 15, 2018

- Action
- First Reading
- Information
- Presentation
- Discussion
- Public Hearing
- Roll Call Vote Required

Background: The Board policies are periodically updated in Gamut. The District is trying to maintain updated polices and not get behind as in previous years.

Report: Board Bylaws were shared with all Board members last month for your review.

Financial Impact: None

Student Impact: Effective governance has a significant impact on student achievement.

Recommendation: Administration recommends approval of the updated Board Bylaws.

Agenda Item #: VII.E.1

ROLE OF THE BOARD

The Governing Board has been elected by the community to provide leadership and citizen oversight of the district. The Board shall ensure that the district is responsive to the values, beliefs, and priorities of the community.

The Board shall work with the Superintendent/Principal to fulfill its major responsibilities, which include:

1. Setting the direction for the district through a process that involves the community, parents/guardians, students, and staff and is focused on student learning and achievement

(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)

2. Establishing an effective and efficient organizational structure for the district by:
 - a. Employing the Superintendent/Principal and setting policy for hiring of other personnel

(cf. 2110 - Superintendent Responsibilities and Duties)
(cf. 2120 - Superintendent Recruitment and Selection)
(cf. 2121 - Superintendent's Contract)
(cf. 4000 - Concepts and Roles)
(cf. 4111 - Recruitment and Selection)
(cf. 4211 - Recruitment and Selection)
(cf. 4311 - Recruitment and Selection)

- b. Overseeing the development and adoption of policies

(cf. 9310 - Board Policies)

- c. Establishing academic expectations and adopting the curriculum and instructional materials

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.5 - Elementary/Middle School Graduation Requirements)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

- d. Establishing budget priorities and adopting the budget

(cf. 3000 - Concepts and Roles)
(cf. 3100 - Budget)
(cf. 3312 - Contracts)

ROLE OF THE BOARD (continued)

- e. Providing safe, adequate facilities that support the district's instructional program

(cf. 3517 - Facilities Inspection)
(cf. 7110 - Facilities Master Plan)
(cf. 7150 - Site Selection and Development)
(cf. 7210 - Facilities Financing)

- f. Setting parameters for negotiations with employee organizations and ratifying collective bargaining agreements

(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4143/4243 - Negotiations/Consultation)

- 3. Providing support to the Superintendent/Principal and staff as they carry out the Board's direction by:

- a. Establishing and adhering to standards of responsible governance

(cf. 9005 - Governance Standards)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9200 - Limits of Board Member Authority)
(cf. 9270 - Conflict of Interest)

- b. Making decisions and providing resources that support district priorities and goals
- c. Upholding Board policies
- d. Being knowledgeable about district programs and efforts in order to serve as effective spokespersons

(cf. 9240 - Board Development)
(cf. 9400 - Board Self-Evaluation)

- 4. Ensuring accountability to the public for the performance of the district's schools by:

- a. Evaluating the Superintendent/Principal and setting policy for the evaluation of other personnel

(cf. 2140- Evaluation of the Superintendent)
(cf. 4115 - Evaluation/Supervision)
(cf. 4215 - Evaluation/Supervision)
(cf. 4315 - Evaluation/Supervision)

- b. Monitoring and evaluating the effectiveness of policies

ROLE OF THE BOARD (continued)

- c. Serving as a judicial (hearing) and appeals body in accordance with law, Board policies, and negotiated agreements

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4117.3 - Personnel Reduction)
(cf. 4117.4 - Dismissal)
(cf. 4144/4244/4344 - Complaints)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5117 - Interdistrict Attendance)
(cf. 5119 - Students Expelled from Other Districts)
(cf. 5125.3 - Challenging Student Records)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

- d. Monitoring student achievement and program effectiveness and requiring program changes as necessary

(cf. 0500 - Accountability)
(cf. 0520.1 - High Priority Schools Grant Program)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - Standardized Testing and Reporting Program)
(cf. 6162.52 - High School Exit Examination)
(cf. 6190 - Evaluation of the Instructional Program)

- e. Monitoring and adjusting district finances

(cf. 3460 - Financial Reports and Accountability)

- f. Monitoring the collective bargaining process

- 5. Providing community leadership and advocacy on behalf of students, the district's educational program, and public education in order to build support within the local community and at the state and national levels

(cf. 0510 - School Accountability Report Card)
(cf. 1020 - Youth Services)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1160 - Political Processes)
(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

ROLE OF THE BOARD (continued)

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

(cf. 9010 - Public Statements)

The Board is authorized to establish and finance any program or activity that is not in conflict with, inconsistent with, or preempted by law. (Education Code 35160)

Legal Reference:

EDUCATION CODE

5304 Duties of governing board (re school district elections)

12400-12405 Authority to participate in federal programs

17565-17592 Board duties re property maintenance and control

33319.5 Implementation of authority of local agencies

35000 District name

35010 Control of district; prescription and enforcement of rules

35020-35046 Officers and agents

35100-35351 Governing boards, especially:

35160-35185 Powers and duties

35291 Rules

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance

Professional Governance Standards, November 2000

School Board Leadership: The Role and Function of California's School Boards, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

The Key Work of School Boards, 2000

WEB SITES

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

CSBA Governance Institute: <http://www.csba.org/gi>

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

GOVERNANCE STANDARDS

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the district. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the district. To maximize Board effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

(cf. 9000 - Role of the Board)

(cf. 9270 - Conflict of Interest)

The Board expects its members to work with each other and the Superintendent/Principal to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education

(cf. 9010 - Public Statements)

3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential

(cf. 9011 - Disclosure of Confidential/Privileged Information)

6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader

(cf. 9240 - Board Development)

7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent/Principal and staff

(cf. 2110 - Superintendent Responsibilities and Duties)

8. Understand that authority rests with the Board as a whole and not with individuals

(cf. 9200 - Limits of Board Member Authority)

GOVERNANCE STANDARDS (continued)

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the district focused on learning and achievement for all students
2. Communicate a common vision

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 0200 - Goals for the School District)

3. Operate openly, with trust and integrity
4. Govern in a dignified and professional manner, treating everyone with civility and respect
5. Govern within Board-adopted policies and procedures

(cf. 9310 - Board Policies)

6. Take collective responsibility for the Board's performance
7. Periodically evaluate its own effectiveness

(cf. 9400 - Board Self-Evaluation)

8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations

(cf. 1220 - Citizen Advisory Committees)

(cf. 9323 - Meeting Conduct)

Legal Reference: (see next page)

GOVERNANCE STANDARDS (continued)

Legal Reference:

EDUCATION CODE

35010 *Power of governing board to adopt rules for its own governance*

35160 *Board authority to act in any manner not conflicting with law*

35164 *Actions by majority vote*

GOVERNMENT CODE

1090 *Financial interest in contract*

1098 *Disclosure of confidential information*

1125-1129 *Incompatible activities*

54950-54963 *The Ralph M. Brown Act*

87300-87313 *Conflict of interest code*

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

PUBLIC STATEMENTS

The Governing Board recognizes the responsibility of Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the district, and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding district issues, Board members are expected to respect the authority of the Board to choose its representatives to communicate its positions and to abide by established protocols.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent/Principal or other designated representative.

(cf. 2110 - Superintendent Responsibilities and Duties)
(cf. 9121 - President)
(cf. 9200 - Limits of Board Member Authority)

When speaking for the district, the Board encourages its spokespersons to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the Board's leadership.

Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the Board. (Government Code 54963)

(cf. 9005 - Governance Standards)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

When speaking to community groups, members of the public, or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)

In addition, the Board encourages members who participate on social networking sites, blogs, or other discussion or informational sites to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for district students and the community. Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 1340 - Access to District Records)
(cf. 9012 - Board Member Electronic Communications)

PUBLIC STATEMENTS

Legal Reference:

EDUCATION CODE

35010 *Control of district; prescription and enforcement of rules*

GOVERNMENT CODE

6250-6270 *California Public Records Act*

54960 *Actions to stop or prevent violation of meeting provisions*

54963 *Confidential information in closed session*

Management Resources:

WEB SITES

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

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The Governing Board recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)
(cf. 9010 - Public Statements)

Disclosure of Closed Session Information

A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy, when the person is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

Other Disclosures

A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the Board member. (Government Code 1098)

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION (continued)

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

(cf. 5125 - Student Records)

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities. (Government Code 1098)

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35146 Closed session

EVIDENCE CODE

1040 Privilege for official information

GOVERNMENT CODE

1098 Public officials and employees re confidential information

3549.1 Meeting and negotiating in public educational employment

6250-6270 Inspection of public records

54950-54963 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

54957 Closed session; "employee" defined; exclusion of witnesses

54957.1 Subsequent public report and rollcall vote; employee matters in closed session

54957.5 Public records

54957.6 Closed session; representatives with employee organization

54957.7 Reasons for closed session

54963 Confidential information in closed session

ATTORNEY GENERAL OPINIONS

80 Ops. Cal. Atty. Gen. 231 (1997)

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards, November 2000

Maximizing School Board Leadership, 1996

WEB SITES

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

BOARD MEMBER ELECTRONIC COMMUNICATIONS

Note: The following **optional** Board bylaw should be modified to reflect district practice. The Brown Act (Government Code 54950-54963) requires that Governing Board members conduct district business at properly noticed and agendized public meetings. In general, Board members should keep in mind that, for purposes of the Brown Act, electronic communications are subject to the same conditions and the same rules of confidentiality that are applicable to other forms of communication, such as individual conversations, telephone calls, or paper copies of documents. However, the ease with which electronic communication can be shared and forwarded requires extra caution.

Furthermore, although Board members are not considered employees, there may be tax implications if the district provides Board members with laptop computers or subsidies for an Internet connection. In some circumstances, such provision or reimbursement may be considered a taxable benefit. Also see AR 3513.1 - Cellular Phone Reimbursement.

The Governing Board recognizes that electronic communication is an efficient and convenient way for Board members to communicate and expedite the exchange of information within the district and with members of the public. Board members shall exercise caution so as to ensure that electronic communications are not used as a means for the Board to deliberate outside of an agendized Board meeting nor to circumvent the public's right to access records regarding district business.

(cf. 1100 - Communication with the Public)

(cf. 9000 - Role of the Board)

(cf. 9322 - Agenda/Meeting Materials)

Note: Government Code 54952.2 defines a "meeting" as any congregation of a majority of the members of the Board at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the Board. Government Code 54952.2 prohibits a serial meeting, defined as a series of communications involving a majority of the Board to discuss, deliberate, or take action on any item of district business outside of an authorized meeting. Thus, a series of emails, as well as other electronic communications such as postings on an online forum, that ultimately include a majority of the Board could lead to a Brown Act violation. While the safest course of action is to not send an email to another Board member that, if forwarded, could lead to a discussion about district business by a majority of the Board, given the prevalence of email, such a practice may not be practical. However, in order to help prevent an inadvertent violation, Board members may wish to consider including a "do not reply/forward alert" in the subject line of emails, as appropriate.

A majority of the Board shall not, outside of an authorized meeting, use a series of electronic communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. (Government Code 54952.2)

(cf. 9320 - Meetings and Notices)

Note: CSBA's Agenda Online is an electronic board meeting agenda service for use by districts and county offices of education which allows development of and access to Board meeting agendas, supporting documents, and minutes from any computer that has Internet access. Further information can be found on CSBA's web site.

Examples of permissible electronic communications concerning district business include, but are not limited to, dissemination of Board meeting agendas and agenda packets, reports of activities from the Superintendent, and reminders regarding meeting times, dates, and places.

BOARD MEMBER ELECTRONIC COMMUNICATIONS (continued)

Note: The prohibitions in the Brown Act apply only to discussions regarding district business. Like other citizens, Board members are permitted to use email to discuss personal, nondistrict matters.

In addition, Board members may use electronic communications to discuss matters that do not pertain to district business, regardless of the number of Board members participating in the discussion.

Note: The following **optional** paragraph may be revised to reflect district practice. Many districts have established bylaws or other protocols describing how the Board has agreed to handle questions, concerns, or complaints received from members of the community. For example, see BB 9200 - Limits of Board Member Authority and BP 1112 - Media Relations.

Board members shall make every effort to ensure that their electronic communications conform to the same standards and protocols established for other forms of communication. A Board member may respond, as appropriate, to an electronic communication received from a member of the community and should make clear that his/her response does not necessarily reflect the views of the Board as a whole. Any complaint or request for information should be forwarded to the Superintendent in accordance with Board bylaws and protocols so that the issue may receive proper consideration and be handled through the appropriate district process. As appropriate, communication received from the media shall be forwarded to the designated district spokesperson.

(cf. 1112 - Media Relations)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3320 - Claims and Actions Against the District)
(cf. 9005 - Governance Standards)
(cf. 9121 - President)
(cf. 9200 - Limits of Board Member Authority)

Note: Electronic communications received and sent by Board members are subject to disclosure upon request pursuant to the California Public Records Act (CPRA) (Government Code 6250-6270) depending on the content of the communication and whether it is "prepared, owned, used, or retained" by the district in its normal course of business. District legal counsel should be consulted as appropriate. Also see BP/AR 1340 - Access to District Records and BP/AR 3580 - District Records.

In City of San Jose v. Superior Court, the California Supreme Court held that a public official's communications about public business, even if sent or received on the official's personal account or device, are public records and are not categorically excluded from disclosure under the CPRA. The court observed that the CPRA requires public agencies to use "reasonable effort" to locate existing records in response to a public records request, but that such searches need not be extraordinary or intrusive. For further information, see CSBA's Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications.

BOARD MEMBER ELECTRONIC COMMUNICATIONS (continued)

To the extent possible, electronic communications regarding any district-related business shall be transmitted through a district-provided device or account. When any such communication is transmitted through a Board member's personal device or account, he/she shall copy the communication to a district electronic storage device for easy retrieval.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

35140 Time and place of meetings

35145 Public meetings

35145.5 Agenda; public participation; regulations

35147 Open meeting law exceptions and applications

GOVERNMENT CODE

6250-6270 California Public Records Act

11135 State programs and activities, discrimination

54950-54963 The Ralph M. Brown Act, especially:

54952.2 Meeting, defined

54953 Meetings to be open and public; attendance

54954.2 Agenda posting requirements, board actions

COURT DECISIONS

City of San Jose v. Superior Court (2017) 2 Cal.5th 608

Management Resources:

CSBA PUBLICATIONS

Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017

The Brown Act: School Boards and Open Meeting Laws, rev. 2014

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

WEB SITES

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

CSBA, Agenda Online: <https://www.csba.org/ProductsAndServices/AllServices/AgendaOnline.aspx>

California Attorney General's Office: <https://oag.ca.gov>

ORGANIZATION

Annual Organizational Meeting

Each year, the Governing Board shall hold an annual organizational meeting. In any year in which a regular election of district Board members is conducted, the organizational meeting shall be held within a 15-day period beginning from the date upon which a Board member elected at that election takes office. During non-election years, the meeting shall be held within the same 15-day period on the calendar. (Education Code 35143)

The day and time of the annual meeting shall be selected by the Board at its regular meeting held immediately prior to the first day of the 15-day period. On behalf of the Board, the Superintendent/Principal shall notify the County Superintendent/Principal of Schools of the day and time selected. Within 15 days prior to the date of the annual meeting, the clerk of the Board, with the assistance of the Superintendent/Principal, shall notify in writing all Board members and members-elect of the date and time selected for the meeting. (Education Code 35143)

At this meeting the Board shall:

1. Elect a president and a clerk and/or vice president from its members
2. Appoint the Superintendent/Principal as secretary to the Board
3. Authorize signatures
4. Approve a schedule of regular meetings for the year and a Board governance calendar stating the time when the Board will address important governance matters
5. Designate Board representatives to serve on committees or commissions of the district, other public agencies, or organizations with which the district partners or collaborates

(cf. 9140 - Board Representatives)

6. Review and/or consider resources that define and clarify the Board's governance and leadership roles and responsibilities including, but not limited to, governance standards, meeting protocols, Board rules and bylaws, and other Board development materials

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9230 - Orientation)

(cf. 9240 - Board Development)

(cf. 9320 - Meetings and Notices)

(cf. 9323 - Meeting Conduct)

ORGANIZATION (continued)

Election of Officers

The election of Board officers shall be conducted during an open session of the annual organizational meeting.

Legal Reference:

EDUCATION CODE

5017 *Term of office*

35143 *Annual organizational meeting date, and notice*

35145 *Public meetings*

GOVERNMENT CODE

54953 *Meetings to be open and public; attendance*

ATTORNEY GENERAL OPINIONS

68 *Ops.Cal.Atty.Gen. 65 (1985)*

59 *Ops.Cal.Atty.Gen. 619, 621-622 (1976)*

TERMS OF OFFICE

The Governing Board shall consist of 5 members whose terms shall be staggered so that as nearly as practicable, one half of the members shall be elected in each odd-numbered year.

The term of office for members elected in regular elections shall be four years, commencing on the first Friday in December next succeeding their election. (Education Code 5017)

Board member terms expire four years after their initial election on the first Friday in December following the election of new members. (Education Code 5000)

A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. (Government Code 1302, 1360; Education Code 5017)

(cf. 9220 - Governing Board Elections)

(cf. 9223 - Filling Vacancies)

(cf. 9224 - Oath or Affirmation)

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

Legal Reference:

EDUCATION CODE

5000-5033 Election of school district board members

35010 Control of district

35012 Board members; number, election and terms

35107 Eligibility

GOVERNMENT CODE

1302 Continuance in office until qualification of successor

1303 Exercising functions of office without having qualified

1360 Necessity of taking constitutional oath

PRESIDENT

The Governing Board shall elect a president from among its members to provide leadership on behalf of the Board and the educational community it serves.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9100 - Organization)

The president shall preside at all Board meetings. He/she shall:

1. Call the meeting to order at the appointed time
2. Announce the business to come before the Board in its proper order
3. Enforce the Board's policies relating to the conduct of meetings and help ensure compliance with applicable requirements of the Brown Act
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference
5. Explain what the effect of a motion would be if it is not clear to every member
6. Restrict discussion to the question when a motion is before the Board
7. Rule on issues of parliamentary procedure
8. Put motions to a vote, and state clearly the results of the vote
9. Be responsible for the orderly conduct of all Board meetings

(cf. 9323 - Meeting Conduct)

The president shall perform other duties in accordance with law and Board policy including, but not limited to:

1. Signing all instruments, acts and orders necessary to carry out state requirements and the will of the Board
2. Consulting with the Superintendent/Principal or designee on the preparation of the Board's agendas

(cf. 9322 - Agenda/Meeting Materials)

3. Working with the Superintendent/Principal to ensure that Board members have necessary materials and information

PRESIDENT (continued)

4. Subject to Board approval, appointing and dissolving all committees

(cf. 9130 - Board Committees)

5. Calling such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

6. Representing the district as governance spokesperson, in conjunction with the Superintendent/Principal

(cf. 1112 - Media Relations)

The president shall have the same rights as other members of the Board, including the right to move, second, discuss and vote on all questions before the Board.

When the president resigns or is absent or disabled, the vice president shall perform the president's duties. When both the president and vice president are absent or disabled, the clerk shall perform the president's duties.

Legal Reference: (see next page)

PRESIDENT (continued)

Legal Reference:

EDUCATION CODE

35022 *President of the board*

35143 *Annual organizational meetings; dates and notice*

GOVERNMENT CODE

54950-54963 *Ralph M. Brown Act*

Management Resources:

CSBA PUBLICATIONS

Board Presidents' Handbook, revised 2002

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardsmanship, 1996

WEB SITES

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

Board Bylaws

BB 9122(a)

SECRETARY

The Governing Board shall appoint the Superintendent/Principal to serve as secretary to the Board. The secretary to the Board shall be responsible for maintaining an accurate and complete record of all Board proceedings and shall:

1. Prepare, distribute and maintain the Board agenda

(cf. 9322 - Agenda/Meeting Materials)

2. Record, distribute and maintain the Board minutes

(cf. 9324 - Minutes and Recordings)

3. Maintain Board records and documents

4. Conduct official correspondence for the Board

5. As directed by the Board, sign and execute official papers

6. Perform other duties as assigned by the Board

(cf. 2111 - Superintendent Governance Standards)

Legal Reference:

EDUCATION CODE

35025 Secretary and bookkeeper

35143 Annual organizational meetings; dates and notice

35250 Duty to keep certain records and reports

GOVERNMENT CODE

54950-54963 Ralph M. Brown Act

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

Bylaw
adopted:

DEHESA SCHOOL DISTRICT
El Cajon, California

CLERK

The Governing Board shall elect a clerk from its own membership at the annual organizational meeting. (Education Code 35143)

(cf. 9100 - Organization)

The duties of the clerk shall be to:

1. Certify or attest to actions taken by the Board when required
2. Maintain such other records or reports as required by law
3. Sign documents on behalf of the district as directed by the Board
4. Serve as presiding officer in the absence of the president and vice president

(cf. 9121 - President)

5. Notify Board members and members-elect of the date and time for the annual organizational meeting
6. Perform any other duties assigned by the Board

Legal Reference:

EDUCATION CODE

- 17593 *Repair and supervision of property (duty of district clerk)*
- 35038 *Appointment of clerk by county superintendent of schools*
- 35039 *Dismissal of clerk*
- 35121 *Appointment of clerk in certain city and high school districts*
- 35143 *Annual organizational meetings*
- 35250 *Duty to keep certain records and reports*
- 38113 *Duty of clerk (re provision of school supplies)*

GOVERNMENT CODE

- 54950-54963 *Ralph M. Brown Act*

Management Resources:

CSBA PUBLICATIONS

- CSBA Professional Governance Standards, 2000*
- Maximizing School Board Leadership: Boardmanship, 1996*

WEB SITES

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

ATTORNEY

The Governing Board recognizes the complex legal environment in which districts operate and desires reliable, high-quality legal advice at reasonable rates. In order to meet the district's legal needs, the Board may contract with county counsel, attorneys in private practice, or appoint legal counsel as a district employee or independent contractor. The Board also supports pursuing collaborative legal efforts with other agencies and districts as appropriate.

(cf. 3320 - Claims and Actions Against the District)
(cf. 3400 - Management of District Assets/Accounts)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)
(cf. 9260 - Legal Protection)

Duties of Legal Counsel

The district's legal counsel may: (Education Code 35041.5)

1. Render legal advice to the Board and the Superintendent/Principal or designee
2. Serve the Board and the Superintendent/Principal or designee in the preparation and conduct of district litigation and administrative proceedings
3. Render advice on school bond and tax increase measures and prepare the necessary forms for the voting of these measures
4. Perform other administrative duties as assigned by the Board and Superintendent/Principal or designee

Retaining Legal Counsel

When the district is seeking legal advice or representation, the Superintendent/Principal or designee shall initiate a Request for Proposals (RFP) to advertise and solicit proposals for legal services. In evaluating the proposals, the Board and Superintendent/Principal shall consider the firm's or attorney's background, experience, and reputation in education law; experience advising or representing school districts in California; fees; and experience of attorneys at the firm who will provide legal services.

The Board and Superintendent/Principal shall annually evaluate the performance of the firm and/or attorneys providing legal services in such areas as efficiency and adequacy of advice; results obtained for the district; reasonableness of fees; and responsiveness to and interactions with the Board, administration, and community. Upon a successful evaluation, the Board may renew the agreement with legal counsel without initiating an RFP.

ATTORNEY (continued)

The Board may also contract for temporary, specialized legal services without initiating an RFP when a majority of the Board determines that the unique demands of a particular issue or emergency situation so requires.

(cf. 2121 - Superintendent's Contract)

Contacting Legal Counsel

At his/her discretion, the Board president or Superintendent/Principal may confer with district legal counsel subject to any limits or parameters established by the Board. In addition, the Superintendent/Principal or Board president may contact district legal counsel to provide the Board with legal information or advice when so directed by a majority of the Board.

Individual Board members other than the Board president may not seek advice from district legal counsel on matters of district business unless so authorized by a majority of the Board.

(cf. 9200 - Limits of Board Member Authority)

(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference: (see next page)

ATTORNEY (continued)

Legal Reference:

EDUCATION CODE

35041 *Administrative adviser*

35041.5 *Legal counsel*

35161 *Powers and duties of governing board*

35200-35214 *Liabilities, especially:*

35204 *Contract with attorney in private practice*

35205 *Contract for legal services*

GOVERNMENT CODE

814-895.8 *Liability of public entities and public employees*

995-996.6 *Defense of public employees*

26520 *Legal services to school districts*

53060 *Special services and advice*

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Maximizing School Board Leadership: Boardmanship, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Selecting and Working with a School Attorney: A Guide for School Boards, 1997

WEB SITES

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

California Council of School Attorneys:

<http://www.csba.org/LegislationAndLegal/Legal/CaliforniaCouncilOfSchoolAttorneys.aspx>

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

State Bar of California: <http://www.calbar.ca.gov>

BOARD COMMITTEES

The Governing Board may establish a committee whenever it determines that such a committee would benefit the district by providing diverse viewpoints, specialized knowledge or expertise, or increased efficiency. Such committees may be subcommittees of the Board or committees that include members of the community, staff, or other stakeholder groups.

(cf. 1220 - Citizen Advisory Committees)

(cf. 2230 - Representative and Deliberative Groups)

(cf. 9140 - Board Representatives)

Upon establishing a committee, the Board shall clearly define the committee's purpose, any timeline for completion of assigned responsibilities, any stakeholder groups or individuals to be represented on the committee, length of time that committee members are expected to serve, and expectations for reporting to the Board and/or the Superintendent/Principal or designee. Unless specifically authorized by the Board to act on its behalf, the committee shall act in an advisory capacity.

Except for subcommittees of the Board, committee members shall, as appropriate, be recommended by the Superintendent/Principal or designee and appointed by the Board president, subject to Board approval.

(cf. 9121 - President)

The Superintendent/Principal or designee shall provide committee members with information and assistance necessary for the fulfillment of the committee's charges, and may serve as a non-voting advisor to the committee at the discretion of the Board.

Whenever so charged, committees may actively seek input and participation by parents/guardians, staff, community, and students and may consult with local public boards and agencies.

Any committee not required by law may be dissolved when its duties or term has been completed or whenever the Board deems necessary.

Committee Meetings

Unless otherwise exempted by law, Board-created committees shall provide public notice of their meetings and conduct meetings in accordance with Government Code 54950-54963 (the Brown Act).

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

However, Board subcommittees composed solely of less than a quorum of the members of the Board are not subject to open meeting laws unless they are standing committees. Standing committees of the Board, irrespective of membership, are those that have a continuing subject matter jurisdiction or a meeting schedule established by action of the Board. (Government Code 54952)

BOARD COMMITTEES (continued)

Standing committees with a continuing subject matter jurisdiction include, but are not limited to, those responsible for providing advice on budgets, audits, Board policy, contracts, and personnel matters at the Board's request.

(cf. 3100 - Budget)

(cf. 3430 - Investing)

(cf. 9310 - Board Policies)

When a majority of the members of the Board attend an open and noticed meeting of a standing committee, the Board members who are not members of the standing committee shall attend only as observers. (Government Code 54952.2)

Whenever any advisory or standing committee, including a committee not otherwise subject to the Brown Act, posts a meeting agenda at least 72 hours in advance of the meeting, that meeting shall be considered as a regular meeting of the Board for purposes of the Brown Act and therefore must be held within district boundaries unless otherwise authorized by law. (Government Code 54954)

Committees may meet in a closed session during a regular or special meeting only for those purposes specifically authorized by law for closed sessions held by the Board.

(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference: (see next page)

BOARD COMMITTEES (continued)

Legal Reference:

EDUCATION CODE

35010 *Control of district; prescription and enforcement of rules*

35024 *Executive committee*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

GOVERNMENT CODE

54950-54963 *The Brown Act, especially:*

54952 *Legislative body, definition*

54952.2 *Definition of meeting*

54954 *Time and place of regular meetings; special meetings; emergencies*

54954.3 *Opportunity for public to address legislative body*

54957 *Closed session purposes*

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

ATTORNEY GENERAL OPINIONS

81 *Ops. Cal. Atty. Gen. 156 (1998)*

80 *Ops. Cal. Atty. Gen. 308 (1997)*

79 *Ops. Cal. Atty. Gen. 69 (1996)*

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

WEB SITES

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

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

BOARD REPRESENTATIVES

The Governing Board recognizes that effective performance of its community leadership responsibilities may require its participation in district or community committees on matters of concern to the district and its students. As needed, the Board may appoint any of its members to serve as its representative on a district committee or on a committee of another public agency or organization of which the Board or district is a member or to which the Board is invited to participate.

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

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

(cf. 9000 - Role of the Board)

(cf. 9130 - Board Committees)

(cf. 9270 - Conflict of Interest)

(cf. 9320 - Meetings and Notices)

When making such appointments, the Board shall clearly specify the authority and responsibilities of the representative(s), including, but not limited to, reporting back to the Board regarding committee activities and/or actions. Board representatives shall not exercise the authority of the Board without prior Board approval.

(cf. 9005 - Governance Standards)

(cf. 9200 - Limits of Board Member Authority)

If a committee discusses a topic on which the Board has taken a position, the Board member shall express the position of the Board. When contributing his/her own ideas or opinions, the representative shall clearly indicate that he/she is expressing his/her individual idea or opinion.

(cf. 1220 - Citizen Advisory Committees)

(cf. 9010 - Public Statements)

Board Representative to Elect Members of County Committee on School District Organization

At its annual organizational meeting, the Board shall designate one Board member as its representative to elect members to the county committee on school district organization. (Education Code 35023)

(cf. 9100 - Organization)

Legal Reference: (see next page)

BOARD REPRESENTATIVES (continued)

Legal Reference:

EDUCATION CODE

4000-4014 *County committees on school district organization*

35020-35046 *School district officers and agents (power of governing board to employ or appoint)*

35160 *Authority of governing boards*

GOVERNMENT CODE

54952.2 *Meetings*

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California Department of Education District Organization Handbook, 2010

LIMITS OF BOARD MEMBER AUTHORITY

The Governing Board recognizes that the Board is the unit of authority over the district and that a Board member has no individual authority. Board members shall hold the education of students above any partisan principle, group interest, or personal interest.

(cf. 1160 - Political Processes)
(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)
(cf. 9270 - Conflict of Interest)
(cf. 9323 - Meeting Conduct)

Unless agreed to by the Board as a whole, individual members of the Board shall not exercise any administrative responsibility with respect to the school or command the services of any school employee. Individual Board members shall submit requests for information to the Superintendent/Principal. Board members shall refer Board-related correspondence to the Superintendent/Principal for forwarding to the Board or for placement on the Board's agenda, as appropriate.

(cf. 1340 - Access to District Records)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9322 - Agenda/Meeting Materials)

Individual Board members do not have the authority to resolve complaints. Any Board member approached directly by a person with a complaint should refer the complainant to the Superintendent/Principal or designee so that the problem may receive proper consideration and be handled through the appropriate district process.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3320 - Claims and Actions Against the District)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

A Board member whose child is attending the district school should be aware of his/her role as a Board member when interacting with district employees about his/her child. Because his/her position as a Board member may inhibit the performance of school personnel, the Board member should inform the Superintendent/Principal or designee before volunteering in his/her child's classroom.

(cf. 1240 - Volunteer Assistance)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

LIMITS OF BOARD MEMBER AUTHORITY (continued)

The Superintendent/Principal or designee shall provide a copy of the state's open meeting laws (Brown Act) to each Board member and to anyone who is elected to the Board but has not yet assumed office.

Board members and persons elected to the Board who have not yet assumed office are responsible for complying with the requirements of the Brown Act. (Government Code 54952.1)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*

7054 *Use of district property*

35010 *Control of district; prescription and enforcement of rules*

35100-35351 *Governing boards, especially:*

35160-35184 *Powers and duties*

35291 *Rules*

35292 *Visits to schools (Board members)*

51101 *Rights of parents/guardians*

GOVERNMENT CODE

54950-54962 *The Ralph M. Brown Act, especially:*

54952.1 *Member of a legislative body of a local agency*

54952.7 *Copies of chapter to members of legislative body*

Management Resources:

CSBA PUBLICATIONS

CSBA Professional Governance Standards, 2000

Maximizing School Board Leadership: Boardmanship, 1996

WEB SITES

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

GOVERNING BOARD ELECTIONS

Any person is eligible to be a member of the Governing Board, without further qualifications, if he/she is 18 years of age or older, a citizen of California, a resident of the school district, a registered voter, and not legally disqualified from holding civil office. Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or be a Board member except when he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign his/her employment before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

(cf. 9224 - Oath of Affirmation)
(cf. 9270 - Conflict of Interest)

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with state and federal law.

(cf. 9110 - Terms of Office)

Electing Board Members

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 9005 - Governance Standards)

Statement of Qualifications

The district shall assume no part of the cost of printing, handling, translating, or mailing of candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance pursuant to Elections Code 13307.

GOVERNING BOARD ELECTIONS (continued)

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

(cf. 9223 - Filling Vacancies)

Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016)

Legal Reference: (see next page)

GOVERNING BOARD ELECTIONS (continued)

Legal Reference:

EDUCATION CODE

1000 *Composition, and trustee area, county board of education*

1006 *Qualifications for holding office, county board of education*

5000-5033 *Elections*

5220-5231 *Elections*

5300-5304 *General provisions (conduct of elections)*

5320-5329 *Order and call of elections*

5340-5345 *Consolidation of elections*

5360-5363 *Election notice*

5380 *Compensation (of election officer)*

5390 *Qualifications of voters*

5420-5426 *Cost of elections*

5440-5442 *Miscellaneous provisions*

7054 *Use of district property*

35107 *Eligibility; school district employees*

35177 *Campaign expenditures or contributions*

35239 *Compensation of governing board member of districts with less than 70 ADA*

ELECTIONS CODE

20 *Public office eligibility*

1302 *Local elections, school district election*

2201 *Grounds for cancellation*

4000-4004 *Elections conducted wholly by mail*

10400-10418 *Consolidation of elections*

10509 *Notice of election by secretary*

10600-10604 *School district elections*

13307 *Candidate's statement*

13309 *Candidate's statement, indigence*

14025-14032 *California Voting Rights Act*

20440 *Code of Fair Campaign Practices*

GOVERNMENT CODE

1021 *Conviction of crime*

1097 *Illegal participation in public contract*

12940 *Nondiscrimination, Fair Employment and Housing Act*

81000-91014 *Political Reform Act*

PENAL CODE

68 *Bribes*

74 *Acceptance of gratuity*

424 *Embezzlement and falsification of accounts by public officers*

661 *Removal for neglect or violation of official duty*

Legal Reference continued: (see next page)

GOVERNING BOARD ELECTIONS (continued)

Legal Reference: (continued)

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

UNITED STATES CODE, TITLE 42

1973-1973aa-6 Voting Rights Act

COURT DECISIONS

Rey v. Madera Unified School District, (2012) 138 Cal. Rptr. 3d 192

Randall v. Sorrell, (2006) 126 S.Ct. 2479

Sanchez v. City of Modesto, (2006) 51 Cal.Rptr.3d 821

Dusch v. Davis, (1967) 387 U.S. 112

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 49 (2002)

83 Ops.Cal.Atty.Gen. 181 (2000)

81 Ops.Cal.Atty.Gen. 98 (1998)

69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

WEB SITES

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

California Secretary of State's Office: <http://www.ss.ca.gov>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute for Local Self Government: <http://www.ca-ilg.org>

RESIGNATION

Note: Pursuant to Education Code 5090, a Governing Board member who wishes to resign must file a written resignation with the County Superintendent of Schools having jurisdiction over the district. The resignation results in a vacancy on the Board which, pursuant to Government Code 1770 and Education Code 5091-5093, requires the Board to either order an election or make a provisional appointment as appropriate, unless the vacancy occurs within four months of the end of the Board member's term in which case the Board will take no action. See BB 9223 - Filling Vacancies for information about timelines, processes, and eligibility requirements for filling vacancies.

A member of the Governing Board who wishes to resign from the Board shall file a written resignation with the County Superintendent of Schools. (Education Code 5090)

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

The resigning Board member shall also notify the Board and give a copy of his/her written resignation to the Board secretary.

The resignation shall become effective when filed with the County Superintendent, except when a deferred effective date is specified in the resignation. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent. (Education Code 5090, 5091)

Once filed, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090)

A Board member who tenders his/her resignation with a deferred effective date shall, until the effective date of the resignation, continue to exercise all the powers of the office, except that he/she shall not have the right to vote for his/her successor in an action taken by the Board to make a provisional appointment. (Education Code 5091, 35178)

(cf. 9223 - Filling Vacancies)

A Board member who resigns shall file, within 30 days of leaving office, a revised Statement of Economic Interest/Form 700 covering the period of time between the closing date of the last statement required to be filed and the date he/she leaves office. (Government Code 87302, 87500)

(cf. 9270 - Conflict of Interest)

Legal Reference: (see next page)

RESIGNATION (continued)

Legal Reference:

EDUCATION CODE

5090-5095 *Vacancies on the board*

35178 *Resignation with deferred effective date*

GOVERNMENT CODE

1770 *Vacancy on the board*

87300-87313 *Conflict of interest code*

87500 *Statement of economic interests*

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEB SITES

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

FILLING VACANCIES

Events Causing a Vacancy

A vacancy on the Governing Board may occur for any of the following events:

1. The death of an incumbent (Government Code 1770)
2. The adjudication pursuant to a quo warranto proceeding declaring that an incumbent is physically or mentally incapacitated due to disease, illness, or accident and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his/her office for the remainder of his/her term (Government Code 1770)
3. A Board member's resignation (Government Code 1770)

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent/Principal of Schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become operative on that date. A Board member may not defer the effective date of his/her resignation for more than 60 days after he/she files the resignation with the County Superintendent/Principal. Upon being filed with the County Superintendent/Principal, a written resignation, whether specifying a deferred effective date or otherwise, shall be irrevocable. (Education Code 5090, 5091)

4. A Board member's removal from office, including by recall (Elections Code 11384; Government Code 1770)
5. A Board member's ceasing to be a resident of the district (Government Code 1770)

A vacancy on the Board also occurs when a Board member ceases to inhabit the trustee area which he/she represents on the Board. (58 Ops.Cal.Atty.Gen. 888 (1975))

6. A Board member's absence from the state for more than 60 days, except in the following situations: (Government Code 1064, 1770)
 - a. Upon district business with the approval of the Board
 - b. With the consent of the Board for an additional period not to exceed a total absence of 90 days

In the case of illness or other urgent necessity, and upon a proper showing thereof, the time limited for absence from the state may be extended by the Board.

FILLING VACANCIES (continued)

- c. For federal military deployment, not to exceed an absence of a total of six months, as a member of the armed forces of the United States or the California National Guard

If the absence of the Board member for this purpose exceeds six months, the Board may approve an additional six-month absence upon a showing that there is a reasonable expectation that the member will return within the second six-month period, and the Board may appoint an interim member to serve in his/her absence. If two or more members of the Board are absent by reason of these circumstances, and those absences result in the inability to establish a quorum at a regular meeting, the Board may immediately appoint one or more interim members as necessary to enable the Board to conduct business and discharge its responsibilities. The term of an interim member appointed in these circumstances shall not extend beyond the return of the absent Board member or beyond the next regularly scheduled election for that office, whichever occurs first.

- 7. A Board member's ceasing to discharge the duties of his/her office for the period of three consecutive months, except when prevented by illness or when absent from the state with the permission required by law (Government Code 1770)
- 8. A Board member's conviction of a felony or any offense involving a violation of his/her official duties or conviction of a designated crime resulting in a forfeiture of office (Government Code 1770, 3000-3003)
- 9. A Board member's refusal or neglect to file his/her required oath or bond within the time prescribed (Government Code 1770)

(cf. 9224 - Oath or Affirmation)

- 10. The decision of a competent tribunal declaring void a Board member's election or appointment (Government Code 1770)
- 11. The making of an order vacating a Board member's office or declaring the office vacant when the Board member fails to furnish an additional or supplemental bond (Government Code 1770)
- 12. A Board member's commitment to a hospital or sanitarium as a drug addict, dipsomaniac, inebriate, or stimulant addict by a court of competent jurisdiction, in which case the office shall not be deemed vacant until the order of commitment has become final (Government Code 1770)

FILLING VACANCIES (continued)

13. A "failure to elect" in which no candidate or an insufficient number of candidates have filed to run for a Board seat(s) (Education Code 5090, 5326, 5328)

Timelines for Filling a Vacancy

When a vacancy occurs, the Board shall take the following action, as appropriate:

1. When a vacancy occurs within four months of the end of a Board member's term, the Board shall take no action. (Education Code 5093)
2. When a vacancy occurs longer than four months before the end of a Board member's term, the Board shall, within 60 days of the date of the vacancy or the filing of the member's deferred resignation, either order an election or make a provisional appointment, unless a special election is mandated as described in item #3 below. (Education Code 5091, 5093)
3. When a vacancy occurs from six months to 130 days before a regularly scheduled Board election at which the position is not scheduled to be filled, a special election to fill the position shall be consolidated with the regular election. The person so elected shall take office at the first regularly scheduled Board meeting following the certification of the election and shall serve only until the end of the term of the position which he/she was elected to fill. (Education Code 5093)

Eligibility

In order to be appointed or elected to fill a vacancy on the Board, a person must meet the eligibility requirements specified in Education Code 35107.

(cf. 9220 - Governing Board Elections)

Provisional Appointments

When authorized by law to make a provisional appointment to fill a vacancy on the Board, the Board shall advertise in the local media to solicit candidate applications or nominations. A committee consisting of less than a quorum of the Board shall ensure that applicants are eligible for Board membership and announce the names of the eligible candidates. The Board shall interview the candidates at a public meeting, accept oral or written public input, and select the provisional appointee by a majority vote.

(cf. 9130 - Board Committees)

(cf. 9323.2 - Actions by the Board)

Within 10 days after the appointment is made, the Board shall post notices of the actual vacancy, or the filing of a deferred resignation, and the provisional appointment. The notice shall be published in the local newspaper pursuant to Government Code 6061 and posted in at least three public places within the district. (Education Code 5092)

FILLING VACANCIES (continued)

The notice shall contain: (Education Code 5092)

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent/Principal within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. (Education Code 5091)

Appointment Due to Failure to Elect

When a vacancy occurs because no candidate or an insufficient number of candidates have been nominated (i.e., a failure to elect) and a district election will not be held, the Board shall appoint a qualified person to the office. This appointment shall be made at a meeting prior to the day fixed for the election and the appointee shall be seated at the organizational meeting as if elected at the district election. (Education Code 5328)

(cf. 9100 - Organization)

When an appointment is being made because of a failure to elect, the district shall publish a notice once in a newspaper of general circulation published in the district, or if no such newspaper exists, in a newspaper having general circulation within the district. This notice shall state that the Board intends to make an appointment and shall inform persons of the procedure available for applying for the appointment. (Education Code 5328.5)

The procedure for selecting and interviewing candidates shall be the same as the procedures for "Provisional Appointments," as specified above.

Legal Reference: (see next page)

FILLING VACANCIES (continued)

Legal Reference:

EDUCATION CODE

5000-5033 Elections

5090-5095 Vacancies

5200-5208 Districts governed by boards of education

5300-5304 Elections

5320-5329 Order and call of election

5340-5345 Consolidation of elections

5360-5363 Election notice

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions, elections

35107 Eligibility of board members

35178 Resignation with deferred effective date

ELECTIONS CODE

10600-10604 School district elections

11381-11386 Candidates for recall

GOVERNMENT CODE

1064 Absence from state

1770 Vacancies: definition

3000-3003 Forfeiture of office

3060-3075 Removal other than by impeachment

6061 One time notice

54950-54963 The Ralph M. Brown Act

PENAL CODE

88 Bribery, forfeiture from office

UNITED STATES CODE, TITLE 18

704 Military medals or decorations

ATTORNEY GENERAL OPINIONS

58 Ops.Cal.Atty.Gen. 888 (1975)

Management Resources:

CSBA PUBLICATIONS

Filling a Board Vacancy, rev. December 2010

WEB SITES

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

California State Attorney General's Office, Quo Warranto Applications:

http://ag.ca.gov/opinions/quo_warranto.php

OATH OR AFFIRMATION

Prior to entering upon the duties of their office, all Governing Board members shall take the oath or affirmation required by law. (California Constitution, Article 20, Section 3; Government Code 1360)

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

The oath may be administered and certified by a Board member, the Superintendent/Principal, the County Superintendent/Principal of Schools or any other person authorized in Education Code 60.

The executed oath shall be filed with the County Clerk. (Government Code 1363)

Legal Reference:

EDUCATION CODE

60 Persons authorized to administer and certify oaths

GOVERNMENT CODE

1303 Misdemeanor for failure to take oath

1360-1369 Oath of office

3100-3109 Oath or affirmation of allegiance

CALIFORNIA CONSTITUTION

Article 20, Section 3 Oath of office

COURT DECISIONS

Chilton v. Contra Costa Community College District (1976) 55 Cal. App. 3d 544

Vogel v. County of Los Angeles (1967) 68 Cal. 2d 18, 22

ORIENTATION

Board Candidate Orientation

The Governing Board desires to provide Board candidates with orientation that will enable them to understand the responsibilities and expectations of Board membership. The Superintendent/Principal or designee shall provide all candidates with general information about school programs, district operations, and Board responsibilities. He/she may also provide candidates with information about the election process, including, but not limited to, information about campaign conduct and ballot statement information.

(cf. 9200 - Limits of Board Member Authority)

(cf. 9220 - Governing Board Elections)

(cf. 9270 - Conflict of Interest)

The Board encourages all candidates to attend public Board meetings during the period of their candidacy. Candidates shall have the same access as members of the public to district staff and information.

(cf. 1340 - Access to District Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

New Board Member Orientation

The Board shall convene a meeting to provide an orientation and information to incoming Board members to assist them in understanding the Board's functions, policies, procedures, protocols, and agreed-upon standards of conduct. Incoming Board members shall receive the district's policy manual and other materials related to the district and Board member responsibilities.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

Upon their election, incoming Board members shall be provided a copy of the Brown Act and informed that, pursuant to Government Code 54952.1, they must conform to the Act's requirements as if they had already assumed office.

The Superintendent/Principal may provide incoming Board members with additional background and information regarding the district's vision and goals, operations, and current challenges in areas that include, but are not be limited to, student achievement, curriculum, finance, facilities, policy, human resources, and collective bargaining.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Incoming members are encouraged to attend Board meetings and review agenda materials available to the public in order to become familiar with current issues facing the district.

ORIENTATION (continued)

Incoming members also may, at district expense and with approval of the Board, attend workshops and conferences relevant to their individual needs or to the needs of the Board as a whole or the district.

(cf. 9240 - Board Development)

Legal Reference:

EDUCATION CODE

33360 *Department of Education and statewide association of school district boards; annual workshops*

33362-33363 *Reimbursement of expenses; board member or member-elect*

ELECTIONS CODE

13307 *Candidate's statement*

20440 *Code of Fair Campaign Practices*

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act, especially:*

54952.1 *Member of a legislative body*

54952.7 *Copies of Brown Act to board members*

Management Resources:

CSBA PUBLICATIONS

School Board Leadership, 2007

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, 2007

Professional Governance Standards, 2000

Maximizing School Board Leadership, 1996

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Becoming a Better Board Member: A Guide to Effective School Board Service, 2006

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

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

BOARD TRAINING

Note: The following **optional** bylaw may be revised to reflect district practice.

CSBA's Professional Governance Standards include expectations that each individual Governing Board member will participate in professional development and commit the time and energy necessary to be an informed and effective leader. See CSBA's web site for education opportunities available through CSBA, including, but not limited to, CSBA's Institute for New and First-Term Board Members, Masters in Governance program, Annual Education Conference and Trade Show, Legal Symposium for Experienced Board Members, Board Presidents Workshop, Brown Act Workshop, Back-to-School Webcast, other workshops and webinars on specific topics, and in-district governance consulting services.

The Governing Board believes that the Board's ability to effectively and responsibly govern the district is essential to promoting student achievement, building positive community relations, and protecting the public interest in district schools. Board members shall be provided sufficient opportunities for professional development that helps them understand their responsibilities, stay abreast of new developments in education, and develop boardmanship skills.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

The Board and/or the Superintendent or designee shall provide an orientation to newly elected or appointed Board members which includes comprehensive information regarding Board roles, policies, and procedures and the district's vision and goals, operations, and current challenges. Throughout their first term, Board members shall continue to participate in additional educational opportunities designed to assist them in understanding the principles of effective governance, including, but not limited to, information on school finance and budgets, student achievement and assessment, labor relations, community relations, program evaluation, open meeting laws (the Brown Act), conflict of interest laws, and other topics necessary to govern effectively and in compliance with law.

(cf. 9230 - Orientation)

All Board members are encouraged to continuously participate in advanced training offered by the California School Boards Association in order to reinforce boardmanship skills and build knowledge related to key education issues. Such activities may include online courses, webinars, webcasts, and in-person attendance at workshops and conferences. In addition, workshops and consultations may be held within the district on issues that involve the entire governance team.

Note: CSBA recommends that board training and travel expenses be budgeted as separate items. While training is essential to maintain an effective, well-informed Board, travel expenses are incurred for a variety of reasons.

BOARD TRAINING (continued)

It is also recommended that the Board determine the manner in which board training activities that require the use of district funds will be selected or approved. Districts may allocate funds equally to each Board member and allow each member discretion to select activities that meet his/her needs, or may require that all activities or activities over a specified cost be approved by the full Board. The following paragraph may be revised to reflect district practice.

Funds for board training shall be budgeted annually for the Board and each Board member. In selecting appropriate activities, the Board and/or individual Board members shall consider activities that are aligned with the district's vision and goals and the needs of the Board or individual member to obtain specific knowledge and skills. The Board shall annually develop a board training calendar in order to schedule and track board training activities and to schedule opportunities for Board members to report on the activities in which they participated.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 3100 - Budget)

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

Note: Pursuant to Government Code 54952.2, a "meeting" subject to Brown Act requirements does not include the attendance of a majority of the Board's members at a conference or similar public gathering, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board. Also see BB 9320 - Meetings and Notices.

Board members may attend a conference or similar public gathering with other Board members and/or with the Superintendent or designee in order to develop common knowledge and understanding of an issue or engage in team-building exercises. In such cases, a majority of the Board members shall not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the district's jurisdiction, so as not to violate the Brown Act open meeting laws pursuant to Government Code 54952.2.

(cf. 9320 - Meetings and Notices)

Board members shall report to the Board, orally or in writing, on the board training activities they attend, for the purpose of sharing the acquired knowledge or skills with the full Board and enlarging the benefit of the activity to the Board and district.

Legal Reference: (see next page)

BOARD TRAINING (continued)

Legal Reference:

GOVERNMENT CODE

54950-54963 *The Ralph M. Brown Act, especially:*

54952.2 *Meeting*

Management Resources:

CSBA PUBLICATIONS

Professional Governance Standards for School Boards

WEB SITES

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

California County Boards of Education: <http://www.theccbe.org>

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

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

Compensation

Each member of the Governing Board may receive the maximum monthly compensation as provided for in Education Code 35120.

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code 35120 in an amount not to exceed five percent based on the present monthly rate of compensation. (Education Code 35120)

Board members are not required to accept payment for meetings attended.

Any member who does not attend all Board meetings during the month is eligible to receive only a percentage of the monthly compensation equal to the percentage of meetings he/she attended, unless otherwise authorized by the Board in accordance with law. (Education Code 35120)

A member may be compensated for meetings he/she missed when the Board, by resolution, finds that he/she was performing designated services for the district at the time of the meeting or that he/she was absent because of illness, jury duty, or a hardship deemed acceptable by the Board. (Education Code 35120)

Student Board members shall receive no compensation for meetings attended. (Education Code 35012)

(cf. 9150 - Student Board Members)

Reimbursement of Expenses

Board members shall be reimbursed for actual and necessary expenses incurred when performing authorized services for the district. Expenses for travel, telephone, business meals, or other authorized purposes shall be in accordance with policies established for district personnel and at the same rate of reimbursement.

(cf. 1160 - Political Processes)

(cf. 3100 - Budget)

(cf. 3350 - Travel Expenses)

(cf. 3513.1 - Cellular Phone Reimbursement)

Board members shall be reimbursed for travel expenses incurred when performing services directed by the Board. (Education Code 35044)

(cf. 9240 - Board Development)

Authorized purposes may include, but are not limited to, attendance at educational seminars or conferences designed to improve Board members' skills and knowledge; participation in

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS (continued)

regional, state, or national organizations whose activities affect the district's interests; attendance at district or community events; and meetings with state or federal officials on issues of community concern.

Personal expenses shall be the responsibility of individual Board members. Personal expenses include, but are not limited to, the personal portion of any trip, tips or gratuities, alcohol, entertainment, laundry, expenses of any family member who is accompanying the Board member on district-related business, personal use of an automobile, and personal losses and traffic violation fees incurred while on district business.

Any questions regarding the propriety of a particular type of expense should be resolved by the Superintendent or designee before the expense is incurred.

Health and Welfare Benefits for Current Board Members

Board members may participate in the health and welfare benefits program provided for district employees.

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

Health and welfare benefits for Board members shall be no greater than that received by the district's nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

Board members who elect to participate shall pay the full cost of premiums.

Health and Welfare Benefits for Former Board Members

Health and welfare benefits for former Board members shall be no greater than those received by district nonsafety employees with the most generous schedule of benefits. (Government Code 53208.5)

Any former Board member leaving the Board after at least one term of office may participate in the health and welfare benefits program at his/her own expense if coverage is in effect at the time of retirement. (Government Code 53201)

Health and welfare benefits provided to a former Board member shall be extended, at his/her expense and at the same level, to his/her spouse/registered domestic partner and eligible dependent children as specified in law and the health plan.

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS (continued)

Legal Reference:

EDUCATION CODE

33050-33053 *General waiver authority*
33362-33363 *Reimbursement of expenses for attendance at workshops*
35012 *Board members; number, election and term*
35044 *Payment of traveling expenses of representatives of board*
35120 *Compensation for services as member of governing board*
35172 *Promotional activities*
44038 *Cash deposits for transportation purchased on credit*

FAMILY CODE

297-297.5 *Rights, protections and benefits under law; registered domestic partners*

GOVERNMENT CODE

8314 *Use of public resources*
20322 *Elective officers; election to become member*
20420-20445 *Membership in Public Employees' Retirement System; definition of safety employees*
53200-53209 *Group insurance*
54952.3 *Simultaneous or serial meetings; announcement of compensation*

HEALTH AND SAFETY CODE

1373 *Health services plan, coverage for dependent children*

INSURANCE CODE

10277-10278 *Group and individual health insurance, coverage for dependent children*

UNITED STATES CODE, TITLE 26

403 *Tax-sheltered annuities*

UNITED STATES CODE, TITLE 42

18011 *Right to maintain existing health coverage*

CODE OF FEDERAL REGULATIONS, TITLE 26

1.403(b)-2 *Tax-sheltered annuities, definition of employee*

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93 Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

91 *Ops.Cal.Atty.Gen.* 37 (2008)

83 *Ops.Cal.Atty.Gen.* 124 (2000)

Management Resources:

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Sample Expense and Use of Public Resources Policy Statement, January 2006

INTERNAL REVENUE SERVICE PUBLICATIONS

Tax-Sheltered Annuity Plans (403(b) Plans) for Employees of Public Schools and Certain Tax-Exempt Organizations, Publication 571, rev. February 2013

WEB SITES

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

Institute for Local Government: <http://www.ca-ilg.org>

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

Public Employees' Retirement System: <http://www.calpers.ca.gov>

REMUNERATION, REIMBURSEMENT AND OTHER BENEFITS

RESOLUTION ON BOARD COMPENSATION FOR MISSED MEETINGS

WHEREAS, the Governing Board of the Dehesa School District appreciates the services provided by members of the Board and provides compensation for meeting attendance in accordance with Education Code 35120 and Board Bylaw 9250; and

WHEREAS, Education Code 35120 provides that the monthly compensation provided to Board members shall be commensurate with the percentage of meetings attended during the month unless otherwise authorized by Board resolution; and

WHEREAS, Education Code 35120 specifies limited circumstances under which the Board is authorized to compensate a Board member for meetings he/she missed; and

WHEREAS, the Board finds that (name of Board member) did not attend the Board meeting(s) on (dates) for the following reason(s): (check applicable reasons)

- Performance of other designated duties for the district during the time of the meeting
- Illness or jury duty
- Hardship deemed acceptable by the Board

NOW THEREFORE BE IT RESOLVED that the Board of the Dehesa School District approves full compensation of the Board member for the month of _____.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a regular meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary

President

LEGAL PROTECTION

Liability Insurance

The Governing Board shall provide insurance necessary to protect Board members and employees while acting within the scope of their office or employment in accordance with Education Code 35208.

(cf. 3530 - Risk Management/Insurance)

Protection Against Liability

No Board member shall be liable for harm caused by his/her act or omission when acting within the scope of district responsibilities. The act or omission must be in conformity with federal, state and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school. (20 USC 6736)

The protection against liability shall not apply when: (20 USC 6736)

1. The Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. The Board member caused harm by operating a motor vehicle.
3. The Board member was not properly licensed, if required, by the State for such activities.
4. The Board member was found by a court to have violated a federal or state civil rights law.
5. The Board member was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Board member has been convicted in a court.
7. The misconduct involved a sexual offense for which the Board member has been convicted in a court.

Legal Reference: (see next page)

LEGAL PROTECTION (continued)

Legal Reference:

EDUCATION CODE

17029.5 *Contract funding; board liability*

35208 *Liability insurance*

35214 *Liability insurance (self-insurance or a combination of self-insurance and insurance through an insurance company)*

GOVERNMENT CODE

815.3 *Intentional torts*

820-823 *Tort Claims Act*

825.6 *Indemnification of public entity*

1090-1098 *Conflicts of interest, prohibitions applicable to specified officers*

54950-54963 *The Ralph M. Brown Act*

87100-89503 *Conflicts of interest*

UNITED STATES CODE, TITLE 18

16 *Crime of violence defined*

UNITED STATES CODE, TITLE 20

6731-6738 *Teacher Protection Act*

COURT DECISIONS

Caldwell v. Montoya (Paramount Unified School District) 10 Cal 4th 972 (1995)

CONFLICT OF INTEREST

Note: The determination as to whether a conflict of interest exists must be analyzed under two separate sets of statutes: (1) the conflict of interest provisions of the Political Reform Act (PRA) (Government Code 87100-87505), detailed in the section below entitled "Conflict of Interest under the Political Reform Act," and (2) Government Code 1090-1098, detailed in the section below entitled "Conflict of Interest under Government Code 1090 - Financial Interest in a Contract." Even when a conflict does not exist pursuant to those statutes, a violation might still occur under the common law doctrine against conflict of interest; see the section below entitled "Common Law Doctrine Against Conflict of Interest."

Because the law and definitions are quite complex, it is strongly recommended that districts consult with legal counsel and staff from the Fair Political Practices Commission (FPPC) as soon as a potential conflict is presented.

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

(cf. 9005 - Governance Standards)

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. *Relative* means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

Note: The following paragraph reflects the common law definition of "relative within the third degree."

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Note: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313. Board members and employees designated in the district's conflict of interest code are required by Government Code 87500 to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and designated employees who "manage public investments"; see section below entitled "Additional Requirements for Boards that Manage Public Investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation.

CONFLICT OF INTEREST (continued)

Pursuant to Government Code 87303, the district's conflict of interest code must be approved by the appropriate code reviewing body. For districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The FPPC is the code reviewing body for those school districts located in more than one county.

Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference, along with a list of designated positions and disclosure categories. The accompanying exhibit (E 9270) contains a sample resolution that includes an appendix with designated positions and disclosure categories which, once adopted by the Board, will comprise the terms of the district's conflict of interest code that should be submitted to the code reviewing body.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code 87302, 87302.6)

(cf. 4117.2/4217.2/4317.2 - Resignation)

(cf. 9222 - Resignation)

CONFLICT OF INTEREST (continued)**Conflict of Interest under the Political Reform Act**

Note: The FPPC has adopted an eight-step analysis, detailed in Government Code 87100-87500, 2 CCR 18700-18755, and interpretive opinions, to determine whether a conflict of interest exists under the PRA. When such a conflict exists, the affected Board member must disclose the interest and disqualify himself/herself from participating in the decision, as specified below. Because Family Code 297.5 grants a registered domestic partner the same rights, protections, and benefits as a spouse under state law, analysis of a conflict of interest with regards to a Board member's spouse is also applicable to a registered domestic partner.

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Board member, designated employee, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR 18700. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR 18704.

Note: 2 CCR 18705 permits a Board member who is financially interested in a contract to participate in making a decision on the contract if (1) he/she discloses the existence of the conflict and describes with particularity the nature of his/her economic interest in the contract; (2) gives a summary description of the circumstances under which he/she believes the conflict may arise; and (3) either he/she, another Board member, or a district employee discloses the legal basis for concluding that no alternative source of decision exists for the district. In general, this rule will permit a district to acquire an essential supply or service. CSBA strongly recommends that legal counsel be consulted when situations arise involving the rule of necessity, as strict compliance is required.

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code 87101 and 2 CCR 18705.

Additional Requirements for Boards that Manage Public Investments

Note: The following optional section is for use only by districts in which the Board and/or designated employees are considered to be "officials who manage public investments" and who are required to

CONFLICT OF INTEREST (continued)

file a full financial disclosure statement in accordance with Government Code 87200. It should be deleted by all other districts. See the accompanying exhibit for further information.

According to the FPPC, officials who manage public investments are boards or designated employees who manage the investment of district surplus or special reserve funds in permitted securities and investments pursuant to Education Code 41015. Those boards that direct the investment of these funds, formulate or approve policies for the investment of these funds, even if they delegate day-to-day investment decisions to staff, or approve investment transactions involving these funds are considered officials who manage public investments.

The Board does not manage public investments when the district does not have any surplus or special reserve funds to invest and merely deposits all funds it receives (1) in the county treasury pursuant to Education Code 41001-41002.5 or (2) in a fund where a Tax and Revenue Anticipation Note (TRANs) is issued. Board members and superintendents in these types of situations are not considered to have discretion regarding the investment of the district's money and are therefore not officials who manage public investments.

Any Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18707)

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to

CONFLICT OF INTEREST (continued)

Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. 3430 - Investing)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Conflict of Interest under Government Code 1090 - Financial Interest in a Contract

Note: Pursuant to Government Code 1090, if a Board member has a financial interest in a contract, it is an absolute bar for that district to enter into the contract. The Attorney General has opined in 69 Ops.Cal.Atty.Gen. 255 (1986) that, unlike the PRA, the prohibitions in Government Code 1090 cannot be resolved by having the financially interested Board member abstain from participating in the matter. However, there are two categories of exceptions. If a financial interest meets the definition of a "noninterest" as specified in Government Code 1091.5, then the restrictions in Government Code 1090 do not apply and the district can enter into the contract. Secondly, if a Board member's interest is deemed a "remote interest" pursuant Government Code 1091, then the district can enter into the contract as long as certain conditions are satisfied, as specified below.

While the prohibitions in the PRA only apply to designated employees, the prohibitions in Government Code 1090 apply to all district employees and consultants. California appellate courts have ruled in McGee v. Balfour Beatty Construction LLC and Davis v. Fresno Unified School District that Government Code 1090 applies to consultants, including corporate consultants, who fill the roles and positions of officers, employees, and agents of the district. However, the Attorney General has opined in 63 Ops.Cal.Atty.Gen. 868 (1980) that an employee's financial interest would not prohibit the district from entering into a contract as long as the employee has not participated in the making of the contract, such as in discussions and planning, as detailed below.

Government Code 1090 does not define financial interest, but courts have held that, for the purposes of this statute, the definition of "financial interest" is not the same as the definition in the PRA which requires a "material financial effect" in order for a conflict to exist. Because the determination of whether a financial interest exists involves a review of statutes, court decisions, and Attorney General opinions as they apply to the particular facts at issue, the analysis can be complex and legal counsel should be consulted as appropriate.

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code 1090)

Note: The district may enter into a contract when a Board member's interest is a "remote interest" as defined in Government Code 1091. Generally, this issue arises when the district wishes to enter into a contract with the Board member's employer. When the conditions specified in Government Code 1091 are satisfied (e.g., Board member is an employee of a nonprofit organization, the employer has at least 10 employees, and the Board member has been employed more than three years), then the district may enter into the contract as long as the affected Board member discloses the remote interest and abstains from the matter.

CONFLICT OF INTEREST (continued)

Board members who willfully fail to disclose a remote interest in a contract may be subject to a fine or imprisonment pursuant to Government Code 1097.

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code 1091, if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code 1091)

Note: Pursuant to Government Code 1091.5, certain financial interests are defined as "noninterests," meaning a conflict of interest does not exist and the district can enter into the contract. One of the noninterests listed in Government Code 1091.5 is when a Board member's spouse has been employed by the district for at least one year prior to the Board member's election or appointment. If the spouse has not been employed by the district for at least one year prior to the Board member's election or appointment, the exception does not apply and Government Code 1090 prohibits the district from entering into a new contract to hire the spouse. (80 Ops.Cal.Atty.Gen. 320 (1997))

Attorney General opinions and case law have further clarified the application of this noninterest exception when a previously employed spouse changes to a different position during the Board member's term. Generally, these opinions have held that a lateral transfer or change of classification that does not require Board approval (e.g., second year probationary teacher automatically achieving permanent status, step increase) is the same employment not requiring a new contract and thus constitutes a noninterest. (92 Ops.Cal.Atty.Gen. 26 (2009), 87 Ops.Cal.Atty.Gen. 23 (2004)) However, when a new contract is involved (e.g., promotion from classroom teacher to principal, substitute employee becoming a probationary employee), the exception in Government Code 1091.5 does not apply and the action would be prohibited under Government Code 1090 because Board approval of the contract is required. (Thorpe v. Long Beach Community College District, 69 Ops.Cal.Atty.Gen. 255 (1986))

Because this area of law is complex, it is strongly recommended that district legal counsel be consulted if a Board member's spouse is an employee of the district or when analyzing whether an interest is a noninterest or remote interest.

In addition, a Board member shall not be considered to be financially interested in a contract in which his/her interest is a "noninterest" as defined in Government Code 1091.5. Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, in the employment of his/her spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code 1091.5.

Common Law Doctrine Against Conflict of Interest

Note: Even when there is not a conflict pursuant to the PRA (Government Code 87100-87505) or Government Code 1090, the Attorney General has found that special situations may still exist under the common law doctrine against conflict of interest which, unlike the statutes, extends to noneconomic interests. In 92 Ops.Cal.Atty.Gen. 19 (2009), the Attorney General opined that a redevelopment board member should abstain from voting on a loan agreement where the recipient of the loan was a corporation

CONFLICT OF INTEREST (continued)

owned by the board member's adult son. Although the board member was not financially interested in the contract under the PRA or Government Code 1090, the Attorney General determined that abstention was necessary in order to avoid a conflict between the member's official and personal interests and to avoid the appearance of impropriety.

Districts are encouraged to consult legal counsel if situations arise that raise the question as to whether such a conflict exists.

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Incompatible Offices and Activities

Note: Government Code 1099 and 1126 prohibit Board members and employees from engaging in any employment or activity which is inconsistent, incompatible, in conflict with, or inimical to their duties with the district. Government Code 1126 **mandates** the district to adopt procedures regarding this prohibition. See BP 4136/4236/4336 - Nonschool Employment for language implementing this mandate relative to employees.

Attorney General opinions have indicated that it would be incompatible for Board members to serve on other elected or appointed boards, councils, or commissions that have interests which may conflict with the interests of the district (85 Ops.Cal.Atty.Gen. 60 (2002); 68 Ops.Cal.Atty.Gen. 171 (1985); 65 Ops.Cal.Atty.Gen. 606 (1982)). If a Board member is sworn into an incompatible office, then his/her position in the prior office is automatically terminated.

Pursuant to Education Code 35107, an employee of a school district may not be sworn into office as an elected or appointed member of that district's Board unless he/she resigns as an employee. If the employee does not resign, the employment automatically terminates when he/she is sworn into office. See BB 9220 - Governing Board Elections.

The determination as to whether an activity or office is incompatible is complex and requires a case-by-case analysis of the particular activities or duties of the office; therefore, it is recommended that district legal counsel be consulted as appropriate.

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

(cf. 4136/4236/4336 - Nonschool Employment)

Gifts

Note: Pursuant to 2 CCR 18730, the gift limitation is currently \$460. This amount is adjusted in odd-numbered years by the FPPC. Pursuant to Government Code 89503, Board members and candidates are subject to gift limitation for gifts from all sources except when exempted by law or regulation. For those Board members who file a Form 700 based on the disclosure categories specified in the district's conflict of interest code pursuant to Government Code 87302 (see the accompanying exhibit), the gift limit is only applicable as to those individuals and entities that are disclosed on the Form 700.

CONFLICT OF INTEREST (continued)

Several exceptions exist within the Government Code's definitions of gifts, income, interest in real property, and investment; see Government Code 82028, 82030, 82033, and 82034. If questions arise as to such exceptions, the district may seek clarification from the FPPC through email to advice@fppc.ca.gov or consult legal counsel.

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code 82028)

Note: Board members and designated employees may, in the circumstances described in Government Code 89506, receive payments, advances, or reimbursements for travel and related lodging and subsistence, which will not be subject to the gift limit set in Government Code 89503.

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code 89506)

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code 89506, including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined

CONFLICT OF INTEREST (continued)

as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code 89501, 89502)

The term *honorarium* does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:

EDUCATION CODE

1006 *Qualifications for holding office*

35107 *School district employees*

35230-35240 *Corrupt practices, especially:*

35233 *Prohibitions applicable to members of governing boards*

41000-41003 *Moneys received by school districts*

41015 *Investments*

FAMILY CODE

297.5 *Rights, protections, and benefits of registered domestic partners*

GOVERNMENT CODE

1090-1099 *Prohibitions applicable to specified officers*

1125-1129 *Incompatible activities*

81000-91014 *Political Reform Act of 1974, especially:*

82011 *Code reviewing body*

82019 *Definition, designated employee*

82028 *Definition, gift*

82030 *Definition, income*

82033 *Definition, interest in real property*

82034 *Definition, investment*

87100-87103.6 *General prohibitions*

87200-87210 *Disclosure*

87300-87313 *Conflict of interest code*

87500 *Statements of economic interests*

89501-89503 *Honoraria and gifts*

89506 *Ethics; travel*

91000-91014 *Enforcement*

PENAL CODE

85-88 *Bribes*

REVENUE AND TAXATION CODE

203 *Taxable and exempt property - colleges*

Legal Reference continued: (see next page)

CONFLICT OF INTEREST (continued)

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 2

18110-18997 *Regulations of the Fair Political Practices Commission, especially:*

18700-18707 *General prohibitions*

18722-18740 *Disclosure of interests*

18750.1-18756 *Conflict of interest codes*

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 *Ops. Cal. Atty. Gen.* 26 (2009)

92 *Ops. Cal. Atty. Gen.* 19 (2009)

89 *Ops. Cal. Atty. Gen.* 217 (2006)

86 *Ops. Cal. Atty. Gen.* 138(2003)

85 *Ops. Cal. Atty. Gen.* 60 (2002)

82 *Ops. Cal. Atty. Gen.* 83 (1999)

81 *Ops. Cal. Atty. Gen.* 327 (1998)

80 *Ops. Cal. Atty. Gen.* 320 (1997)

69 *Ops. Cal. Atty. Gen.* 255 (1986)

68 *Ops. Cal. Atty. Gen.* 171 (1985)

65 *Ops. Cal. Atty. Gen.* 606 (1982)

63 *Ops. Cal. Atty. Gen.* 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Governing Board Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

CONFLICT OF INTEREST

**RESOLUTION ADOPTING A
CONFLICT OF INTEREST CODE**

Note: The Governing Board is required to adopt a conflict of interest code in compliance with Government Code 87300-87313 of the Political Reform Act (PRA). Pursuant to 2 CCR 18730, the requirements of the Government Code are satisfied if a district adopts a conflict of interest code that incorporates 2 CCR 18730 by reference along with a list of designated positions and disclosure categories. Board members and designated employees must annually file a Statement of Economic Interest/Form 700 pursuant to the disclosure requirements of the district's conflict of interest code.

Government Code 87303 requires a district's conflict of interest code to be approved by a code reviewing body. For school districts located entirely in one county, the code reviewing body is the board of supervisors of the county in which the district is located. The Fair Political Practices Commission (FPPC) is the code reviewing body for school districts with jurisdiction in more than one county.

The code reviewing body needs to review only the portion of the district's conflict of interest code that specifies the district's designated positions and the disclosure categories as detailed in the following sample Resolution, including its Appendix, and not the other legal requirements related to conflict of interest reflected in the accompanying sample bylaw. The Resolution, including the Appendix, should be adopted by the Board and, as necessary, forwarded to the code reviewing body. Pursuant to Government Code 87306.5, the code reviewing body is required to notify the district in even-numbered years of the need to review the district's conflict of interest code. Upon such notification, the district should review the Appendix and make any necessary changes. In some counties, the code reviewing body requires that a resolution be adopted during each review and that the Board's resolution and amended appendix be submitted to that body. In other counties, only the appendix needs to be submitted. In both cases, districts need not submit BB 9270 - Conflict of Interest to the code reviewing body. In addition to the biannual review, districts should modify the Appendix and submit it, and the resolution if required, to the code reviewing body when any changed circumstances within the district require amendments to the Appendix, such as the creation of new designated positions or a change of duties assigned to existing positions.

The following resolution should be modified to reflect district practice as well as any specific requirements of the district's code reviewing body.

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the Dehesa School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

CONFLICT OF INTEREST (continued)

WHEREAS, the Dehesa School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the Dehesa School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary/President

CONFLICT OF INTEREST (continued)**Conflict of Interest Code of the
Dehesa School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the attached Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

APPENDIX**Disclosure Categories**

Note: The following list must be modified to reflect the specific disclosure categories in the district.

1. **Category 1:** A person designated Category 1 shall disclose:
 - a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
 - b. Investments or business positions in or income from sources which are engaged in the acquisition or disposal of real property within the district, are contractors or subcontractors which are or have been within the past two years engaged in work or services of the type used by the district, or manufacture or sell supplies, books, machinery, or equipment of the type used by the district.

2. **Category 2:** A person designated Category 2 shall disclose:
 - a. Investments or business positions in or income from sources which are contractors or subcontractors engaged in work or services of the type used by the department which the designated person manages or directs.
 - b. Investments or business positions in or income from sources which manufacture or sell supplies, books, machinery, or equipment of the type used by the department which the designated person manages or directs. For the purposes of this category, a principal's department is his/her entire school.

CONFLICT OF INTEREST (continued)

Note: **Item #3 below is for use only by districts in which the Board and Superintendent "manage public investments." All other districts must delete item #3.**

Government Code 87500 requires public officials and designated employees to annually file a Statement of Economic Interest/Form 700 to disclose any assets and income which may be materially affected by official actions. Under the PRA, there are two separate categories of Form 700 disclosure requirements. For the first category pursuant to Government Code 87302, which is applicable to most school districts, the disclosure requirements are determined by the district and set forth in the district's conflict of interest code. The second category, pursuant to Government Code 87200, is only applicable to Board members and Superintendents who "manage public investments." Those Board members and designated employees, referred to by the FPPC as Government Code 87200/Article 2 filers, must file broader disclosure statements pursuant to the disclosure requirements specified in law and FPPC regulation. See section in accompanying bylaw entitled "Additional Requirements for Boards that Manage Public Investments" for a further discussion of this issue.

3. **Full Disclosure:** Because it has been determined that the district's Board members and/or Superintendent "manage public investments," they and other persons designated for "full disclosure" shall disclose, in accordance with Government Code 87200:
- a. Interests in real property located entirely or partly within district boundaries, or within two miles of district boundaries, or of any land owned or used by the district.
 - b. Investments, business positions, and sources of income, including gifts, loans, and travel payments.

Designated Positions

Note: **The following list must be modified to reflect the specific designated positions and applicable disclosure categories in the district. For districts in which the Board and Superintendent "manage public investments," the disclosure category for Board members and the Superintendent in the list below must be modified to "Full Disclosure."**

| <u>Designated Position</u> | <u>Disclosure Category</u> |
|-------------------------------------|----------------------------|
| Governing Board Members | 1 |
| Superintendent of Schools | 1 |
| Assistant/Associate Superintendent | 1 |
| Purchasing Agent | 1 |
| Director | 2 |
| Principal | 2 |
| Assistant Principal | 2 |
| Maintenance and Operations Director | 2 |
| Program Coordinator | 2 |
| Project Specialist | 2 |
| Supervisor | 2 |
| Dean of Students | 2 |

CONFLICT OF INTEREST (continued)**Disclosures for Consultants**

Note: The definition of designated employees in Government Code 82019 includes consultants. To preclude amending the code whenever retaining a consultant in a decision-making capacity, the following section provides that the Superintendent or designee shall make case-by-case determinations of the disclosures necessary, depending on the range of duties to be performed by the consultant.

Consultants are designated employees who must disclose financial interests as determined on a case-by-case basis by the Superintendent or designee. The Superintendent or designee's written determination shall include a description of the consultant's duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18700.3)

1. Approve a rate, rule, or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order, or similar authorization or entitlement
4. Authorize the district to enter into, modify, or renew a contract that requires district approval
5. Grant district approval to a contract that requires district approval and in which the district is a party, or to the specifications for such a contract
6. Grant district approval to a plan, design, report, study, or similar item
7. Adopt or grant district approval of district policies, standards, or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18704, subsections (a) and (b), or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's conflict of interest code. (2 CCR 18700.3)

BOARD POLICIES

The Governing Board shall adopt written policies to convey its expectations for actions that will be taken in the district, clarify roles and responsibilities of the Board and Superintendent/Principal, and communicate Board philosophy and positions to the students, staff, parents/guardians and the community. Board policies are binding on the district to the extent that they do not conflict with federal or state law and are consistent with the district's collective bargaining agreements.

(cf. 0000 - Vision)

(cf. 0100 - Philosophy)

(cf. 9000 - Role of the Board)

The Board recognizes the importance of maintaining a policy manual that is up to date and reflects the mandates of law. Policies shall be regularly reviewed at a time allocated for this purpose on the agenda of public Board meetings.

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agendas/Meeting Materials)

The Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or district circumstances.

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 6145 - Extracurricular and Cocurricular Activities)

Policy Development and Adoption Process

The district's policy development process shall include the following basic steps:

1. The Board and/or Superintendent/Principal or designee shall identify the need for a new policy or revision of an existing policy. The need may arise from a change in law, a new district vision or goals, educational research or trends, or a change in the superintendency or Board membership. The need may also occur as a result of an incident that has arisen in the district or a recommendation or request from staff or other interested persons.
2. As needed, the Superintendent/Principal or designee shall gather fiscal and other data, staff and public input, related district policies, sample policies from other organizations or agencies, and other useful information to fully inform the Board about the issue.

(cf. 1220 - Citizen Advisory Committees)

BOARD POLICIES (continued)

3. The Board may hold discussions during a public Board meeting to gain an understanding of the issue and provide initial direction to the Superintendent/Principal or designee. The discussion may include, but not be limited to, how the proposed policy may affect student learning, community expectations, staff recommendations, fiscal impact, as well as the policy's impact on governance and operational efficiency.
4. The Board or Superintendent/Principal may request that legal counsel review the draft policy as appropriate.
5. The Superintendent/Principal or designee shall develop and present a draft policy for a first reading at a public Board meeting. At its second reading, the Board may take action on the proposed policy. The Board may waive the second reading or may require an additional reading if necessary.

(cf. 9323 - Meeting Conduct)

Only policies formally adopted by a majority vote of the Board shall constitute official Board policy.

(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323.2 - Actions by the Board)

The district's policy development process may be revised or expanded as needed based on the issue being considered, the need for more information, or to provide greater opportunities for consultation and public input.

Policies shall become effective upon Board adoption or at a future date designated by the Board at the time of adoption.

Board Bylaws

The Board shall prescribe and enforce rules for its own government consistent with state law and regulations. (Education Code 35010)

Bylaws governing Board operations may be developed, adopted, and amended following the same procedures as those used for the adoption or amendment of Board policy.

Administrative Regulations

The Superintendent/Principal or designee shall be responsible for developing and enforcing administrative regulations for the operation of the district. Administrative regulations shall be consistent with law and Board policy and shall be designed to promote the achievement of district goals and objectives. Administrative regulations may describe specific actions to be taken, roles and responsibilities of staff, timelines, and/or other necessary provisions. The Superintendent/Principal or designee also may develop procedures manuals, handbooks, or other guides to carry out the intent of Board policy.

BOARD POLICIES (continued)

When Board policies are amended, the Superintendent/Principal or designee shall review corresponding regulations to ensure that they conform to the intent of the revised policy. In case of conflict between administrative regulation and Board policy, policy shall prevail.

The Board may review and/or approve regulations for the purpose of ensuring conformity with the intent of Board policy.

Monitoring and Evaluation

At the time a policy is adopted, the Board and Superintendent/Principal or designee shall determine whether an evaluation of the policy should be scheduled and, if so, shall agree upon a timeline and measures for evaluating the effectiveness of the policy in achieving its purpose.

(cf. 0500 - Accountability)

Access to Policies

The Superintendent/Principal or designee shall ensure that all district employees and the public have access to an up-to-date district policy manual. A public copy of the policy manual shall be maintained at the district central office and at each school site. These copies shall be maintained either electronically or by paper copy.

(cf. 1113 - District and School Web Sites)

(cf. 1340 - Access to District Records)

As necessary, the Superintendent/Principal or designee shall notify staff, parents/guardians, students, and other stakeholders whenever a policy that affects them is adopted or revised. He/she may determine the appropriate communications strategy depending on the issue.

(cf. 1112 - Media Relations)

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

(cf. 5145.6 - Parental Notifications)

(cf. 6020 - Parent Involvement)

Suspension of Policies

No Board policy, bylaw, or administrative regulation, or any portion thereof, shall be operative if it is found to be in conflict with applicable federal or state law or regulations or court decisions. If any portion of a policy is found to be invalid, that invalidity shall not affect other provisions of the policy.

(cf. 2210 - Administrative Discretion Regarding Board Policy)

Legal Reference: (see next page)

BOARD POLICIES (continued)

Legal Reference:

EDUCATION CODE

35010 *Control of district; prescription and enforcement of rules*

35160 *Authority of governing boards*

35160.5 *Annual review of school district policies*

35163 *Official actions, minutes and journal*

35164 *Vote requirements*

Management Resources:

CSBA PUBLICATIONS

Targeting Student Learning: The School Board's Role as Policymaker, 2005

Maximizing School Board Leadership: Policy, 1996

WEB SITES

CSBA, Policy Services, including Policy Update Service, Governance and Management Using Technology (GAMUT Online™), Policy Audit Program, Individual District Policy Workshops, Agenda Online, and Manual Maintenance: <http://www.csba.org/ps>

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

MEETINGS AND NOTICES

Meetings of the Governing Board are conducted for the purpose of accomplishing district business. In accordance with state open meeting laws (Brown Act), the Board shall hold its meetings in public and shall conduct closed sessions during such meetings only as authorized by law. To encourage community involvement in the district school, Board meetings shall provide opportunities for questions and comments by members of the public. All meetings shall be conducted in accordance with law and the Board's bylaws, policies, and administrative regulations.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 9322 - Agenda/Meeting Materials)

(cf. 9323 - Meeting Conduct)

A Board meeting exists whenever a majority of Board members gather at the same time and place to hear, discuss, or deliberate upon any item within the subject matter jurisdiction of the Board or district. (Government Code 54952.2)

A majority of the Board shall not, outside of an authorized meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board. However, an employee or district official may engage in separate conversations with Board members in order to answer questions or provide information regarding an item within the subject matter jurisdiction of the Board, as long as that employee or district official does not communicate the comments or position of any Board members to other Board members. (Government Code 54952.2)

(cf. 9012 - Board Member Electronic Communications)

In order to help ensure the participation of individuals with disabilities at Board meetings, the Superintendent/Principal or designee shall provide appropriate disability-related accommodations or modifications upon request in accordance with the Americans with Disabilities Act. (Government Code 54953.2, 54954.1)

Regular Meetings

The Board shall hold 1 regular meeting each month. Regular meetings shall be held at 7:00 p.m. on the 3rd Thursday at the Dehesa School's multipurpose room.

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public and on the district's Internet web site. (Government Code 54954.2)

(cf. 1113 - District and School Web Sites)

MEETINGS AND NOTICES (continued)

Whenever agenda materials relating to an open session of a regular meeting are distributed to the Board less than 72 hours before the meeting, the Superintendent/Principal or designee shall make the materials available for public inspection at a public office or location designated for that purpose. (Government Code 54957.5)

(cf. 1340 - Access to District Records)

Special Meetings

Special meetings of the Board may be called at any time by the presiding officer or a majority of the Board members. However, a special meeting shall not be called regarding the salary, salary schedule, or other compensation of the Superintendent/Principal, assistant Superintendent/Principal, or other management employee as described in Government Code 3511.1. (Government Code 54956)

(cf. 2121 - Superintendent's Contract)

Written notice of special meetings shall be delivered personally or by any other means to all Board members and the local media who have requested such notice in writing. The notice also shall be posted on the district's Internet web site. The notice shall be received at least 24 hours before the time of the meeting. The notice shall also be posted at least 24 hours before the meeting in a location freely accessible to the public. The notice shall specify the time and place of the meeting and the business to be transacted or discussed. No other business shall be considered at this meeting. (Education Code 35144; Government Code 54956)

Any Board member may waive the 24-hour written notice requirement prior to the time of the meeting by filing a written waiver of notice with the clerk or secretary of the Board or by being present at the meeting at the time it convenes. (Government Code 54956)

Every notice of a special meeting shall provide an opportunity for members of the public to directly address the Board concerning any item that has been described in the meeting notice, before or during the item's consideration. (Government Code 54954.3)

Emergency Meetings

In the case of an *emergency situation* for which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board may hold an emergency meeting without complying with the 24-hour notice and/or 24-hour posting requirement for special meetings pursuant to Government Code 54956. The Board shall comply with all other requirements for special meetings during an emergency meeting. (Government Code 54956.5)

MEETINGS AND NOTICES (continued)

An *emergency situation* means either of the following: (Government Code 54956.5)

1. An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health and/or safety as determined by a majority of the members of the Board

(*cf. 4141.6/4241.6 - Concerted Action/Work Stoppage*)

2. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist activity, or threatened terrorist act that poses peril so immediate and significant that requiring the Board to provide one-hour notice before holding an emergency meeting may endanger the public health and/or safety as determined by a majority of the members of the Board

(*cf. 3516 - Emergencies and Disaster Preparedness Plan*)

Except in the case of a dire emergency, the Board president or designee shall give notice of the emergency meeting by telephone at least one hour before the meeting to the local media that have requested notice of special meetings. All telephone numbers provided by the media in the most recent request for notification must be exhausted. If telephone services are not functioning, the notice requirement of one hour is waived and, as soon after the meeting as possible, the Board shall notify those media representatives of the meeting and shall describe the purpose of the meeting and any action taken by the Board. In the case of a dire emergency, the Board president or designee shall give such notice at or near the time he/she notifies the other members of the Board about the meeting. (Government Code 54956.5)

The minutes of the meeting, a list of persons the Board president or designee notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for at least 10 days in a public place as soon after the meeting as possible. (Government Code 54956.5)

Adjourned/Continued Meetings

A majority vote by the Board may adjourn/continue any regular or special meeting to a later time and place that shall be specified in the order of adjournment. Less than a quorum of the Board may adjourn such a meeting. If no Board members are present, the secretary or the clerk may declare the meeting adjourned to a later time and shall give notice in the same manner required for special meetings. (Government Code 54955)

Within 24 hours after the time of adjournment, a copy of the order or notice of adjournment/continuance shall be conspicuously posted on or near the door of the place where the meeting was held. (Government Code 54955)

MEETINGS AND NOTICES (continued)

Study Sessions, Retreats, Public Forums, and Discussion Meetings

The Board may occasionally convene a study session or public forum to study an issue in more detail or to receive information from staff or feedback from members of the public.

The Board may also convene a retreat or discussion meeting to discuss Board roles and relationships.

(cf. 2000 - Concepts and Roles)

(cf. 2111 - Superintendent Governance Standards)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9400 - Board Self-Evaluation)

Public notice shall be given in accordance with law when a quorum of the Board is attending a study session, retreat, public forum, or discussion meeting. All such meetings shall comply with the Brown Act and shall be held in open session and within district boundaries. Action items shall not be included on the agenda for these meetings.

Other Gatherings

Attendance by a majority of Board members at any of the following events is not subject to the Brown Act provided that a majority of the Board members do not discuss specific district business among themselves other than as part of the scheduled program: (Government Code 54952.2)

1. A conference or similar public gathering open to the public that involves a discussion of issues of general interest to the public or to school board members
2. An open, publicized meeting organized by a person or organization other than the district to address a topic of local community concern
3. An open and noticed meeting of another body of the district
4. An open and noticed meeting of a legislative body of another local agency
5. A purely social or ceremonial occasion
6. An open and noticed meeting of a standing committee of the Board, provided that the Board members who are not members of the standing committee attend only as observers

(cf. 9130 - Board Committees)

MEETINGS AND NOTICES (continued)

Individual contacts or conversations between a Board member and any other person are not subject to the Brown Act. (Government Code 54952.2)

Location of Meetings

Meetings shall not be held in a facility that prohibits the admittance of any person on the basis of ancestry or any characteristic listed in Government Code 11135, including, but not limited to, religion, sex, or sexual orientation. In addition, meetings shall not be held in a facility which is inaccessible to individuals with disabilities or where members of the public must make a payment or purchase in order to be admitted. (Government Code 54961)

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

Meetings shall be held within district boundaries, except to do any of the following: (Government Code 54954)

1. Comply with state or federal law or court order or attend a judicial or administrative proceeding to which the district is a party
2. Inspect real or personal property which cannot conveniently be brought into the district, provided that the topic of the meeting is limited to items directly related to the property
3. Participate in meetings or discussions of multiagency significance, provided these meetings are held within one of the other agencies' boundaries, with all participating agencies giving the notice required by law
4. Meet in the closest meeting facility if the district has no meeting facility within its boundaries or if its principal office is located outside the district
5. Meet with elected or appointed state or federal officials when a local meeting would be impractical, solely to discuss legislative or regulatory issues affecting the district over which the state or federal officials have jurisdiction
6. Meet in or near a facility owned by the district but located outside the district, provided the meeting agenda is limited to items directly related to that facility
7. Visit the office of the district's legal counsel for a closed session on pending litigation, when doing so would reduce legal fees or costs
8. Attend conferences on nonadversarial collective bargaining techniques

MEETINGS AND NOTICES (continued)

9. Interview residents of another district regarding the Board's potential employment of an applicant for Superintendent/Principal of the district
10. Interview a potential employee from another district

Meetings exempted from the boundary requirements, as specified in items #1-10 above, shall still be subject to the notice and open meeting requirements for regular and special meetings when a quorum of the Board attends the meeting.

If a fire, flood, earthquake, or other emergency renders the regular meeting place unsafe, meetings shall be held for the duration of the emergency at a place designated by the Board president or designee, who shall so inform all news media who have requested notice of special meetings by the most rapid available means of communication. (Government Code 54954)

Teleconferencing

A teleconference is a meeting of the Board in which Board members are in different locations, connected by electronic means through audio and/or video. (Government Code 54953)

The Board may use teleconferences for all purposes in connection with any meeting within the Board's subject matter jurisdiction. All votes taken during a teleconference meeting shall be by roll call. (Government Code 54953)

During the teleconference, at least a quorum of the members of the Board shall participate from locations within district boundaries. (Government Code 54953)

Agendas shall be posted at all teleconference locations and shall list all teleconference locations whenever they are posted elsewhere. Additional teleconference locations may be provided to the public. (Government Code 54953)

All teleconference locations shall be accessible to the public. All teleconferenced meetings shall be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Board, including the right of the public to address the Board directly at each teleconference location. (Government Code 54953)

All Board policies, administrative regulations, and bylaws shall apply equally to meetings that are teleconferenced. The Superintendent/Principal or designee shall facilitate public participation in the meeting at each teleconference location.

MEETINGS AND NOTICES (continued)

Legal Reference:

EDUCATION CODE

- 35140 *Time and place of meetings*
- 35143 *Annual organizational meeting, date, and notice*
- 35144 *Special meeting*
- 35145 *Public meetings*
- 35145.5 *Agenda; public participation; regulations*
- 35146 *Closed sessions*
- 35147 *Open meeting law exceptions and applications*

GOVERNMENT CODE

- 3511.1 *Local agency executives*
- 11135 *State programs and activities, discrimination*
- 54950-54963 *The Ralph M. Brown Act, especially:*
- 54953 *Meetings to be open and public; attendance*
- 54954 *Time and place of regular meetings*
- 54954.2 *Agenda posting requirements, board actions*
- 54956 *Special meetings; call; notice*
- 54956.5 *Emergency meetings*

UNITED STATES CODE, TITLE 42

- 12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.160 *Effective communications*
- 36.303 *Auxiliary aids and services*

COURT DECISIONS

- Wolfe v. City of Fremont, (2006) 144 Cal.App. 544*

ATTORNEY GENERAL OPINIONS

- 88 *Ops. Cal. Atty. Gen. 218 (2005)*
- 84 *Ops. Cal. Atty. Gen. 181 (2001)*
- 84 *Ops. Cal. Atty. Gen. 30 (2001)*
- 79 *Ops. Cal. Atty. Gen. 69 (1996)*
- 78 *Ops. Cal. Atty. Gen. 327 (1995)*

Management Resources:

CSBA PUBLICATIONS

- The Brown Act: School Boards and Open Meeting Laws, rev. 2009*

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

- The ABCs of Open Government Laws*

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

- Open and Public IV: A Guide to the Ralph M. Brown Act, 2nd Ed., 2010*

WEB SITES

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

CSBA, Agenda Online:

- <http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.ag.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

League of California Cities: <http://www.cacities.org>

CLOSED SESSION PURPOSES AND AGENDAS

Note: Pursuant to Government Code 54962, the Governing Board may hold a closed session only for purposes expressly authorized by the Brown Act (Government Code 54950-54963) or by a provision of the Education Code.

The Governing Board is committed to complying with state open meeting laws and modeling transparency in its conduct of district business. The Board shall hold closed sessions only for purposes authorized by law. A closed session may be held during a regular, special, or emergency meeting in accordance with law.

Note: Government Code 54954.5 provides specific agenda descriptions for most closed session items authorized by the Brown Act.

Each agenda shall contain a general description of each closed session item to be discussed at the meeting, as required by law. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

Note: Government Code 54957.7 states that before holding any closed session, the Board must disclose in an open meeting the item(s) to be discussed in the closed session. The Board may either state the information on the agenda or refer the public to the item(s) as listed by number or letter on the agenda. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements. In addition, the Board is required to reconvene in open session upon conclusion of a closed session to report any action taken in the closed session.

The Board shall disclose in open session the items to be discussed in closed session. In the closed session, the Board may consider only those matters covered in its statement. After the closed session, the Board shall reconvene in open session before adjourning the meeting, and when applicable, shall disclose any action taken in the closed session, in the manner prescribed by Government Code 54957.1. (Government Code 54957.7)

(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall not disclose any information that is protected by state or federal law. In addition, no victim or alleged victim of tortious sexual conduct or child abuse shall be identified in any Board agenda, notice, announcement, or report required by the Brown Act, unless the identity of the person has previously been publicly disclosed. (Government Code 54957.7, 54961)

(cf. 1340 - Access to District Records)

Note: Pursuant to Government Code 54963, a Board member who discloses confidential information received in a closed session may be referred to the local grand jury or may be subject to action in a court of law. For a definition of confidential information and the actions that may be taken against a Board member if such information is disclosed, see BB 9011 - Disclosure of Confidential/Privileged Information.

CLOSED SESSION PURPOSES AND AGENDAS (continued)

A Board member shall not disclose confidential information received in a closed session unless the Board authorizes the disclosure of that information. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

Personnel Matters

Note: Government Code 54957 authorizes the use of closed sessions for personnel matters described below. For the purpose of these closed sessions, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes Board members. The Attorney General has concluded that it is appropriate to use a closed session to discuss and evaluate Superintendent performance. (59 Ops.Cal.Atty.Gen. 532 (1976)) However, under the "personnel exception," the Board may not discuss or act upon any proposed change in compensation other than a reduction of compensation that results from the imposition of discipline in closed session under this exception.

In Fischer v. Los Angeles Unified School District, the court interpreted Government Code 54957 and found that the right to request an open session applies only when the Board hears specific complaints or charges brought against the employee. Thus, the right to request an open session does not apply when the Board is meeting in closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee.

The Board may hold a closed session under the "personnel exception" to consider the appointment, employment, evaluation of performance, discipline, or dismissal of an employee. Such a closed session shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline. (Government Code 54957)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4115 - Evaluation/Supervision)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4215 - Evaluation/Supervision)

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

(cf. 4315 - Evaluation/Supervision)

Note: Pursuant to Government Code 54957, failure of the Board to give an employee against whom a "specific complaint or charge" has been made the notice described below will render any action taken by the Board in the closed session null and void. Determining whether a "specific complaint or charge" is involved is usually fact-specific and the Board should consult legal counsel as necessary. In Furtado v. Sierra Community College District, the court held that the term "specific complaints or charges" as used in Government Code 54957 does not include negative comments in an employee's performance evaluation. In another decision, Bell v. Vista Unified School District, the court determined that a presentation to the Board by a district staff member regarding an employee's violation of a California Interscholastic Federation rule constituted a "complaint or charge" and thus the employee was entitled to 24-hour notice. Yet another ruling, Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, held that when a board rejects its hearing officer's findings of fact and conducts its own hearing, the employee must be given 24-hour notice.

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Furthermore, an Attorney General opinion (78 Ops.Cal.Atty.Gen. 218 (1995)) has clarified that a probationary certificated employee does not have the right to an open session when the Board is discussing whether or not to reemploy him/her for a third consecutive school year. Education Code 44929.21 allows the Board to non-reelect a probationary certificated employee at the end of the first or second school year as long as written notice is given in accordance with law; see AR 4117.6 - Decision Not to Rehire.

The Board may also hold a closed session to hear complaints or charges brought against an employee by another person or employee, unless the employee requests an open session. Before the Board holds a closed session on specific complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session if desired. This notice shall be delivered personally or by mail at least 24 hours before the time of the session. (Government Code 54957)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The Board may hold a closed session to discuss a district employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan. (Government Code 54957.10)

Agenda items related to district employee appointments and employment shall describe the position to be filled. Agenda items related to performance evaluations shall specify the title of the employee being reviewed. Agenda items related to employee discipline, dismissal, or release require no additional information. (Government Code 54954.5)

Negotiations/Collective Bargaining

Note: The Educational Employment Relations Act (Government Code 3540-3549.3) makes four specific exemptions from the Brown Act related to negotiations. Government Code 54957.6 provides that for the purpose of closed sessions related to collective bargaining, "employee" includes an officer or independent contractor who functions as an officer or employee but excludes any elected official, Board member, or other independent contractor.

Unless otherwise agreed upon by the parties involved, the following shall not be subject to the Brown Act: (Government Code 3549.1)

1. Any meeting and negotiating discussion between the district and a recognized or certified employee organization
2. Any meeting of a mediator with either party or both parties to the meeting and negotiating process

CLOSED SESSION PURPOSES AND AGENDAS (continued)

3. Any hearing, meeting, or investigation conducted by a factfinder or arbitrator
4. Any executive (closed) session of the district or between the district and its designated representative for the purpose of discussing its position regarding any matter within the scope of representation and instructing its designated representatives

(cf. 4140/4240/4340 - Bargaining Units)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

Note: The Board is authorized pursuant to Government Code 54957.6, the "labor exception," to hold closed sessions with the district's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits to its represented and unrepresented employees, including the Superintendent. The Attorney General has opined in *57 Ops. Cal. Atty. Gen. 209 (1974)* that a board may not meet in closed session for such purposes without the use of a designated representative who is involved with the "bona fide" negotiations with represented and/or unrepresented employees. The Attorney General's publication *The Brown Act: Open Meetings for Local Legislative Bodies*, also states that the "labor exception" applies to meeting in closed session to instruct its negotiator concerning negotiations with prospective employees.

The Board may meet in closed session to review the Board's position and/or instruct its designated representative regarding salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees. Prior to the closed session, the Board shall identify its designated representative in open session. Any closed session held for this purpose may include discussions of the district's available funds and funding priorities, but only insofar as they relate to providing instructions to the Board's designated representative. (Government Code 54957.6)

(cf. 2121 - Superintendent's Contract)

Closed sessions may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees. For unrepresented employees, closed sessions held pursuant to Government Code 54957.6 shall not include final action on the proposed compensation of one or more unrepresented employees. (Government Code 54957.6)

For represented employees, the Board may also meet in closed session regarding any other matter within the statutorily provided scope of representation. (Government Code 54957.6)

The Board also may meet in closed session with a state conciliator or mediator who has intervened in proceedings regarding any of the purposes enumerated in Government Code 54957.6.

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Agenda items related to negotiations shall specify the name of the district's designated representative(s) attending the closed session. If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the organization representing the employee(s) or the position title of the unrepresented employee who is the subject of the negotiations. (Government Code 54954.5)

Matters Related to Students

The Board shall meet in closed session to consider the expulsion of a student, unless the student submits a written request at least five days before the date of the hearing that the hearing be held in open session. Regardless of whether the expulsion hearing is conducted in open or closed session, the Board may meet in closed session for the purpose of deliberating and determining whether the student should be expelled. (Education Code 48918)

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

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

The Board shall meet in closed session to address any student matter that may involve disclosure of confidential student information, or to consider a suspension, disciplinary action, or any other action against a student except expulsion. If a written request for open session is received from the parent/guardian or adult student, it will be honored to the extent that it does not violate the privacy rights of any other student. (Education Code 35146, 48912, 49070)

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

Note: Although Government Code 54954.2 requires the agenda to have a brief general description of all closed session items to be discussed, Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code. Since the purpose of conducting the closed session is to protect student privacy rights, the following **optional** paragraph provides that student names shall not be included on the agenda.

Agenda items related to student matters shall briefly describe the reason for the closed session, such as "student expulsion hearing" or "grade change appeal," without violating the confidentiality rights of individual students. The student shall not be named on the agenda, but a number may be assigned to the student in order to facilitate record keeping. The agenda shall also state that the Education Code requires closed sessions in these cases in order to prevent the disclosure of confidential student record information.

(cf. 5125 - Student Records)

CLOSED SESSION PURPOSES AND AGENDAS (continued)**Security Matters**

The Board may meet in closed session with the Governor, Attorney General, district attorney, district legal counsel, sheriff or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings; to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service; or to the public's right of access to public services or public facilities. (Government Code 54957)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515 - Campus Security)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

Note: Government Code 54956.5 authorizes an emergency meeting in closed session to meet with the law enforcement officials specified above pursuant to Government Code 54957. Two-thirds of the Board members present at the meeting must agree to the need for the closed session. Those emergency situations that necessitate a need for an emergency meeting are listed in BB 9320 - Meetings and Notices and include a terrorist attack, crippling disaster, or other activity that impairs public health or safety. For a list of actions for which more than a majority vote of the Board is required, see BB 9323.2 - Actions by the Board.

The Board may meet in closed session during an emergency meeting held pursuant to Government Code 54956.5 to meet with law enforcement officials for the emergency purposes specified in Government Code 54957 if agreed to by a two-thirds vote of the Board members present. If less than two-thirds of the members are present, then the Board must agree by a unanimous vote of the members present. (Government Code 54956.5)

Agenda items related to security matters shall specify the name of the law enforcement agency and the title of the officer, or name of applicable agency representative and title, with whom the Board will consult. (Government Code 54954.5)

Conference with Real Property Negotiator

Note: An Attorney General opinion (94 Ops.Cal.Atty.Gen. 82 (2011)) has concluded that only three subjects related to real property negotiations may be considered in closed session: (1) the amount of consideration the local agency is willing to pay or accept in exchange for the real property rights to be acquired or transferred; (2) the form, manner, and timing of how that consideration will be paid; and (3) items that are essential to arriving at the authorized price and payment terms. Although Attorney General opinions are not binding, they are accorded deference by the courts.

The Board may meet in closed session with its real property negotiator prior to the purchase, sale, exchange, or lease of real property by or for the district in order to grant its negotiator authority regarding the price and terms of payment for the property. (Government Code 54956.8)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Before holding the closed session, the Board shall hold an open and public session to identify its negotiator(s) and the property under negotiation and to specify the person(s) with whom the negotiator may negotiate. (Government Code 54956.8)

For purposes of real property transactions, negotiators may include members of the Board. (Government Code 54956.8)

Agenda items related to real property negotiations shall specify the district negotiator attending the closed session. If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator as long as the name of the agent or designee is announced at an open session held prior to the closed session. The agenda shall also specify the name of the negotiating parties and the street address of the real property under negotiation. If there is no street address, the agenda item shall specify the parcel number or another unique reference of the property. The agenda item shall also specify whether instruction to the negotiator will concern price, terms of payment, or both. (Government Code 54954.5)

Pending Litigation

Based on the advice of its legal counsel, the Board may hold a closed session to confer with or receive advice from its legal counsel regarding a pending litigation when a discussion of the matter in open session would prejudice the district's position in the litigation. For this purpose, "litigation" means any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. (Government Code 54956.9)

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| Note: Pursuant to Government Code 54956.9, the district is considered to be a "party," or to have "significant exposure," to a litigation if any of its officers or employees is a party or has significant exposure to the litigation under circumstances specified in items #1 and #2 below. |
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Litigation is considered "pending" in any of the following circumstances: (Government Code 54956.9)

1. Litigation to which the district is a "party" has been initiated formally. (Government Code 54956.9(a))
2. A point has been reached where, in the Board's opinion based on the advice of its legal counsel regarding the "existing facts and circumstances," there is a "significant exposure to litigation" against the district, or the Board is meeting solely to determine whether, based on existing facts or circumstances, a closed session is authorized. (Government Code 54956.9(b))

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Existing facts and circumstances for these purposes are limited to the following:
(Government Code 54956.9)

- a. Facts and circumstances that might result in litigation against the district but which the district believes are not yet known to potential plaintiffs and which do not need to be disclosed.
- b. Facts and circumstances including, but not limited to, an accident, disaster, incident, or transactional occurrence which might result in litigation against the district, which are already known to potential plaintiffs and which must be publicly disclosed before the closed session or specified on the agenda.
- c. The receipt of a claim pursuant to the Tort Claims Act or a written threat of litigation from a potential plaintiff. The claim or written communication must be available for public inspection.

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

- d. A threat of litigation made by a person in an open meeting on a specific matter within the responsibility of the Board.
 - e. A threat of litigation made by a person outside of an open meeting on a specific matter within the responsibility of the Board, provided that the district official or employee receiving knowledge of the threat made a record of the statement before the meeting and the record is available for public inspection. Such record does not need to identify an alleged victim of tortious sexual conduct or anyone making a threat on his/her behalf or identify an employee who is the alleged perpetrator of any unlawful or tortious conduct, unless the identity of this person has been publicly disclosed.
3. Based on existing facts and circumstances, the Board has decided to initiate or is deciding whether to initiate litigation. (Government Code 54956.9(c))

Before holding a closed session pursuant to the pending litigation exception, the Board shall state on the agenda or publicly announce the subdivision of Government Code 54956.9 under which the closed session is being held. If authority is based on Government Code 54956.9(a), the Board shall either state the title or specifically identify the litigation to be discussed or state that doing so would jeopardize the district's ability to effectuate service of process upon unserved parties or to conclude existing settlement negotiations to its advantage. (Government Code 54956.9)

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Agenda items related to pending litigation shall be described as a conference with legal counsel regarding either "existing litigation" or "anticipated litigation." (Government Code 54954.5)

"Existing litigation" items shall identify the name of the case specified by either the claimant's name, names of parties, or case or claim number, unless the Board states that to identify the case would jeopardize service of process or existing settlement negotiations. (Government Code 54954.5)

"Anticipated litigation" items shall state that there is significant exposure to litigation pursuant to Government Code 54956.9(b) and shall specify the potential number of cases. When the district expects to initiate a suit, items related to anticipated litigation shall state that the discussion relates to the initiation of litigation pursuant to Government Code 54956.9(c) and shall specify the potential number of cases. The agenda or an oral statement before the closed session may be required to provide additional information regarding existing facts and circumstances described in item #2 b-e above. (Government Code 54954.5)

Joint Powers Agency Issues

Note: The following section applies to districts participating in a joint powers agency (JPA) for insurance pooling or in a self-insurance authority.

The Board may meet in closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by a joint powers agency (JPA) formed for the purpose of insurance pooling or self-insurance authority of which the district is a member. (Government Code 54956.95)

Closed session agenda items related to liability claims shall specify the claimant's name and the name of the agency against which the claim is made. (Government Code 54954.5)

(cf. 3530 - Risk Management/Insurance)

Note: Pursuant to Government Code 54956.96, a JPA may adopt a provision, either through a policy or through the joint powers agreement, authorizing a school district Board member serving on the JPA board to disclose confidential information received during the JPA board's closed session under the circumstances specified below. Government Code 54954.5 provides an agenda description for the purpose of this closed session. The following **optional** paragraphs are for use by districts that participate in a JPA that has adopted such a provision.

When the board of the JPA has so authorized and upon advice of district legal counsel, the Board may meet in closed session in order to receive, discuss, and take action concerning

CLOSED SESSION PURPOSES AND AGENDAS (continued)

information obtained in a closed session of the JPA. During the Board's closed session, a Board member serving on the JPA board may disclose confidential information acquired during a closed session of the JPA to fellow Board members. (Government Code 54956.96)

The Board member may also disclose the confidential JPA information to district legal counsel in order to obtain advice on whether the matter has direct financial or liability implications for the district. (Government Code 54956.96)

Closed session agenda items related to conferences involving a JPA shall specify the closed session description used by the JPA and the name of the Board member representing the district on the JPA board. Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives shall also be included. (Government Code 54954.5)

Review of Audit Report from California State Auditor's Office

Note: Government Code 54956.75 authorizes the Board to meet in closed session to discuss a final draft audit report from the California State Auditor's Office. This authority relates to situations in which a member of the legislature has requested the California State Auditor's Office to audit a school district. This audit is separate from the annual audit that districts must conduct pursuant to Education Code 41020. The law does not authorize the Board to meet in closed session to discuss the district's annual audit.

Upon receipt of a confidential final draft audit report from the California State Auditor's Office, the Board may meet in closed session to discuss its response to that report. After public release of the report from the California State Auditor's Office, any Board meeting to discuss the report must be conducted in open session, unless exempted from that requirement by some other provision of law. (Government Code 54956.75)

Closed session agenda items related to an audit by the California State Auditor's Office shall state "Audit by California State Auditor's Office." (Government Code 54954.5)

Review of Assessment Instruments

The Board may meet in closed session to review the contents of any student assessment instrument approved or adopted for the statewide testing system. Before any such meeting, the Board shall agree by resolution to accept any terms or conditions established by the State Board of Education for this review. (Education Code 60617)

(cf. 6162.5 - Student Assessment)

Note: The following **optional** paragraph provides for compliance with Government Code 54954.2, which requires the agenda to have a brief general description of all closed session items to be discussed. Government Code 54954.5 provides no specific description of agenda items related to closed sessions authorized by the Education Code.

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Agenda items related to the review of student assessment instruments shall state that the Board is reviewing the contents of an assessment instrument approved or adopted for the statewide testing program and that Education Code 60617 authorizes a closed session for this purpose in order to maintain the confidentiality of the assessment under review.

Legal Reference:

EDUCATION CODE

35145 *Public meetings*

35146 *Closed session (re student suspension)*

44929.21 *Districts with ADA of 250 or more*

48912 *Governing board suspension*

48918 *Rules governing expulsion procedures; hearings and notice*

49070 *Challenging content of students records*

60617 *Meetings of governing board*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

6252-6270 *California Public Records Act*

54950-54963 *The Ralph M. Brown Act*

COURT DECISIONS

Morrison v. Housing Authority of the City of Los Angeles Board of Commissioners, (2003) 107 Cal.App.4th 860

Bell v. Vista Unified School District, (2001) 82 Cal.App. 4th 672

Fischer v. Los Angeles Unified School District, (1999) 70 Cal.App. 4th 87

Furtado v. Sierra Community College District (1998) 68 Cal.App. 4th 876

Roberts v. City of Palmdale, (1993) 5 Cal.App. 4th 363

Sacramento Newspaper Guild v. Sacramento County Board of Supervisors, (1968) 263 Cal.App. 2d 41

San Diego Union v. City Council, (1983) 146 Cal.App.3d 947

ATTORNEY GENERAL OPINIONS

94 *Ops. Cal. Atty. Gen. 82 (2011)*

86 *Ops. Cal. Atty. Gen. 210 (2003)*

78 *Ops. Cal. Atty. Gen. 218 (1995)*

59 *Ops. Cal. Atty. Gen. 532 (1976)*

57 *Ops. Cal. Atty. Gen. 209 (1974)*

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, rev. July 2010

Management Resources continued (seen next page):

CLOSED SESSION PURPOSES AND AGENDAS (continued)

Management Resources (continued):

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

League of California Cities: <http://www.cacities.org>

CLOSED SESSION ACTIONS AND REPORTS

No matters other than those announced in open session shall be acted upon during the closed session. (Government Code 54957.7)

(cf. 9321 - Closed Session Purposes and Agendas)

The Governing Board shall reconvene in open session before adjourning and report closed session actions, the votes or abstentions thereon, and other disclosures required by Government Code 54957.1. These disclosures may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing them. (Government Code 54957.7)

Personnel Matters

The Board shall report any personnel action taken and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall identify the title of the position. However, the report of a dismissal or nonrenewal of an employment contract shall be deferred until the first public meeting after administrative remedies, if any, have been exhausted. (Government Code 54957.1)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 2140 - Evaluation of the Superintendent)

(cf. 4118 - Suspension/Disciplinary Action)

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

Negotiations/Collective Bargaining

Final action on the proposed compensation of one or more unrepresented employees shall not be taken during the closed session. (Government Code 54957.6)

Approval of an agreement concluding closed session labor negotiations with represented employees shall be reported after the agreement is final and has been accepted or ratified by the other party. This report shall identify the item approved and the other party or parties to the negotiation. (Government Code 54957.1)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

Student Matters

Actions related to student matters shall be taken in open session and shall be a matter of public record. No information shall be released in violation of student privacy rights provided in law. (Education Code 35146, 48918; 20 USC 1232))

CLOSED SESSION ACTIONS AND REPORTS (continued)

In an expulsion action, the student's name shall not be disclosed, but the cause for the expulsion shall be disclosed in open session.

(cf. 5117 - Interdistrict Attendance)

(cf. 5119 - Students Expelled from Other Districts)

(cf. 5125 - Student Records)

(cf. 5125.3 - Challenging Student Records)

(cf. 5144 - Discipline)

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

Real Estate Negotiations

Approval of an agreement concluding real estate negotiations shall be reported after the agreement is final. If the Board renders the agreement final, it shall report that approval, the votes or abstentions thereon, and the substance of the agreement in open session at the public meeting during which the closed session is held. If final approval rests with the other party, the Superintendent/Principal or designee shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the district of its approval. (Government Code 54957.1)

Pending Litigation

The Board shall report the following actions related to pending litigation, and the votes or abstentions thereon, at the public meeting during which the closed session is held: (Government Code 54957.1)

1. Approval to legal counsel to defend, appeal or not appeal, or otherwise appear in litigation. This report shall identify the adverse parties, if known, and the substance of the litigation.
2. Approval to legal counsel to initiate or intervene in a lawsuit. This report shall state that directions to initiate or intervene in the action have been given and that details will be disclosed to inquiring parties after the lawsuit is commenced unless doing so would jeopardize the district's ability to serve process on unserved parties or its ability to conclude existing settlement negotiations to its advantage.
3. Acceptance of a signed offer from the other party or parties which finalizes the settlement of pending litigation. This report shall state the substance of the agreement.

If approval is given to legal counsel to settle pending litigation and if final approval rests with the other party or with the court, the district shall report the fact of approval, the substance of the agreement and the vote and abstentions thereon to persons who inquire once the settlement is final. (Government Code 54957.1)

CLOSED SESSION ACTIONS AND REPORTS (continued)

JPA/Self-Insurance Claims

The Board shall report the disposition of joint powers authority or self-insurance claims and the votes or abstentions thereon at the public meeting during which the closed session is held. This report shall include the name of the claimant(s), the name of the agency claimed against, the substance of the claim and the monetary settlement agreed upon by the claimant. (Government Code 54957.1)

(cf. 3320 - Claims and Actions Against the District)
(cf. 3530 - Risk Management/Insurance)

Review of Assessment Instruments

At the public meeting during which the Board holds a closed session to review student assessment instruments, the Board shall confirm that this review was made. Any actions related to the review shall be taken in open session without revealing any proprietary or confidential information and shall be a matter of public record.

(cf. 6162.5 - Student Assessment)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35146 Closed session (re student matters)

48918 Rules governing expulsion procedures; hearings and notice

49073-49079 Privacy of student records

60617 Meetings of governing board

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act, especially:

54957.1 Closed sessions; public report of action taken

54957.6 Closed sessions; representatives to employee organization(s)

54957.7 Disclosure of items to be discussed

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

COURT DECISIONS

Kleitman v. Superior Court of Santa Clara County 87 Cal Rptr. 2d (1999)

ATTORNEY GENERAL OPINIONS

80 Ops. Cal. Atty. Gen. 85 (1997)

AGENDA/MEETING MATERIALS

Agenda Content

Governing Board meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)
(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Each meeting agenda shall list the address designated by the Superintendent/Principal or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall specify that an individual should contact the Superintendent/Principal or designee if he/she requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting. (Government Code 54954.2)

Agenda Preparation

The Board president and the Superintendent/Principal, as secretary to the Board, shall work together to develop the agenda for each regular and special meeting. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 9121 - President)
(cf. 9122 - Secretary)

Any Board member or member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent/Principal or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

AGENDA/MEETING MATERIALS (continued)

The Board president and Superintendent/Principal shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, before placing the item on the agenda, the Board president and Superintendent/Principal shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation.

The Board president and Superintendent/Principal shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)

(cf. 9323.2 - Actions by the Board)

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

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

Consent Agenda/Calendar

In order to promote efficient meetings, the Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent agenda items shall be items of a routine nature and items for which Board discussion is not anticipated and for which the Superintendent/Principal recommends approval.

When any Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item that has not been previously considered. However, the agenda need not provide an opportunity for public comment when the consent agenda item has previously been considered at an open meeting of a committee comprised exclusively of all the Board members provided that members of the public were afforded an opportunity to comment on the item at that meeting, unless the item has been substantially changed since the committee considered it. (Government Code 54954.3)

AGENDA/MEETING MATERIALS (continued)

Agenda Dissemination to Board Members

At least three days before each regular meeting, each Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent/Principal or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens, and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent/Principal or designee shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent/Principal or designee to ask questions and/or request additional information on agenda items. However, a majority of Board members shall not directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the Board.

(cf. 9012 - Board Member Electronic Communications)

Agenda Dissemination to Members of the Public

The Superintendent/Principal or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

If a document which relates to an open session agenda item of a regular Board meeting is distributed to the Board less than 72 hours prior to a meeting, the Superintendent/Principal or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the Board, provided the document is a public record under the Public Records Act. The Superintendent/Principal or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5)

(cf. 1113 - District and School Web Sites)

(cf. 1340 - Access to District Records)

Any document prepared by the district or Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)

AGENDA/MEETING MATERIALS (continued)

Upon request, the Superintendent/Principal or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Legal Reference:

EDUCATION CODE

35144 *Special meetings*

35145 *Public meetings*

35145.5 *Right of public to place matters on agenda*

GOVERNMENT CODE

6250-6270 *Public Records Act*

53635.7 *Separate item of business*

54954.1 *Mailed agenda of meeting*

54954.2 *Agenda posting requirements; board actions*

54954.3 *Opportunity for public to address legislative body*

54954.5 *Closed session item descriptions*

54956.5 *Emergency meetings*

54957.5 *Public records*

54960.2 *Challenging board actions; cease and desist*

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 *Effective communications*

36.303 *Auxiliary aids and services*

COURT DECISIONS

Mooney v. Garcia, (2012) 207 Cal.App.4th 229

Caldwell v. Roseville Joint Union High School District, 2007 U.S. Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

Call to Order: A Blueprint for Great Board Meetings, 2010

The Brown Act: School Boards and Open Meeting Laws, rev. 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, rev. 2003

WEB SITES

CSBA, Agenda Online: <http://www.csba.org>

California Attorney General's Office: <http://www.oag.ca.gov>

MEETING CONDUCT

Note: Education Code 35010 **mandates** the Governing Board to "prescribe and enforce" rules for its own governance. These rules must not be inconsistent with law or with regulations prescribed by the State Board of Education. The following bylaw provides suggested rules and procedures for meeting conduct and reflects provisions of law as applicable.

Meeting Procedures

All Governing Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

(cf. 9322 - Agenda/Meeting Materials)

Note: The law does not specify that a particular set of procedures must govern Board meetings. Although Robert's Rules of Order can serve as a useful guide, the Board may adopt any procedure that allows for the efficient and consistent conduct of meetings.

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

Note: The following **optional** paragraph limits the length of Board meetings and should be revised to reflect district practice.

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. Regular Board meetings shall be adjourned at 10:30 p.m. unless extended to a specific time determined by a majority of the Board. The meeting shall be extended no more than once and subsequently may be adjourned to a later date.

(cf. 9320 - Meetings and Notices)

Note: In Rubin v. City of Burbank, an appellate court held that inclusion of "sectarian prayer" at city council meetings, which communicated a preference for a particular religious faith and advanced one faith over another, was unconstitutional by directing the prayer "in the name of Jesus." The court held that it would be constitutional to require the city to advise those people conducting the prayer of this limitation. This opinion is consistent with an unpublished 9th Circuit federal court opinion which stated that an invocation "in the name of Jesus" was unconstitutional in that it displayed allegiance to a particular faith.

Some general guidelines for invocations can be found in an Attorney General's opinion (76 Ops.Cal.Atty.Gen. 281 (1993)) which stated that a county board of supervisors could open its sessions with an invocation when the invocation is (1) not required by law as a condition to the official proceedings, (2) not part of the deliberative agenda, (3) not offered, supervised, or approved as to content by a public officer, (4) not officially limited to a particular religion, (5) not disparaging of others, and (6) not directed towards

MEETING CONDUCT (continued)

proselytizing. However, because this is an unsettled area of law that is subject to frequent litigation, it is strongly recommended that districts consult legal counsel if they wish to open meetings with an invocation. Note that a different legal analysis applies to student-led or student-initiated prayer; see BP 5127 - Graduation Ceremonies and Activities.

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

(cf. 9323.2 - Actions by the Board)

Note: According to an Attorney General opinion (61 Ops.Cal.Atty.Gen. 243 (1978)), members of a public body have a duty to vote on issues before them so that the public is represented and receives the services which the public body was created to provide. Issues arise when a motion is tied and one Board member has abstained. The general parliamentary rule is that an abstention is counted as agreeing with the action taken by the majority of those who vote, whether affirmatively or negatively (66 Ops.Cal.Atty.Gen. 336 (1983)). However, a stronger argument could be made that the parliamentary rule is in conflict with Education Code 35164 which requires a majority vote of all of the membership of the Board in order for the Board to act (i.e., a majority of all of the membership of the Board must vote affirmatively in order to approve any action). In 55 Ops.Cal.Atty.Gen. 26 (1972), the Attorney General opined that, when a statutory requirement exists that requires an affirmative action of at least a majority of the members of the Board, the general rule that members not voting were deemed to have agreed with the action taken by the majority of those that voted is not applicable.

The following **optional** paragraph is consistent with CSBA's opinion that a majority of the Board must vote affirmatively for a motion to carry, but the law is not settled and contrary legal opinions may exist. It is strongly recommended that the district consult with legal counsel and modify the following paragraph to ensure consistency with district practice.

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(cf. 9270 - Conflict of Interest)

Note: The following paragraph applies only to districts with seven member boards and **should be deleted by districts with a three or five member board.**

Provided the Board typically has seven members and there are no more than two vacancies on the Board, the vacant position(s) shall not be counted for purposes of determining howmany members of the Board constitute a majority. In addition, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall be not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

MEETING CONDUCT (continued)

Public Participation

Note: Pursuant to Government Code 54953.3, a member of the public cannot be required to register his/her name, complete a questionnaire, or provide other information as a condition of attending a Board meeting. If an attendance list or similar document is posted near the entrance or circulated during the meeting, it must clearly state that signing or completing the document is voluntary.

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

Note: Education Code 35145.5 **mandates** the Board to adopt regulations which ensure that the public can address the Board regarding agenda items, as specified below.

District employees have the same right as members of the public to address the Board during a public Board meeting. In 90 Ops.Cal.Atty.Gen. 47 (2007), the Attorney General opined that, under the Ralph M. Brown Act, an administrative district employee cannot be prohibited from attending a Board meeting or from speaking during the public comment period, including comments on an employment-related issue.

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board, either before or during the Board's consideration of the item. (Education Code 35145.5; Government Code 54954.3)
2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5; Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

MEETING CONDUCT (continued)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Note: Government Code 54954.3 authorizes regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. The following paragraph should be revised to reflect district practice.

If the Board limits the time for public comment, Government Code 54954.3, as amended by AB 1787 (Ch. 507, Statutes of 2016), requires the Board to provide at least twice the allotted time to a member of the public who utilizes a translator, as provided below.

Individual speakers shall be allowed three minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to 20 minutes. With Board consent, the Board president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

In order to ensure that non-English speakers receive the same opportunity to directly address the Board, any member of the public who utilizes a translator shall be provided at least twice the allotted time to address the Board, unless simultaneous translation equipment is used to allow the Board to hear the translated public testimony simultaneously. (Government Code 54954.3)

6. The Board president may rule on the appropriateness of a topic, subject to the following conditions:
 - a. If a topic would be suitably addressed at a later time, the Board president may indicate the time and place when it should be presented.

MEETING CONDUCT (continued)

- b. The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)

Note: The following **optional** item addresses the issue of specific charges or complaints against district employees in open Board meetings. Although the Board may inform the speaker of appropriate district complaint procedures, it cannot prohibit criticisms of the district and its employees, no matter how harsh. Board members and staff may briefly respond to the concerns raised by the complainant at the meeting.

In Baca v. Moreno Valley Unified School District, a federal district court issued a preliminary injunction against the district prohibiting it from enforcing its policy barring criticism of employees at public Board meetings. The court found that the district's policy violated the plaintiff's First Amendment rights by restricting the content of her speech. The court further noted that the district could not legally prevent a person from speaking in open session, even if the speech was clearly defamatory. It is recommended that the Board consult legal counsel if a question arises regarding public criticism of a district employee.

- c. The Board shall not prohibit public criticism of district employees. However, whenever a member of the public initiates specific complaints or charges against an individual employee, the Board president shall inform the complainant of the appropriate complaint procedure.

(cf. 1312.1 - *Complaints Concerning District Employees*)
(cf. 9321 - *Closed Session Purposes and Agendas*)

Note: As provided in item #7 below, Government Code 54957.9 authorizes the Board to remove persons who willfully disrupt or disturb a meeting. Examples of disruptive conduct might include conduct that is extremely loud, disturbing, or creates a health or safety risk. In McMahon v. Albany Unified School District, the court held that a speaker's constitutional rights were not violated when he was removed from a Board meeting after dumping a substantial amount of garbage on the floor of the meeting room. Because the speaker was not removed based on the content of his speech, the court upheld his conviction for a willful disruption of a public meeting. In City of San Jose v. Garbett, the court held that a legislative body may exclude from a meeting a person who has expressed a credible threat of violence that would place a reasonable person in fear for his/her safety or the safety of his/her immediate family and that serves no legitimate purpose.

However, the courts have found that a person's conduct must actually disrupt the meeting in order to warrant ejection. In Norse v. City of Santa Cruz, the court held that the city council improperly ejected a member of the public who gave the council a silent Nazi salute, on the grounds that the action did not interfere with the proceedings of the meeting.

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group or any conduct or statements that threaten the safety of any person(s) at the meeting shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance

MEETING CONDUCT (continued)

shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement as necessary.

Recording by the Public

Note: Government Code 54953.5 provides that any person attending an open meeting may record it with an audio or video recorder or a still or motion picture camera unless the Board makes a reasonable finding that the recording cannot continue without noise, illumination, or obstruction of view which would persistently disrupt the meeting. Government Code 54953.6 requires a similar finding before the Board can prohibit or restrict a broadcast of its meetings.

The following paragraph extends the right to record an open meeting to include recordings made by other devices such as a cell phone.

Members of the public may record an open Board meeting using an audio or video recorder, still or motion picture camera, cell phone, or other device, provided that the noise, illumination, or obstruction of view does not persistently disrupt the meeting. The Superintendent or designee may designate locations from which members of the public may make such recordings without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference: (see next page)

MEETING CONDUCT (continued)

Legal Reference:

EDUCATION CODE

- 5095 Powers of remaining board members and new appointees
- 32210 Willful disturbance of public school or meeting a misdemeanor
- 35010 Prescription and enforcement of rules
- 35145.5 Agenda; public participation; regulations
- 35163 Official actions, minutes and journal
- 35164 Vote requirements
- 35165 Effect of vacancies upon majority and unanimous votes by seven member board

CODE OF CIVIL PROCEDURE

527.8 Workplace Violence Safety Act

GOVERNMENT CODE

- 54953.3 Prohibition against conditions for attending a board meeting
- 54953.5 Audio or video recording of proceedings
- 54953.6 Broadcasting of proceedings
- 54954.2 Agenda; posting; action on other matters
- 54954.3 Opportunity for public to address legislative body; regulations
- 54957 Closed sessions
- 54957.9 Disorderly conduct of general public during meeting; clearing of room

PENAL CODE

- 403 Disruption of assembly or meeting

COURT DECISIONS

- City of San Jose v. Garbett, (2010) 190 Cal.App.4th 526
- Norse v. City of Santa Cruz, (9th Cir. 2010) 629 F3d 966
- McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275
- Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194
- Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719

ATTORNEY GENERAL OPINIONS

- 90 Ops.Cal.Atty.Gen. 47 (2007)
- 76 Ops.Cal.Atty.Gen. 281 (1993)
- 66 Ops.Cal.Atty.Gen. 336 (1983)
- 63 Ops.Cal.Atty.Gen. 215 (1980)
- 61 Ops.Cal.Atty.Gen. 243, 253 (1978)
- 59 Ops.Cal.Atty.Gen. 532 (1976)
- 55 Ops.Cal.Atty.Gen. 26 (1972)

Management Resources:

CSBA PUBLICATIONS

- Call to Order: A Blueprint for Great Board Meetings, 2015
- The Brown Act: School Boards and Open Meeting Laws, rev. 2014

ATTORNEY GENERAL PUBLICATIONS

- The Brown Act: Open Meetings for Local Legislative Bodies, 2003

WEB SITES

- CSBA: <http://www.csba.org>
- California Attorney General's Office: <https://oag.ca.gov>

ACTIONS BY THE BOARD

The Governing Board shall act by a majority vote of all of the membership constituting the Board, unless otherwise required by law. (Education Code 35164)

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9012 - Board Member Electronic Communications)

(cf. 9200 - Limits of Board Member Authority)

An "action" by the Board means: (Government Code 54952.6)

1. A collective decision by a majority of the Board members
2. A collective commitment or promise by a majority of the Board members to make a positive or negative decision
3. A vote by a majority of the Board members when sitting as the Board upon a motion, proposal, resolution, order, or ordinance

The Board shall not take action by secret ballot, whether preliminary or final. (Government Code 54953)

Actions taken by the Board in open session shall be recorded in the Board minutes. (Education Code 35145)

(cf. 9324 - Minutes and Recordings)

Action on Non-Agenda Items

After publicly identifying the item, the Board may take action on a subject not appearing on the posted meeting agenda under any of the following conditions: (Government Code 54954.2)

1. When a majority of the Board determines that an emergency situation exists, as defined for emergency meetings pursuant to Government Code 54956.5
2. When two-thirds of the members present, or if less than two-thirds of the members are present then by a unanimous vote of all members present, determine that the need to take immediate action came to the district's attention after the agenda was posted
3. When an item appeared on the agenda of, and was continued from, a meeting that occurred not more than five days earlier

(cf. 9320 - Meetings and Notices)

(cf. 9322 - Agenda/Meeting Materials)

ACTIONS BY THE BOARD (continued)

Challenging Board Actions

The district attorney's office or any interested person may file an action in court to stop or prevent the Board's violation or threats of violations of the Brown Act, to determine the applicability of the Brown Act to ongoing or future threatened Board actions, to determine the validity, under California or federal law, of any Board rule or action to penalize any of its members or otherwise discourage the member's expression, or to compel the Board to audio record its closed sessions because of its violation of any applicable Government Code provision. (Government Code 54960)

The district attorney or any interested person may present a demand that the Board cure and correct a Board action which he/she alleges is in violation of law regarding any of the following: (Government Code 54960.1)

1. Open meeting and teleconferencing (Government Code 54953)
2. Agenda posting (Government Code 54954.2)
3. Closed session item descriptions (Government Code 54954.5)
4. New or increased tax assessments (Government Code 54954.6)
5. Special meetings (Government Code 54956)
6. Emergency meetings (Government Code 54956.5)

Any demand to "cure and correct" an alleged violation shall clearly describe the challenged action and the nature of the alleged violation and shall be presented to the Board in writing within 90 days of the date when the action was taken. If the alleged violation concerns action taken in an open session but in violation of Government Code 54954.2 (agenda posting), the written demand must be made within 30 days of the date when the alleged action took place. (Government Code 54960.1)

Within 30 days of receiving the demand, the Board shall do one of the following: (Government Code 54960.1)

1. Cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct.
2. Determine not to cure or correct the alleged violation and inform the demanding party in writing of its decision to not cure or correct.

ACTIONS BY THE BOARD (continued)

3. Take no action. If the Board takes no action within the 30-day review period, its inaction shall be considered a decision not to cure or correct the action.

In addition, the district attorney's office or any interested party may file an action in court to determine the applicability of the Brown Act to any past Board action not specified in Government Code 54960.1, if the following conditions are met: (Government Code 54960.2)

1. Within nine months of the alleged violation, a cease and desist letter is submitted to the Board, clearly describing the past Board action and the nature of the alleged violation.
2. The time for the Board to respond has expired and the Board has not provided an unconditional commitment to cease and desist from and not repeat the past action alleged to have violated the Brown Act.

Legal Reference:

EDUCATION CODE

15266 School construction bonds

17466 Declaration of intent to sell or lease real property

17481 Lease of property with residence for nondistrict purposes

17510-17511 Resolution requiring unanimous vote of all members constituting board

17546 Private sale of personal property

17556-17561 Dedication of real property

35140-35149 Meetings

35160-35178.4 Powers and duties

48660-48661 Community day schools, establishment and restrictions

CODE OF CIVIL PROCEDURE

425.16 Special motion to strike in connection with a public issue

1245.240 Eminent domain vote requirements

1245.245 Eminent domain, resolution adopting different use

Legal Reference continued: (see next page)

ACTIONS BY THE BOARD (continued)

Legal Reference: (continued)

GOVERNMENT CODE

53090-53097.5 *Regulation of local agencies by counties and cities*

53724 *Parcel tax resolution requirements*

53790-53792 *Exceeding the budget*

53820-53833 *Temporary borrowing*

53850-53858 *Temporary borrowing*

54950-54963 *The Ralph M. Brown Act, especially:*

54952.6 *Action taken, definition*

54953 *Meetings to be open and public; attendance; secret ballots*

54960-54960.5 *Actions to prevent violations*

65352.2 *Coordination with planning agency*

PUBLIC CONTRACT CODE

3400 *Bid specifications*

20111 *Contracts over \$50,000; contracts for construction; award to lowest responsible bidder*

20113 *Emergencies, award of contracts without bids*

COURT DECISIONS

Los Angeles Times Communications LLC v. Los Angeles County Board of Supervisors (2003) 112 Cal.App.4th 1313

McKee v. Orange Unified School District (2003) 110 Cal.App.4th 1310

Bell v. Vista Unified School District (2002) 82 Cal.App.4th 672

Boyle v. City of Redondo Beach (1999) 70 Cal.App.4th 1109

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, 2009

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

Open and Public IV: A Guide to the Ralph M. Brown Act, 2007

WEB SITES

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

California Attorney General's Office: <http://www.oag.ca.gov>

Institute of Local Government: <http://www.ca-ilg.org>

ACTIONS BY THE BOARD

ACTIONS REQUIRING A SUPER MAJORITY VOTE

Note: The following exhibit lists some of the Governing Board actions that require more than a simple majority vote. Other such actions may exist and may be identified in the future.

Actions Requiring a Two-Thirds Vote of the Board:

1. Resolution declaring intention to sell or lease real property (Education Code 17466)
(cf. 3280 - Sale or Lease of District-Owned Real Property)
2. Resolution declaring intent of Governing Board to convey or dedicate property to the state or any political subdivision for the purposes specified in Education Code 17556 (Education Code 17557)
3. Resolution authorizing and directing the Board president, or any other presiding officer, secretary, or member, to execute a deed of dedication or conveyance of property to the state or a political subdivision (Education Code 17559)
4. Lease, for up to three months, of school property which has a residence on it and which cannot be developed for district purposes because funds are unavailable (Education Code 17481)

Note: Item #5 below is different from temporary borrowing pursuant to Government Code 53850-53858 which requires only a majority vote of the Board.

5. Request for temporary borrowing pursuant to Government Code 53820-53833, to pay district obligations incurred before the receipt of district income for the fiscal year sufficient to meet the payment(s) (Government Code 53821)
6. Upon complying with Government Code 65352.2 and Public Resources Code 21151.2, action to render city or county zoning ordinances inapplicable to a proposed use of the property by the district (Government Code 53094)
(cf. 7131 - Relations with Local Agencies)
(cf. 7150 - Site Selection and Development)
(cf. 7160 - Charter School Facilities)
7. When the district is organized to serve only grades K-8 and seeks to establish a community day school for any of grades K-8 (Education Code 48660)

ACTIONS BY THE BOARD (continued)

(cf. 6185 - Community Day School)

8. When the district has an average daily attendance (ADA) of 2,500 or less and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
9. When the district is organized to serve only grades K-8 and seeks to situate a community day school on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
10. When the district desires to operate a community day school to serve any of grades K-6 (and no higher grades) on an existing school site, certification that satisfactory alternative facilities are not available for a community day school (Education Code 48661)
11. Resolution of intent to issue general obligation bonds with the approval of 55 percent of the voters of the district (Education Code 15266)

(cf. 7214 - General Obligation Bonds)

12. Resolution of intent to issue bonds within a school facilities improvement district with the approval of 55 percent of the voters of the school facilities improvement district (Education Code 15266)

(cf. 7213 - School Facilities Improvement Districts)

13. Resolution to place a parcel tax on the ballot (Government Code 53724)

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| <p>Note: Code of Civil Procedure 1245.240 requires that, prior to commencing an eminent domain action, the Board adopt a resolution of necessity approved by a two-thirds vote of the Board unless a greater vote is required by statute, charter, or ordinance. In addition, if the Board desires to use the property for a different purpose than stated in the resolution of necessity, then pursuant to Code of Civil Procedure 1245.245, the Board must adopt, by two-thirds vote, another resolution authorizing the different use unless a greater vote is required by statute, charter, or ordinance.</p> |
|---|

14. Resolution of necessity to proceed with an eminent domain action and, if the Board subsequently desires to use the property for a different use than stated in the resolution of necessity, a subsequent resolution so authorizing the different use (Code of Civil Procedure 1245.240, 1245.245)

ACTIONS BY THE BOARD (continued)

Actions Requiring a Two-Thirds Vote of the Board Members Present at the Meeting:

1. Determination that there is a need to take immediate action and that the need for action came to the district's attention after the posting of the agenda. If less than two-thirds of the Board members are present at the meeting, a unanimous vote of all members present is required. (Government Code 54954.2)
2. Determination that a closed session is necessary during an emergency meeting. If less than two-thirds of the Board members are present, a unanimous vote of all members present is required. (Government Code 54956.5)

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

Actions Requiring a Four-Fifths Vote of the Board:

1. Expenditure and transfer of necessary funds and use of district property or personnel to meet a national or local emergency created by war, military, naval, or air attack, or sabotage, or to provide for adequate national or local defense (Government Code 53790-53792)

(cf. 3110 - Transfer of Funds)

2. Resolution for district borrowing based on issuance of notes, tax anticipation warrants, or other evidences of indebtedness, in an amount up to 50 percent of the district's estimated income and revenue for the fiscal year or the portion not yet collected at the time of the borrowing (Government Code 53822, 53824)
3. Resolution for district borrowing, between July 15 and August 30 of any fiscal year, of up to 25 percent of the estimated income and revenue to be received by the district during that fiscal year from apportionments based on ADA for the preceding school year (Government Code 53823-53824)
4. Declaration of an emergency in order to authorize the district to include a particular brand name or product in a bid specification (Public Contract Code 3400)

(cf. 3311 - Bids)

5. Resolution to award a contract for a public works project at \$187,500 or less to the lowest responsible bidder, when the district is using the informal process authorized under the Uniform Public Construction Cost Accounting Act for projects of \$175,000 or less, all bids received are in excess of \$175,000, and the Board determines that the district's cost estimate was reasonable (Public Contract Code 22034)

ACTIONS BY THE BOARD (continued)

Actions Requiring a Unanimous Vote of the Board:

1. Resolution authorizing and prescribing the terms of a community lease for extraction of gas (Education Code 17510-17511)
2. Waiver of the competitive bid process pursuant to Public Contract Code 20111 when the Board determines that an emergency exists and upon approval of the County Superintendent of Schools (Public Contract Code 20113)

Action Requiring a Unanimous Vote of the Board Members Present at the Meeting:

1. Private sale of surplus property without advertisement in order to establish that such property is not worth more than \$2,500. Disposal of surplus property in the local dump or donation to a charitable organization requires the unanimous vote of the Board members present to establish that the value of such property would not defray the cost of arranging its sale. (Education Code 17546)

(cf. 3270 - Sale and Disposal of Books, Equipment and Supplies)

ACTIONS BY THE BOARD

UNCONDITIONAL COMMITMENT LETTER

To: (Name of district attorney or any interested person)

The Governing Board of (name of school district) has received your cease and desist letter dated (date) alleging that the following described past action taken by the Board violates the Ralph M. Brown Act: (Describe alleged past action as set forth in the cease and desist letter.)

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the Board hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action described above. The Board may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address(es) you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, a notice will be delivered to you by the same means as this commitment, or by mail to an address that you have designated in writing, and you will have the right to commence legal action pursuant to Government Code 54960(a).

Sincerely,

(Name)

(Title of Board President or other designee)

MINUTES AND RECORDINGS

The Governing Board recognizes that maintaining accurate minutes of Board meetings provides a record of Board actions for use by district staff and the public and helps foster public trust in Board governance.

(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)
(cf. 9323 - Meeting Conduct)

The secretary of the Board shall keep minutes and record all official Board actions. The Board's minutes shall be public records and shall be made available to the public upon request. (Education Code 35145, 35163)

(cf. 1340 - Access to District Records)
(cf. 9122 - Secretary)
(cf. 9323.2 - Actions by the Board)

The minutes shall reflect which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

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

In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the names of Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion and the names of the Board members who made and seconded the motion.

The minutes shall also report any action taken and the vote or abstention on that action of each member present. (Government Code 54953)

The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.

The Superintendent/Principal or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for the next regular meeting. The Board shall approve the minutes as circulated or with necessary amendments.

Upon approval by the Board, the minutes shall be signed by the Administrative Assistant and Board Clerk.

Official Board minutes and recordings shall be stored in a secure location and shall be retained in accordance with law.

(cf. 3580 - District Records)

MINUTES AND RECORDINGS (continued)

Any minutes or recordings kept for Board meetings held in closed session shall be kept separately from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

(cf. 9321.1 - Closed Session Actions and Reports)

Recording or Broadcasting of Meetings

The district may tape, film, or broadcast any open Board meeting. The Board president shall announce that a recording or broadcasting is being made at the direction of the Board at the beginning of the meeting and, as practicable, the recorder or camera shall be placed in plain view of meeting participants.

Any district recording may be erased or destroyed 30 days after the meeting. Recordings made at the direction of the Board during a meeting are public records and, upon request, shall be made available for inspection by members of the public on district equipment without charge. (Government Code 54953.5)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journals

35164 Vote requirements

GOVERNMENT CODE

54952.2 Meeting defined

54953 Meetings

54953.5 Audio or video recording of proceedings

54953.6 Broadcasting of proceedings

54957.2 Closed sessions; clerk; minute book

54960 Violations and remedies

PENAL CODE

632 Unlawful to intentionally record a confidential communication without consent

CODE OF REGULATIONS, TITLE 5

16020-16027 Classification and retention of records

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2009

Guide to Effective Meetings, rev. 2007

WEB SITES

CSBA, Agenda Online: <http://www.csba.org>

Bylaw
adopted:

DEHESA SCHOOL DISTRICT
El Cajon, California

DEHESA SCHOOL DISTRICT

To: Members of the Board
From: Nancy Hauer
Subject: **Personnel
Recommendations**

Meeting Date: February 15, 2018

- Action
- First Reading
- Information
- Presentation
- Discussion
- Public Hearing
- Roll Call Vote Required

The Governing Board is requested to approve/ratify the following personnel recommendations:

Personnel:

Certificated:

1. None

Classified:

1. To accept the resignation of a six hour Instructional Assistant effective 02/15/2018.
2. To hire a 3.75 hour Instructional Assistant
3. To hire a 6 hour Instructional Assistant
4. To hire a 5.75 hour temporary Instructional Assistant effective 2/15/18 through 6/14/18.

Agenda Item #: VII.F

