

MEETING AGENDA
Board Audit Committee
6:00 PM
September 5, 2013
Superintendent's Conference Room
East Side Union High School District Education Center
830 North Capitol Avenue
San Jose, CA 95133-1398

In compliance with the Americans with Disabilities Act, if you need special assistance, disability-related modifications or accommodations, including auxiliary aids or services, in order to participate in the public meeting of the Audit Committee, please contact the office of the District Superintendent at (408) 347-5011. Notification 72 hours prior to the Special Meeting will enable the District to make reasonable arrangements to ensure accommodation and accessibility to this meeting. Upon request, the District shall also make available this agenda and all other public records associated with this meeting in appropriate alternative formats for persons with a disability.

1. **Call to Order/Roll Call**

2. **Introductions**

3. **Adopt Agenda**

4. **Special Order of Business**

Individuals may be permitted to present an item out of order on the agenda to accommodate their schedules.

5. **Public Comments**

Members of the public may address the Audit Committee on any subject not on the agenda; however, provisions of the Brown Act (Government Code 54954.2(a) and 54954.3) preclude any action. As an unagendized item, no response is required from the Audit Committee or district staff and no action can be taken; however, the Committee may instruct the Chair to agendize the item for a future meeting.

6. **Approval of Minutes**

Action: Minutes from the June 6, 2013, meeting will be presented for approval.

Chair / Vice Chair

7. **Discussion/Action: Updates** - Chair Nguyen and Vice Chair Carrasco

Senior Manager of Internal Controls

8. **Discussion/Action: Status on Senior Manager of Internal Controls' Work Plan and Findings**

Kelly Kwong, Senior Manager of Internal Controls, will present a status on the Senior Manager of Internal Controls Work Plan and findings.

9. **Discussion/Action: Cash Handling and ASB Debit Balances**

Kelly Kwong, Senior Manager of Internal Controls, may present findings and recommendations for action related to cash handling and ASB debit balances at school sites.

10. **Discussion/Action: Fraud, Waste and Abuse Hotline**

Kelly Kwong, Senior Manager of Internal Controls, will report on the status of the Fraud, Waste and Abuse Hotline, which was approved at the August 30, 2011, Board meeting.

External Auditor

12. **Discussion/Action: Update by External Auditor regarding East Side Union High School District**
Joyce Peters, External Auditor, will present an audit update to the Committee.

Superintendent / Associate Superintendent of Business Services

13. **Bond Performance Audit** - Associate Superintendent Battle will provide an update on the status of the Bond performance audit.
14. **Discussion/Action: Student Records Retention Draft Policy and Administrative Regulation** - Superintendent Funk and Associate Superintendent Battle will bring back the draft Board Policy and Administrative Regulation regarding for further discussion by the Committee.
15. **Discussion/Action: Equipment Loss/Replacement Board Policy and Administrative Regulation** - Associate Superintendent Battle will bring back the draft Board Policy and Administrative Regulation for further discussion by the Committee.

Audit Committee Business

16. **Discussion/Action Future Meetings**
Under this item the Audit Committee may schedule future meeting dates and times.
17. **Superintendent Communications/Comments**
- Chris D. Funk, Superintendent
 - Marcus Battle, Associate Superintendent of Business Services
18. **Audit Committee Member Comments**
Individual Audit Committee members may report on programs, conferences, meetings attended and/or items of interest to the public. An Audit Committee member may wish to express a concern or observation about a topic not appearing on the agenda, or request items to be scheduled on a future agenda.
19. **Future Agenda Items**
20. **Adjournment**

EAST SIDE UNION HIGH SCHOOL DISTRICT
Minutes of Meeting
Unapproved

Item #6

Board Audit Committee

June 6, 2013

6:00 PM

East Side Union High School District
Education Center
Superintendent's Conference Room
830 Capitol Avenue San Jose, CA 95133-1398

1. Call to Order /Roll Call

Chair Nguyen called the meeting to order at 6:07 p.m. Present were Member Berg, Member Juchau and Member Reinke. Vice Chair Carrasco was absent.

Staff members in attendance were:

- *Marcus Battle*
- *Mary Guillen*
- *Karen Poon*
- *Kelly Kwong*

Presenter:

- *Joyce Peters, External Auditor - VTD*

2. Introductions

Persons present at the meeting introduced themselves.

3. Adopt Agenda

Motion by Member Berg, second by Member Reinke, to adopt the agenda as presented.

Vote: 4/0, Vice Chair Carrasco absent

4. Special Order of Business

Individuals may be permitted to present an item out of order on the agenda to accommodate their schedules.

None

5. Public Comments

Members of the public may address the Audit Committee on any subject not on the agenda; however, provisions of the Brown Act (Government Code 54954.2(a) and 54954.3) preclude any action. As a unagendized item, no response is required from the Audit Committee or district staff and no action can be taken; however, the Board may instruct the Chair to agendize the item for a future meeting.

None

6. Approval of Minutes

Action: Minutes from the April 18, 2013, meeting will be presented for approval.

Motion by Member Berg, second by Member Reinke, to approve the minutes as presented.

Vote: 4/0, Vice Chair Carrasco absent

Chair / Vice Chair

7. Discussion/Action: Updates - Chair Nguyen and Vice Chair Carrasco

Chair Nguyen had no updates to provide the Committee under this item.

8. Discussion/Action: Draft Senior Manager of Internal Controls Work Plan

Kelly Kwong, Senior Manager of Internal Controls, presented her top five items on her draft work plan:

- *Associated Student Body (ASB) Funds*
- *Lease/Use of Facilities*
- *Bond Programs*
- *Expenditure Reports*
- *Purchase/Credit Cards*

The item labeled “other” on the draft plan is the Fraud, Waste and Abuse Hotline.

9. Discussion/Action: Cash Handling

Karen Poon, Director of Finance announced that this coming August there will be a district-wide training on cash handling practices. To verify attendance at the meeting, attendees will be required to sign-in at the meeting.

Carryover of funds is no more than 20%. If more than 20%, a request for consideration must be submitted to Business Services.

10. Discussion/Action: ASB Debit Balances

Karen Poon, Director of Finance indicated that, at the school sites, either the Principal or Associate Principal have oversight of the school bank. It is unknown if administrators are having monthly meeting with their School Finance Clerk. Member Berg suggested that District Office administration work with site administration to ensure that monthly meetings are held with school bank support staff.

Director Poon also indicated that training on ASB funds/handling is mandatory for School Finance Clerks, ASB Presidents, Activities Directors, secretaries who handle cash, staff at the Adult Education Program who handle cash, and site administration who oversee cash handling/ASB funds. There are requests for club advisors, leadership teams, and teachers who handle cash to be included in the training.

Carryover of funds is no more than 20%. If more than 20%, a request for consideration must be submitted to Business Services.

11. Discussion/Action: Fraud/Waste/Abuse Hotline

Kelly Kwong, Senior Manager of Internal Controls, shared with the Committee that the last report filed with the Fraud, Waste, and Abuse Hotline was submitted on June 12, 2012.

Information on how the community can file a report of fraud, waste, and/or abuse can be found on the district's website.

External Auditor

- 12. Discussion/Action: Student Records Retention** - Joyce Peters, External Auditor, will provide an audit update to the Committee.

Joyce Peters, External Auditor from Vavrinek, Trine, Day & Company, LLP, shared with the Committee that this year VTD selected four sites to audit attendance data. It was noted that the sites are randomly rotated each year, including the yearly rotation of continuation/alternative sites. The selected sites were Andrew Hill Santa Teresa, Oak Grove and Apollo High Schools. To-date, no exceptions have been found. Also audited for those sites were compliance requirements, such as valid teaching credentials; no exceptions were found.

For ASB, only Andrew Hill, Santa Teresa and Oak Grove were selected. Apollo was not tested since they do not have an associate student body. Cash receiving systems are tested; how money is collected and how money is deposited, including prenumbered receipts, that deposits of receipts are in a number sequence that match the receipt and deposit information, and the length of time taken to make the deposits. Bank reconciliation statements, minutes of meeting, ticket sales, and sales from vending machines are also being checked.

Andrew Hill:

- Cash receipts tested for the month of November found their receipt deposits to be timely; there were no discrepancies.*
- Disbursements: Selected 12 items, which is comprised of 15% of expenditures. Seven of those items had no receiving documents.*
- Bank reconciliation: There is some carryover.*

Santa Teresa:

- Items received have no receiving documents on file.*
- Some deposits are taking 20 days.*

Oak Grove:

- Items received have no receiving documents on file.*
- Some deposits are taking 20 days.*

Superintendent

- 13. Discussion/Action: Student Records Retention** – Superintendent Funk and Associate Superintendent Battle will present information regarding the retention of student records.

- **Legal Opinion**
- **Electronic Storage of Records**
- **Draft Policy and Administrative Regulation**

The following documents were shared with the Committee:

- Legal opinion on electronic storage of District records
- Administrative Regulation and Board Policy on District records

Member Berg indicated that the records retention policy and administrative regulation did not include a plan regarding retention of expulsion records and records important for litigation purposes. Member Reinke indicated that a disaster recovery plan was not included in the policy and administrative regulation.

The policy and administrative regulation will be placed on the next meeting agenda for further discussion by the Committee.

- 14. Discussion/Action: Equipment Loss/Replacement Board Policy & Administrative Regulation** – Associate Superintendent Battle will present a draft Board Policy and Administrative Regulation regarding equipment loss/replacement.

Associate Superintendent Battle shared with the Committee draft Board Policies and Administrative Regulations 3270 Sale and Disposal of Books, Equipment and Supplies and 3515.4 Recovery for Property Loss or Damage.

Member Reinke raised a concern that he did not see addressed in the policy language regarding loss/damage of equipment that is the fault of the employee. Member Berg mentioned that the Acceptable Use Policy should cover loss/damage by fault of the employee.

The policy and administrative regulation will be placed on the next meeting agenda for further discussion by the Committee.

Audit Committee Business

15. Discussion/Action Future Meetings

Under this item the Audit Committee may schedule future meeting dates and times.

The next Audit Committee Meeting will be held on September 5, 2013, at 6 PM in the Superintendent's Conference Room of the East Side Union High School District.

Items for future discussion:

- *Records Retention Policy and Administrative Regulation*
- *Board Policy & Administrative Regulation regarding Equipment Loss / Replacement*
- *Bond Performance Audit*
- *Senior Manager of Internal Controls (recurring items on agenda)*
 - ✓ *Status on Work Plan and Findings*
 - ✓ *Update on Fraud, Waste and Abuse Hotline*
- *Combine Cash Handling and ASB Debit Balances – Findings (recurring items on agenda)*

16. Superintendent Communications/Comments

- Superintendent Chris D. Funk
- Associate Superintendent of Business Services Marcus Battle

There is a solicitation out regarding the copiers.

The District is in the process of receiving proposals to do Bond management performance audit and expected to provide the Board the results of the audit at the September Board meeting. The recommendation will take place on the 27th of June and the audit will take place during the summer.

17. Audit Committee Member Comments

Individual Audit Committee members may report on programs, conferences, meetings attended and/or items of interest to the public. An Audit Committee member may wish to express a concern or observation about a topic not appearing on the agenda, or request items to be scheduled on a future agenda.

None

18. Adjournment

Chair Nguyen adjourned the meeting at 7:40 p.m.

Respectfully submitted,

Lan Nguyen, Board Audit Committee Chair

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Item: 14

SUBJECT: District Records

Classification of Records

Records means all records, maps, books, papers, and documents of a school district required by law to be prepared or retained as necessary or convenient to the discharge of official duty. (5 CCR 16020)

(cf. 1340 - Access to District Records)

Before January 1, the Superintendent or designee shall review the prior year's records and shall classify them as either a Class 1 (Permanent), Class 2 (Optional), or Class 3 (Disposable) record. (5 CCR 16022)

Records of continuing nature (active and useful for administrative, legal, fiscal, or other purposes over a period of years) shall not be classified until such usefulness has ceased. (5 CCR 16022)

An inventory of equipment shall be a continuing record and shall not be classified until the inventory is superseded or until the equipment is removed from district ownership. (5 CCR 16022)

(cf. 3440 - Inventories)

A student's cumulative record is a continuing record until the student ceases to be enrolled in the district. (5 CCR 16022)

(cf. 5125 - Student Records)

When an electronic or photographed copy of a Class 1 (Permanent) record has been made, the copy may be classified as Class 1 (Permanent) and the original classified as either Class 2 (Optional) or Class 3 (Disposable). However, no original record that is basic to any required audit may be destroyed prior to the second July 1st succeeding the completion of the audit. (Education Code 35254)

Class 1 - Permanent Records

The original of each of the following records, or one exact copy of it when the original is required by law to be filed with another agency, is a Class 1 (Permanent) record and shall be retained indefinitely unless microfilmed in accordance with 5 CCR 16022: (5 CCR 16023)

1. Annual Reports

a. Official budget

- b. Financial reports of all funds, including cafeteria and student body funds
- c. Audit of all funds
- d. Average daily attendance, including Period 1 and Period 2 reports
- e. Other major annual reports, including:
 - (1) Those containing information relating to property, activities, financial condition, or transactions
 - (2) Those declared by Governing Board minutes to be permanent

(cf. 3100 - Budget)

(cf. 3452 - Student Activity Funds)

(cf. 3460 - Financial Reports and Accountability)

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

2. Official Actions

- a) Minutes of the Board or Board committees, including the text of rules, regulations, policies, or resolutions included by reference only.
- b) The call for and the result of any elections called, conducted, or canvassed by the Board.
- c) Records transmitted by another agency pertaining to its action with respect to district reorganization.

(cf. 7214 - General Obligation Bonds)

(cf. 9324 - Minutes and Recordings)

3. Personnel Records

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

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

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

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

4. Student Records

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

(cf. 5111.1 - District Residency)
(cf. 5141 - Health Care and Emergencies)
(cf. 5143 - Insurance)

5. Permitted Student Records

All other records not Mandatory Permanent Pupil Records or Mandatory Interim Pupil Records are defined in Regulation 432(b)(3) as “Permitted Records” which school district may maintain for educational purposes and which include routine discipline data, verified reports of relevant behavioral patterns and all disciplinary notices.

6. Property Records

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

(cf. 3280 - Sale or Lease of District-Owned Real Property)

Class 2 - Optional Records

Any record considered temporarily worth keeping, but which is not a Class 1 record, may be classified as Class 2 (Optional) and shall be retained until it is reclassified as Class 3 (Disposable). If by agreement of the Board and Superintendent or designee, classification of the prior year records has not been made before January 1 as specified in 5 CCR 16022, all records of the prior year may be classified Class 2 (Optional) pending further review and classification within one year. (5 CCR 16024)

Class 3 - Disposable Records

All records not classified as Class 1 (Permanent) or as Class 2 (Optional) shall be classified as Class 3 (Disposable). These include, but are not limited to, detailed records basic to audit,

including those relating to attendance, average daily attendance, or business or financial transactions; detailed records used in preparing another report; teachers' registers if all information required by 5 CCR 432 is retained in other records or if the General Records pages are removed from the register and classified as Class 1 (Permanent); and periodic reports, including daily, weekly, and monthly reports, bulletins, and instructions. (5 CCR 16025)

All Class 3 (Disposable) records shall be destroyed during the third school year after the school year in which the records originated. In addition, Class 3 (Disposable) records shall not be destroyed until after the third school year following the completion of any legally required audit or the retention period required by any agency other than the State of California, whichever is later. A continuing record shall not be destroyed until the fourth year after it has been classified as Class 3 (Disposable). (5 CCR 16026, 16027)

(cf. 5113.2 - Work Permits)

DRAFT

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Item: 14

SUBJECT: District Records

~~District records shall be developed, maintained, and disposed of in accordance with law and California Department of Education regulations.~~

The Governing Board recognizes the importance of securing and retaining district documents. The Superintendent or designee shall ensure that district records are developed, maintained, and disposed of in accordance with law, Board policy, and administrative regulation.

- (cf. 1340 - Access to District Records)
- (cf. 3440 - Inventories)
- (cf. 4040 - Employee Use of Technology)
- (cf. 4112.6/4212.6/4312.6 - Personnel Files)
- (cf. 5125 - Student Records)
- (cf. 5125.1 - Release of Directory Information)

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

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

- (cf. 0440 - District Technology Plan)
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)
- (cf. 4040 - Employee Use of Technology)
- (cf. 9011 - Board Member Electronic Communications)

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

- (cf. 4112.6/4212.6/4312.6 - Personnel Files)
- (cf. 5125 - Student Records)
- (cf. 5125.1 - Release of Directory Information)

The Superintendent or designee shall ensure that employees receive information about the district's document management system, including retention and confidentiality requirements and

an employee's obligations in the event of a litigation hold established on the advice of legal counsel.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Safe at Home Program

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

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

~~(cf. 3516 - Emergencies and Disaster Preparedness Plan)~~

(cf. 5111.1 - District Residency)

(cf. 5141 - Health Care and Emergencies)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35163 Official actions, minutes and journal

35250-35255 Records and reports

44031 Personnel file contents and inspection

49065 Reasonable charge for transcripts

CODE OF CIVIL PROCEDURE

2031.010-2031.060 Civil Discovery Act, scope of discovery demand

2031.210-2031.320 Civil Discovery Act, response to inspection demand

GOVERNMENT CODE

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

6252-6265 Inspection of public records

12946 Retention of employment applications and records for two years

PENAL CODE

11170 Retention of child abuse reports

CODE OF REGULATIONS, TITLE 5

432 Varieties of pupil records

16020-16022 Records-general provisions

16023-16027 Retention of records

Management Resources:

SECRETARY OF STATE PUBLICATIONS

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

WEB SITES

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

DRAFT

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Item: 15

SUBJECT: Recovery for Property Loss or Damage

Reports by Staff

District employees shall report all damage or loss of school property to the principal or designee immediately after such damage or loss is discovered. In those instances in which insurance reimbursement may be involved, the principal or designee shall contact the appropriate district official.

(cf. 3530 - Risk Management/Insurance)
(cf. 5131.5 - Vandalism, Theft and Graffiti)

Investigation

~~The Superintendent or designee shall ensure that a complete investigation is conducted at the site where the vandalism occurred.~~

~~The principal or designee shall conduct a complete investigation of any instance of damage or loss of school property. The investigation shall be carried out in cooperation with law enforcement officials when appropriate.~~

The Superintendent or designee shall conduct a complete investigation of any instance of damage to or loss of school property and shall consult law enforcement officials when appropriate. If it is determined that the damage has been committed by any district student, the Superintendent or designee shall initiate appropriate disciplinary procedures against the student.

(cf. 3515.3 - District Police/Security Department)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

Recovery of Damages

When the person causing the damage or loss has been identified and the costs of repair, replacement or cleanup determined, the Superintendent or designee shall take all practical and reasonable steps to recover these costs, including consulting district's legal counsel if necessary. Reasonable steps may include the filing of a civil complaint in a court of competent jurisdiction to recover damages from the responsible person.

If the responsible person is a minor, recovery may be sought from the minor's custodial

parent/guardian in accordance with Education Code 48904. Damages may include the cost of repair or replacement of the property, the payment of any reward, interest, court costs and all other damages as provided by law.

Payment of Reward

When authorized according to ~~Governing~~ Board policy, the **Superintendent or designee** ~~reward~~ shall **pay the reward** ~~be paid~~ to the party who provides information sufficient to identify and apprehend the person(s) ~~or persons~~ subsequently found responsible for the damage or loss. If more than one ~~informant~~ **person** provides information, the reward shall be divided among **them** ~~as appropriate~~ ~~the informants~~. The Superintendent or designee shall determine who is entitled to what portion of the reward. The identity of the ~~informant~~ **person(s)** shall be considered confidential and shall not be made public by the District.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Item: 15

SUBJECT: Recovery for Property Loss or Damage

~~The Governing Board shall seek reimbursement of damages from any individual or from the parents/guardians of any minor who commits any act of theft or vandalism.~~

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

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

~~The parent/guardian of a minor who commits an act of theft or vandalism may be held liable for damages and rewards in accordance with law. (Education Code 48904)~~

Rewards

~~If the Superintendent or designee or law enforcement officials are unable to fix responsibility for the theft or vandalism, the Board may direct the Superintendent or designee to offer a reward in any amount it deems appropriate for information leading to the identification and apprehension of the guilty party.~~

~~A reward shall be paid only when criminal conviction or other appropriate judicial procedures have established the guilt of the person(s) responsible for the crime.~~

When district or law enforcement officials have not been able to identify the person(s) responsible for the theft or vandalism of district property, the Board may authorize a reward for the identification and apprehension of the responsible person(s).

The Board authorizes the Superintendent or designee to offer a reward in any amount he/she deems appropriate, not exceeding \$2,500. A reward in excess of \$2,500 shall be authorized in advance by the Board.

The Superintendent or designee shall disburse the reward when the guilt of the person responsible for the act has been established by a criminal conviction or other appropriate judicial procedure.

Legal Reference:

EDUCATION CODE

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

19911 Willful detention of property

44810 Willful interference with classroom conduct

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

CIVIL CODE

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

GOVERNMENT CODE

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

53069.6 Actions to recover damages

54951 Local agency, definition

PENAL CODE

484 Theft defined

594 Vandalism

594.1 Aerosol paint and etching cream

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Management Resources:

WEB SITES

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

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

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

SUBJECT: Sale and Disposal of Books, Equipment and Supplies

Personal Property

The district may sell surplus or obsolete district-owned personal property through any of the following methods:

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

(cf. 3311 - Bids)

2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. Notice related to the auction shall be posted or published as described in item #1 above. (Education Code 17545)
3. The district may sell the property without advertising for bids under any of the following conditions:
 - a. The Governing Board members attending a meeting unanimously agree or may designate authority to the Superintendent or designee that the property, whether one or more items, does not exceed \$2,500 in value. (Education Code 17546)

(cf. 9323.2 - Actions by the Board)

- b. The district sells the property to agencies of federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law (40 USC 484 renumbered 40 USC 549) and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540)
- c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

If the Board members attending a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping. (Education Code 17546)

Money received from the sale of surplus property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district, in which case all of the proceeds of the sale shall be available to acquire basic instructional materials, supplemental instructional materials, or technology-based materials. (Education Code 60510, 60510.1, 60521)

(cf. 0440 - District Technology Plan)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Such materials also may be donated to another district, county free library, or other state institution; a United States public agency or institution; a nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing the general literacy of the people. Any organization, agency, or institution receiving obsolete instructional materials donated by the district shall certify to the Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60510, 60511)

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. Mutilated so as not to be salable and sold for scrap at the highest obtainable price
2. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the district has given notice to all persons who have filed a request for such notice

(cf. 3510 - Green School Operations)
(cf. 3511.1 - Integrated Waste Management)

Replacement of School Buses

Upon receiving a state apportionment for the replacement of a school bus, the Board may sell the

bus that is being replaced to another California school district if the following conditions are met: (Education Code 42303)

1. The other district is replacing a bus that is in service and has not been designated a temporary school bus pursuant to Education Code 42291.5.
2. The bus being replaced by the other district is older than the bus that is being sold by this district.
3. The bus being replaced by the other district is not sold to a third school district.
4. The other district, by Board resolution, holds the state and this district harmless for any liability that may result from the bus that this district is selling.
5. The proceeds from the sale of the bus shall be used by this district for home-to-school transportation purposes.

(cf. 3540 - Transportation)

6. Before the sale is finalized, the bus being sold is in compliance with all relevant provisions of the Vehicle Code and Title 13 of the California Code of Regulations.

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

SUBJECT: Sale and Disposal of Books, Equipment and Supplies (Personal Property)

When any district-owned instructional materials, equipment, supplies, or other personal property becomes unusable, obsolete, or no longer needed, the Superintendent or designee shall notify the Governing Board, provide an estimated value, and recommend whether the items be sold or disposed of by one of the methods prescribed in law and administrative regulation. Upon approval by the Board, the Superintendent or designee shall arrange for the sale or disposal of these items.

~~The Governing Board recognizes that the district may own personal property which is unusable, obsolete, or no longer needed by the district. The Superintendent or designee shall arrange for the sale or disposal of district personal property in accordance with Board policy and the requirements of state law.~~

~~The Superintendent or designee shall identify to the Board all items not needed by the district, together with their estimated value and a recommended disposition.~~

(cf. 0440 - District Technology Plan)
(cf. 6161 - Equipment, Books and Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

Instructional materials may be considered obsolete or unusable when they:

- ~~1. Contain information rendered inaccurate or incomplete by new discoveries or technologies.~~
- ~~2. Have been replaced by more recent versions or editions of the same material, and they are of no foreseeable value in other instructional areas.~~
- ~~3. Contain demeaning, stereotyping or patronizing references to origin, ethnic group identification, religion, age, sex, color, or disability.~~
- ~~4. Have been inspected and discovered to be damaged beyond use or economical repair(s).~~

1. Have been replaced by more recent editions or new materials selected by the Board and have no foreseeable value in other instructional areas

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

2. Are not aligned with the district's academic standards or course of study

(cf. 6011 - Academic Standards)
(cf. 6143 - Courses of Study)

3. Contain information rendered inaccurate or incomplete by new research or technologies
4. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy

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

5. Are damaged beyond use or repair

(cf. 1312.4 - Williams Uniform Complaint Procedures)

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

(cf. 3440 - Inventories)

Legal Reference:

EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to ~~another (or certain other agencies)~~

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

42291.5 Temporary school bus designation

42303 School bus sale to another district

~~60413 Sales to pupils; disposition of proceeds~~

~~60420 Disposal of old textbooks~~

60500-60530 Sale, donation, or disposal of instructional materials

~~60500 Determination of obsolescence~~

~~60510-60513 Donation or sale~~

~~60520-60521 Disposition of sale proceeds~~

~~60530 (Methods of) destruction~~

GOVERNMENT CODE

25505 District property; disposition; proceeds

CODE OF REGULATIONS, TITLE 5

3944 Consolidated categorical programs, district title to equipment

3946 Disposal of equipment purchased with state and federal consolidated application funds

UNITED STATES CODE, TITLE 40

549 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired under a grant or subgrant

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

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

School Services of California, Inc.: <http://www.sscal.com>

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