

BOARD POLICIES

San Bernardino County Board of Education

Trustee Area A — Mark A. Sumpter

Trustee Area B — Bette Harrison

Trustee Area C — Laura Abernathy Mancha

Trustee Area D — Gil Navarro

Trustee Area E — Alen Ritchie

Gary S. Thomas, Ed.D.

County Superintendent and Secretary to the
County Board of Education

San Bernardino County Superintendent of Schools
601 North E Street
San Bernardino, CA 92410-3093
BOARD POLICIES
Revised January 2012

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**SAN BERNARDINO COUNTY
BOARD OF EDUCATION**

POLICIES OF THE BOARD OF EDUCATION

Revised - January 2012

100 GENERAL POLICIES

110 County Board of Education Meetings

111 Officers, Time, Compensation, and Place of Meetings

The regular meeting of the County Board of Education (hereinafter "Board") shall be held on the first Monday of each month at 1:00 p.m., or as posted 72 hours in advance based on the agenda, in the Board Room of the Roy C Hill Education Center, San Bernardino, California, or such other place as the Board may, from time to time, deem advisable. Board members are eligible for compensation as provided by law and as determined by Board resolution for actual attendance at such meetings. If a member is absent while performing pre-approved services outside the meeting on behalf of the Board, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the Board, the Board may deem that member eligible for compensation by Board resolution. {E.C. 35120}

Board officers include president and vice president and are elected at the annual organizational meeting pursuant to Education Code provisions. The San Bernardino County Superintendent of Schools shall serve as Secretary to the Board.

If the regular meeting falls on a legal holiday, the meeting shall be held on the next business day.

Special meetings shall be called and held as provided for in the Government Code of California.

Public notices and agendas of the Board meeting shall be given to newspapers of general circulation and others requesting this information, in accordance with California law.

Adopted 6/5/89
Amended 12/9/91
Amended 11/4/96
Amended 12/6/04

112 Minutes of the Meeting

Minutes of the meeting shall be taken by a member of the County Superintendent's staff and mailed to all members of the Board prior to the next meeting.

Petitions, resolutions, reports, and other documents requiring special consideration, except correspondence, presented to the Board, shall be indexed and filed separately

from other records of the County Superintendent's of Schools office, and they shall be retained in the files in accordance with current and pertinent regulations. A summary of Board meetings may be published in the County Bulletin or other printed materials.

Adopted 6/5/89
Amended 6/4/90
Reviewed 11/1/04

113 Order of Business

The order of business of regular meetings, unless changed by unanimous consent, shall be as follows:

- Call to Order
- Hearings
- Presentations/Matters Brought by Citizens
- Action Items
- Superintendent and Staff Reports
- Board Members' Reports
- Closed Session
- Adjournment

The Board president and the County Superintendent, as secretary to the Board, shall work together to review the agenda for each regular and special meeting.

A Board member may request that a matter within the jurisdiction of the Board be considered for placement on the agenda of a regular meeting. The request shall be in writing and be submitted to the County Superintendent or designee with supporting documents and information, if any, at least ten (10) business days before the scheduled meeting date. Items submitted less than ten (10) business days 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.

The Board President and County Superintendent 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. If the Board President or County Superintendent does not place an item on the agenda that was requested by a County Board member, a report will be made back to the Board as to the reasons why it is not placed on the agenda and be placed on the agenda as an action item. The Board may, at that time, by a majority vote, redirect that the item be placed on a future agenda.

The Board President and County Superintendent 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.

Items to be included in the agenda of regular meetings of the Board shall be presented by the appropriate division to the Board Secretary not later than six (6) business days before the day of the meeting.

Materials to be submitted to the Board for consideration and approval shall be prepared in not less than twenty (20) copies--one for each member of the Board, one for the official records of the Board, one for the County Superintendent, one for each Division Assistant Superintendent and designees, one for the Chief Communications Officer, and one for the news media.

Adopted 6/5/90

Amended: 11/4/96, 12/6/04

2/2/09, 9/7/10

114 Addressing the Board

Any member of the public may address the Board: (1) on an agenda item before or during the Board's consideration of the item, and (2) on any matter not on the agenda that is within the subject matter jurisdiction of the Board at the time provided on the agenda for Matters Brought by Citizens, provided the person submits a Registration Card to Address the Board. The person wishing to address the Board shall, when recognized by the President of the Board, step up to the rostrum and announce his or her name and address. In the interest of facilitating the business of the Board, the President shall, limit the amount of time which a member of the public may use in addressing the Board to three minutes total on the consent calendar and to three minutes on each discussion item, unless the President, or a majority of the board, determines that a different limit is appropriate. In addition, the President shall, in the interest of facilitating the business of the Board, limit the total amount of time which a member of the public may use in addressing the Board on all agenda items to twelve minutes, unless the President, or a majority of the Board, determines that a different limit is appropriate.

Adopted 11/4/96

Reviewed 11/1/04

115 Amending Board Policies

Amendment or repeal of any section of these policies may be received for first reading at any meeting of the Board and may be acted upon following a second reading at any subsequent meeting thereof. Upon appropriate motion, the second reading of a proposed amendment to a Board Policy may be waived and the policy may be adopted by the Board on the first reading with four (4) affirmative votes.

Adopted 6/5/90

Amended 12/3/90

Reviewed 11/1/04

116 Governance Standards and Ethical Conduct

The San Bernardino County Board of Education believes that its primary responsibility is to act in the best interests of every student in the county and to do so with exemplary personal and professional conduct. The Board also has

major commitments to parents/guardians, all members of the community, the state of California, laws pertaining to public education, and established policies of the County Board of Education. To maximize its effectiveness and public confidence in district governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall subscribe to the following standards, conduct and expectations:

Governance Standards

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education
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
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff
8. Understand that authority rests with the Board as a whole and not with individuals
9. Communicate a common vision
10. Operate openly, with trust and integrity
11. Govern in a dignified and professional manner, treating everyone with civility and respect
12. Govern within Board-adopted policies and procedures
13. Take collective responsibility for the Board's performance
14. Periodically evaluate its own effectiveness
15. Ensure opportunities for the diverse range of views in the community to inform Board deliberations

Ethical Conduct

1. Make the well-being of all students, staff, and fellow members a fundamental value in all decision making and actions
2. Support the principle of due process and protect the civil and human rights of all individuals
3. Avoid preferential treatment of one outside interest group, company or individual over another
4. Avoid conflict of interest situations by abstaining from Board actions with a company or firm in which the Board member or any member of the Board member's family has a vested interest
5. Never exploit the office held for personal gain
6. Never accept or offer illegal payment for services rendered

7. Not accept gifts, free services, or anything of value for or because of any act performed or withheld
8. Obey all local, state, and national laws

Expectations of Personal and Professional Integrity

1. Conduct business in accord with governance standards and ethical conduct contained within this policy
2. Support the actions of the Board
3. Promote adherence to ethical conduct and not tolerate the failure of others to act in an ethical manner
4. Actively support appropriate professional associations aimed at improving the effectiveness of school board members and staff
5. Accept leadership roles and responsibilities when appropriate

Adopted 7/3/06

117 Electronic Communication

In order to receive organizational email, email accounts will be established for members of the San Bernardino County Board of Education upon the signing of the San Bernardino County Superintendent of Schools Acceptable Use Agreement. County Board Member use of the SBCSS email client is intended for only professional and responsible use related to Governing Board matters.

The Governing Board recognizes that electronic communication is an efficient way to communicate information and be accessible to the community. Board members shall exercise caution in order to ensure that electronic communications are not used as a means for the Board to discuss or deliberate outside of an agenda Board meeting. Use of a series of electronic communications of any kind, directly or indirectly, is subject to a violation of the Brown Act (Government Code 54952.2).

Examples of permissible electronic communications concerning Board 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 members shall make every effort to ensure that electronic communications are conducted following the same standards and protocols established under the Board's Governance Standards (Board Policy 116). A Board member may respond, as appropriate, to an electronic communication received from a member of the community or public school employee and should make clear responses do 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 Superintendent and Board policies and protocols so that the issue may receive proper consideration and be handled through appropriate processes as determined by the Superintendent and the Board.

Adopted 10/5/09

118 Forwarding Electronic Communications to Personal Electronic Mail Accounts

In order to ensure compliance with the Federal Rules of Civil Procedure and California Public Records Act and all other applicable federal and state laws, the forwarding of a Board member's San Bernardino County Superintendent of Schools (SBCSS) emails to a Board member's personal email account is strictly prohibited. Adopted 12/5/11

119 Business Cards

Business cards shall be provided to Board members intended for only professional and responsible use related to Board matters. The business card shall contain the seal as adopted by the Board in accordance with Education Code section 1041. At the request of a Board member, business cards may contain a personal telephone number of the Board member provided that the information is clearly delineated as "personal" on the business card.

Adopted 12/5/11

120 Election to the County Board of Education

121 Board Election Areas

The boundary lines for election of members to the County Board of Education are generally aligned with school district boundaries as noted below. Two high school districts have boundaries determined by their respective elementary feeder districts. Therefore, Chaffey Joint Union High School District is split between Trustee Areas B and C and Victor Valley Union High School District is wholly contained within Trustee Area A.

AREA A

Adelanto School District
Apple Valley Unified School District
Baker Valley Unified School District
Barstow Unified School District
Helendale School District
Hesperia Unified School District
Lucerne Valley Unified School District
Needles Unified School District
Oro Grande School District
Rim of the World Unified School District, west of Highway 138
Silver Valley Unified School District
Trona Joint Unified School District
Victor Elementary School District

AREA B

Alta Loma School District
Central School District
Etiwanda School District
Mt. Baldy Joint School District
Ontario-Montclair School District, north of Philadelphia Street
Upland Unified School District

AREA C

Chino Valley Unified School District
Cucamonga School District
Fontana Unified School District
Mountain View School District
Ontario-Montclair School District, south of Philadelphia Street

AREA D

Rialto Unified School District
San Bernardino City Unified School District
Snowline Joint Unified School District

AREA E

Bear Valley Unified School District
Colton Joint Unified School District
Morongo Unified School District
Redlands Unified School District
Rim of the World Unified School District, east of Highway 138
Yucaipa/Calimesa Joint Unified School District

The terms of office shall be staggered as follows:

Areas A, B, D--elected 2014, 2018, 2022, 2026
Areas C, E --elected 2012, 2016, 2020, 2024

Adopted 6/5/89
Amended 3/2/92, 12/3/01,
12/6/04, 6/13/05,
6/9/08, 12/5/11

122 Cost of Candidates' Statement of Qualification

It is the determination of the Board that full cost shall be levied against any candidate for the Board for the candidates' statement or other materials sent to each voter by the Registrar of Voters.

130 Professional Competency Commission

The County Superintendent of Schools shall be the designee of the Board to select a Professional Competency Commission member(s) if either the district board or the employee fails to select a Commission member at least seven (7) days prior to the date of the hearing before the Commission.

140 Expulsion Appeals

141 Expulsion Appeal Hearing Request and Process

If a pupil is expelled from a school district (hereinafter “district”), the pupil may file an appeal with the County Board of Education (hereinafter “Board”) at the office of the County Superintendent of Schools, which written appeal shall be filed within thirty (30) calendar days following the decision of the district governing board to expel. The written notice of appeal shall contain the following information: {E.C. 48919}

- a. Name of expelled pupil
- b. Name of appellant
- c. Relationship of appellant to expelled pupil (parent, guardian, self)
- d. Address and telephone number of appellant
- e. Name of respondent school board
- f. Date of respondent school board’s action to expel
- g. Grounds upon which the appeal is based.

The Board shall subsequently hold a hearing thereon and render its decision. Whenever the word “pupil” is used in this Board Policy, it shall include a pupil’s parent or guardian, legal counsel, or advocate.

1. Requests for a hearing before the Board shall be in writing and must be received in the Office of the County Superintendent of Schools at least twenty (20) working days prior to the regular meeting of the Board to be considered at that meeting. The pupil shall submit a request for a copy of the written transcript (a complete and exact typewritten transcription of the tape of the expulsion hearing prepared by the district) and supporting documents concerning the expulsion from the district simultaneously with the filing of the notice of appeal with the Board. The district shall provide the pupil with the transcription, supporting documents, and records within ten (10) school days following the pupil’s request. The pupil shall file seven (7) copies of these records with the Board.
2. It is the responsibility of the pupil to provide, at least five (5) working days prior to the hearing, seven (7) copies of a complete written transcript of the hearing before and prepared by the district.

The cost of such transcript shall be borne by the pupil except where:

- a. The pupil certifies to the district that he or she cannot reasonably afford the cost because of limited income or exceptional necessary expenses, or both.
 - b. The Board reverses the decision of the district board in which case the Board shall require the district board to reimburse the pupil for the cost of such transcription.
3. At the regular meeting of the Board, the Board shall hold the hearing or set the time and place when such hearing shall be held.

The hearing shall be held within twenty (20) school days following the filing of a request under this section and the Board shall render a decision within three (3) school days of the hearing, unless the pupil requests a postponement. {E.C. 48919}

Requests for postponements may be made by either party and shall be directed to the Secretary to the Board. The Secretary to the Board shall grant a postponement in the following cases:

- a. Stipulated Postponements. Where all parties jointly seek, in writing, a postponement to a later agreed upon hearing date, and file such written request with the Secretary to the Board. Then the Secretary to the Board shall reset the hearing date to the date specified in the written request or to a date as soon thereafter as the matter can reasonably be heard by the Board.
- b. Request by Either Party. Either party may request one postponement by means of a written notice at least forty-eight (48) hours in advance, except that a school district's request may not extend the hearing beyond thirty (30) school days following the filing of a request for hearing unless the pupil agrees. The Secretary to the Board shall upon receipt of said request reset the hearing date to the next regularly scheduled Board meeting date and shall immediately notify all parties in writing of the new hearing date.
- c. Subject to the limitations set forth in 3.b above, the Board may grant a postponement at any time should it determine that such postponement is necessary to avoid injustice.
- d. Hearings shall commence promptly at the time designated by the Board. If good cause prevents such an appearance, notification of such good cause shall be given to the Board at least twenty (20) minutes prior to the hearing time designated. Absent exceptional circumstances, if the pupil does not appear at the designated time, or within twenty (20) minutes thereafter, the appeal shall be deemed withdrawn and the decision of the district board affirmed.

4. The Board shall hear the appeal in closed session unless the pupil requests in writing, at least five (5) days prior to the date of the hearing, that the hearing be a public meeting. Upon the timely submission of a request for a public meeting, the Board shall be required to honor the request.

Whether the hearing is conducted in closed or public session, the Board shall meet in closed session for the purpose of deliberations. The attorney for the Board may attend such closed session. If the Board admits any representative of the pupil or the school district into deliberations, the Board shall, at the same time, admit representatives from the opposing party.

5. A tape recording of the hearing shall be made and preserved for a period of three (3) years.
6. The Board shall determine the appeal upon the record (i.e. transcription and other supporting documents) of the hearing before the district board, together with any applicable documentation or regulations as may be ordered. No other evidence may be heard except in the rare case where a de novo proceeding is held. A de novo proceeding is where the Board actually conducts a new expulsion hearing as if the hearing before the district board had never occurred. Such de novo hearings are held only in exceptional cases.

Normally all appeals before the Board are limited to a review of the record of the hearing before the district board, supplemented by oral argument.

7. The review by the Board shall be limited to the following questions:
 - a. Whether the district board acted without or in excess of its jurisdiction. A proceeding without or in excess of jurisdiction includes, but is not limited to, a situation where an expulsion hearing is not commenced within the time periods prescribed by the Education Code, a situation where an expulsion order is not based upon legal grounds for expulsion, or a situation involving acts not related to school activity or attendance.
 - b. Whether there was a fair hearing before the district board.
 - c. Whether there was a prejudicial abuse of discretion in the hearing.

An abuse of discretion is established in any of the following situations:

- (1) If district officials have not met the procedural requirements of the Education Code;
- (2) If the decision to expel a pupil is not supported by the findings of the district board;
- (3) If the findings are not supported by the evidence.

The Board may not reverse the decision of the district board to expel a pupil based upon a finding of an abuse of discretion unless the Board also determines that the abuse of discretion was prejudicial.

- d. Whether there is relevant and material evidence, which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the district board.

8. The decision of the Board shall be limited as follows:

- a. Where the Board finds that relevant and material evidence exists which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the district board, it may do either of the following:

- (1) Remand the matter to the district board for reconsideration and may in addition order the pupil reinstated pending such reconsideration; or, instead,
- (2) In rare cases grant a hearing de novo upon reasonable notice thereof to the pupil and to the district board. A hearing de novo or new hearing is described in paragraph 6 of this appeal policy.

- b. In all other cases, the Board shall enter an order either affirming or reversing the decision of the district board. In any case in which the Board enters a decision reversing the district board, the Board may direct the district board to expunge the record of the pupil and the records of the district of any references to the expulsion action and such expulsion shall be deemed not to have occurred.

9. The decision of the Board shall be final and binding upon the pupil and upon the district board. The final order of the Board shall be in writing and shall be delivered as quickly as possible to the pupil and to the district board by personal service or by certified mail. The order shall become final when rendered.

Amended 12/6/04

142 Appeal Hearing Procedures

1. Copies of the transcript of the district board hearing, the district board minute entry noting the expulsion, findings of fact and decision, and any relevant correspondence shall be received by the Board members and the County Superintendent at least five (5) working days before the hearing.
2. Appellant(s) (the pupil or the pupil's parent or guardian) and/or representative(s), school district personnel and its representative, and Board members shall introduce themselves for tape recording identification.
3. The appellants will present their case first.
4. The school district may next respond and present its case.
5. Either party may then in turn respond to the comments of the other party, and if they desire, conclude with a brief summary of their case.
6. The Board may question any participant at any time during the course of the appeal hearing.
7. The president or his/her designee will direct the order of the hearing.
8. Inflammatory questions or statements will not be tolerated. Each question should be clearly stated and relevant to the points of the hearing.

143 Hearing De Novo Procedures

In the rare case where a hearing de novo or NEW hearing is granted, it shall be conducted in substantially the same manner as the original hearing before the district board.

Adopted 6/5/89
Amended 10/7/9, 8/6/01
Reviewed 11/1/04

150 Interdistrict Attendance Appeal Hearings

151 Filing of an appeal:

If the governing board of a school district fails or refuses to approve an inter-district attendance agreement within 30 calendar days after it is requested by the person having legal custody of the child (hereinafter "custodian"), the custodian may appeal such denial to the County Board of Education (hereinafter "Board"), provided such appeal is filed with the Board within 40 school days of such failure or refusal. The custodian shall file with the Secretary to the Board a written Notice of Interdistrict Attendance Appeal and Request for Hearing. Failure of the

custodian to appeal within these timelines is good cause for denial of such appeal.

It is important for the custodian to note that the Board may only consider appeals from the denial of all attendance within a particular district. If a district has refused admission of a child to a particular school, but is willing to admit the child to another school within the district, an Interdistrict Transfer is not applicable. The Board has no authority to dictate to a district which school within the district it shall assign a child.

The pupil shall be requested to provide the following information on the Notice of Interdistrict Attendance Appeal and Request for Hearing form:

- a. Pupil name.
- b. Age.
- c. Grade.
- d. Home Address.
- e. Telephone Number.
- f. Parent/Legal Guardian.
- g. School district of residence.
- h. School district desiring to attend.
- i. The reason for requesting transfer. If medical or psychological reasons are stated as a reason for requesting a transfer, a physician's or licensed psychologist's statement in support of the stated reason should be submitted.
- j. Evidence and reasons for denial of request in writing from district or districts.
- k. Evidence of attempts by custodian to contact local governing board.
- l. Signature of parent/legal guardian or emancipated minor pupil when appropriate.

152 Actions upon filing:

Upon the filing of a timely appeal, the San Bernardino County Superintendent of Schools office shall notify the school district or districts which has [have] denied the inter-district attendance agreement of such appeal, and request that the district or districts provide the following to the Board within 10 calendar days of such notification.

- a. The notice of denial of all attendance within the district given to the parent, which notice will state the reason or reasons for such denial.
- b. A copy of the minutes of the meeting of the governing board at which it denied the request.
- c. A copy of the district board policy or administrative regulation regarding inter-district attendance, setting forth the standards utilized by the Board in granting or denying inter-district attendance agreements.
- d. A written statement that all appeals within the school district have been exhausted.

153 Hearing Date

The Secretary to the Board shall set a date for the hearing within forty (40) school days of receipt of a written Notice of Interdistrict Attendance Appeal and Request for Hearing.

154 Notification of Date, Time and Place of Hearing

Upon the filing of the Notice of Interdistrict Attendance Appeal and Request for Hearing, the San Bernardino County Superintendent of Schools office shall notify the custodian and the school districts of the date, time, and place of the hearing. A copy of the "Interdistrict Attendance Appeal Rules and Procedures" shall be provided to all parties involved.

155 Consideration of the Appeal:

The Board shall hold a hearing on the appeal within 40 school days of its actual receipt of the request. If compliance with this timeline is impractical, either the County Superintendent or the Board for good cause may extend this timeline for an additional 5 school days.

The custodian may request a continuance, which may be granted at the discretion of staff for the Board, and may, at the request of staff for the Board, stipulate to a later hearing date. The request should be made at least forty-eight (48) hours in advance of the hearing.

The hearings shall commence promptly at the time designated by the Board. If good cause prevents such an appearance, notification of such good cause shall be given to the Board at least twenty (20) minutes prior to the hearing time designated. If the custodian or pupil does not appear at the designated time, or within twenty (20) minutes thereafter, the appeal shall be deemed withdrawn and the decision of the district board affirmed.

An electronic recording of the hearing shall be made and preserved for a period of three (3) years.

The hearing and deliberations shall be in open session.

Amended 1/9/12

156 Grounds for Appeal

The Education Code is silent as to the grounds to be considered by the County Board in granting or denying an inter-district transfer or the standard to be used in considering those grounds. The County Board thus adopts the following grounds and standards:

Ground 1. Whether there was an abuse of discretion by the board in denying the request and such abuse of discretion was prejudicial.

Standard: The custodian has the burden of proof, and to carry the burden must establish by a preponderance of the evidence (51% to 49%) that an abuse of discretion occurred and that such abuse was prejudicial.

Ground 2. Whether the decision was fair.

Standard: The custodian has the burden of proof, and to carry the burden must establish by a preponderance of the evidence (51% to 49%) that the decision was, under all of the circumstances presented, unfair.

Ground 3. Whether there is newly discovered evidence or newly discovered grounds for the request, which could not have been produced at the district level or which were improperly not considered by the district in denying the request.

157 Disposition of the Appeal

What the Board may do following the appeal:

If new evidence or grounds for the request are introduced at the hearing under Ground 3 above, the County Board may remand the matter for further consideration by the district or districts. In all other cases, the appeal shall be granted or denied on its merits.

Adopted 6/5/89
Amended 10/5/92,
1/4/93, 11/2/98
Reviewed 11/1/04

160 Professional Memberships and Travel

161 Professional Memberships

The office of the County Superintendent of Schools may join any professional group on an institutional membership basis. The County Superintendent of Schools serves as a liaison between educational and noneducational agencies, both public and private, at all levels—school, district, county, region, state, and federal.

Amended 12/6/04

162 Board Travel Policy

The Board recognizes its need for in-service training. Like teachers, district board members, and administrators, Board members are encouraged to participate in professional development activities that help them to understand their responsibilities, to stay abreast of new developments in education, and to learn new ways of coping effectively with the problems that are confronting them. Likewise, Board members are encouraged to attend student activities which support excellence in education.

Board members' travel to meetings and conferences shall be a claimable expense for actual, necessary, and reasonable expenses incurred by attendance at these functions

and from the appropriate budget category contained within the annual budget adopted by the Board. Such meetings and conferences shall be within budgetary constraints and may include, official functions sponsored by the organizations listed below. Functions attended by Board members by other organizations must be approved in advance by the Board.

Association of California School Administrators (ACSA)

California Association for Bilingual Educators (CABE)

California County Boards of Education (CCBE)

California School Boards Association (CSBA)

EdSource

National School Boards' Association (NSBA)

San Bernardino County District Advocates for Better Schools (SANDABS)

San Bernardino County School Boards Association (SBCSBA)

San Bernardino County Superintendent of Schools (SBCSS)

The Superintendent will notify any member of the Board when the Board member exceeds the allotted amount of conference and travel expenses which are divided among the five board members. The Superintendent shall notify the Board member that they may continue to attend conferences and meetings at their own expense.

While keeping the Superintendent's Policies for management staff in mind, the Board will consider number of Board Members to attend each function without curtailing the Members' ability to discharge their elected office duties.

Amended 9/2/03

Reviewed 11/1/04

Amended 11/5/07

163 Travel Expense Claims

Expense claim forms in current use by the office of the County Superintendent of Schools shall be used for Board members' travel reimbursement.

A per diem allowance and other expenses, as developed for the County Superintendent's Administrative Staff, may be exercised as an option in lieu thereof.

170 Board Members' Insurance

Board members who have elected to accept medical, dental, vision, and life insurance benefits and whose tenure as a member of the County Board of Education began prior to January 1, 1995 and equals twelve (12) consecutive years at the time of retirement, shall have his/her designated medical, dental, vision, and life insurance benefits premiums (and those for his/her spouse, excluding life insurance) paid for by the County Schools Service Fund from the date of retirement. If at the time of retirement the member who is ineligible for fully paid benefits but has completed one or more terms of office, he/she shall be allowed to continue his/her medical, dental, vision, and life insurance benefits (and that of his or her spouse, excluding life insurance) if he/she agrees to and does pay the full costs of said medical, dental, vision, and life insurance benefits. Board members may receive benefits in accordance with Government Code 53208.5.

Amended 12/6/04

Amended 4/4/05

190 Resolutions and Awards

191 Educational Excellence in the Public School System

It is the intent of the Board to recognize Educational Excellence in the public school systems located in San Bernardino County. This recognition shall acknowledge, through suitably prepared resolutions, outstanding performance of our school systems or individuals making unusual contributions to those systems.

Individual members on the Board and the County Superintendent of Schools shall bring to the attention and consideration of the Board, programs that, through their excellence, promote outstanding educational programs for the youth enrolled in our public schools. It is the belief of the Board that programs fostering the growth of individuals or groups of enrolled youth in an exemplary manner which in turn allows the strength of our democratic society and our economic system to compete and thrive, deserve recognition.

In these actions the Board recognizes that it cannot acknowledge all programs that are characterized by dedication to exemplary educational practices but feels a strong responsibility to call to the attention of the citizens of this County excellence in education that is deserving of praise.

192 Student Awards

The Board recognizes that students from County Schools and Programs may be given awards for excellence subject to the following limitations: {E.C. 44015}

1. The award may be in the form of a plaque, trophy, ribbon, certificate, other like object, or may be a cash award.
2. The total cost of an individual award shall not exceed two hundred dollars (\$200.00) unless a larger amount is expressly approved by the County Superintendent and the Board.

200 BUSINESS

220 Federal Forest Reserve Apportionment Formula

The Board will adopt a Federal Forest Reserve Apportionment Formula in accordance with appropriate provisions of the Education Code.

230 Contracts

231 Approval

The County Superintendent of Schools may enter into contracts to provide guidance services, supervision of instruction, television services, audio-visual services, and other services to school districts. The County Superintendent may contract with the San Bernardino County Department of Public Health to provide health services to school districts. The above contracts may provide for full or partial reimbursement by the district or the services may be provided through funds budgeted in the County School Service Fund.

The County Superintendent may contract for services from school districts and from private contractors for transportation, classrooms, and other services required by students for whom he/she is responsible as provided by the Education Code.

Consultant contracts of \$25,000 or more for services specified in this policy shall be reported to the Board each year at the presentation of the First Interim Report and Second Interim Report.

Amended 12/6/04

240 Submission of Budgets

The County Superintendent of Schools shall present his/her proposed budgets to the Board for approval prior to the dates of submission set by the State Superintendent of Public Instruction and/or the County Board of Supervisors.

300 INSTRUCTION

310 County Course of Study

311 Course of Study Defined

The course of study for the elementary and secondary schools of San Bernardino County is defined in the California Course of Study, state curriculum frameworks, curriculum guides, and model curriculum standards. {E.C. 48614, E.C. 51053} These documents include:

1. Purpose of areas of study
2. General objectives for all areas of the curriculum for each grade level
3. Content and materials, specific skills, attitudes and understanding developed in all curriculum areas
4. Suggested activities and experiences necessary to help pupils achieve the goals of education
5. Suggested teaching techniques and methods

Amended 12/6/04

312 Application of the County Course of Study

The County Superintendent of Schools office shall support districts by providing staff development that will enhance the implementation of the district established course of study.

Amended 6/9/08

313 Coordination of Course of Study, Definition and Function

The County Superintendent shall, with the approval of the Board and in accordance with the regulations of the Superintendent of Public Instruction, support the coordination of courses of study, guidance services, health services, special education, attendance activities, and advisory services in school business administration activities among the school districts under his/her jurisdiction in accordance with the Education Code. {E.C. 52302.3, E.C. 52304}.

In accordance with legislative intent, support for coordination shall be the chief function of the office of the County Superintendent of Schools.

The County Superintendent of Schools may, with the approval of the Board, employ qualified personnel to provide for support for coordination of those services in accordance with the Education Code.

Support for coordination shall consist of a service rendered to a district at district level. Support for coordination services shall be provided at district level through

working with district personnel having the responsibility for the conduct of the service in the district.

Support for district educational program shall consist of actions, efforts, and procedures of the County Superintendent of Schools directed to one or more districts to:

1. Promote minimum educational standards
2. Promote the ongoing improvement of the educational program
3. Promote order and reasonable uniformity in the educational program
4. Effect working relationships between school districts and other agencies serving youth
5. Promote effective and efficient operation of the programs of instruction and special services among the districts of the County and in cooperation with other counties.

Amended 6/9/08

314 Distribution of Course of Study

Notice of the availability of the California Course of Study shall be distributed to all districts in the County.

Amended 12/6/04

315 Independent Study-Scope, Purpose, Master Agreements and Appropriate Conditions

The County Superintendent of Schools shall meet the responsibilities, pursuant to Title 5, California Code of Regulations, Chapter 13, 11701 in the implementation of an independent study that includes the following:

1. Scope

The Board recognizes its responsibility for the education of all pupils in alternative education. The Board authorizes the County Superintendent to establish independent study as an optional alternative instructional strategy by which all enrolled pupils may reach curriculum objectives and fulfill graduation requirements outside of the regular classroom setting. Independent Study is a continuously voluntary, educational alternative in which no student may be required to participate. A classroom option is always available. Students participating in Independent Study have the same access to the existing services and resources as students enrolled in regular county alternative education classrooms ranging from 240-360 minutes per day. (EC 51746, EC 51747c)

2. Purpose

The primary purpose for independent study is to offer a means of individualizing the educational plan for pupils whose needs may be met best through study outside of the regular classroom setting. Independent study may be used by alternative education pupils who are motivated to achieve educationally as well as or better through this strategy than they would in the regular classroom.

3. Master Agreements

- a. **Written Agreement.** The County Superintendent or designee shall ensure that each participating pupil has an executed written independent study master agreement on file with the county office as prescribed by law. This agreement must be signed by the student, parent/guardian/caregiver/designee who holds educational rights, certificated employee, and all other persons who have direct responsibility to provide assistance to the student. (EC 51747 c) Individual independent study agreements and any subordinate pupil contracts and assignments must be consistent with the county's adopted course of study.
- b. **Maximum Length of Assignments.** For all pupils in independent study, the maximum length of time which may elapse between the time the assignment is made and the date by which the pupil must complete the assigned work shall be four (4) weeks except when special or extenuating circumstances justify a longer time. A period not to exceed nine (9) weeks may be approved by the County Superintendent or designee pursuant to a written request, with justification, for individual pupils.
- c. **Number of Missed Assignments.** Students who do not earn a minimum of 5 credits per month will be referred for an evaluation to determine whether it is in their best interest to remain on Independent Study. A written record of the student's evaluation shall be kept in the permanent record. Students failing to report for three appointments and/or failing to submit three assignments will be referred to a classroom setting.

4. Appropriate Conditions

- a. **Criteria for Admittance.** The County Superintendent shall establish appropriate entrance criteria to ensure that the necessary level of understanding exists to meet the provisions of the independent study master agreement prior to its implementation.

- b. Residence. Only students residing in the local or immediately adjacent county may participate in the Independent Study Program [Education Code §46300.2, §51747.3(b)].
- c. Incentives. The County Superintendent may not provide funds or any other things of value to the pupil or his or her parent or guardian in Independent Alternative Education that are not provided to students who attend regular classes, or to their parents or guardians [Education Code §46300.6, §517473 (a)].
- d. Special Education. No individual with exceptional needs, as defined in EC 56026, may participate in independent study, unless his or her individualized education program provides for that participation.
- e. Home and Hospital Instruction. Independent study shall not be used as an instructional strategy for pupils approved for Home and Hospital Instruction. In addition, independent study shall not be used as an instructional strategy for temporarily disabled pupils (EC 51745 (d)). A pupil with a temporary disability which makes attendance in the regular day classes or alternative education program in which the pupil is enrolled impossible or inadvisable, shall receive individual instruction provided by the district in which the pupil is deemed to reside (EC48206.3).
- f. Credits. Academic credit shall be awarded if an assignment demonstrates sufficient competency/mastery. The County Superintendent shall not issue more than 25 credits per nine (9) week quarter to any student participating in independent study.
- g. Length of Enrollment. No ADA may be claimed for students enrolled less than 5 consecutive days (E.C. 46300e)
- h. Voluntary Option. Students participating in IAE (Independent Alternative Education) on Suspended Expulsion Status must have a classroom alternative available to them at all times.

Adopted 2/4/91
Amended 11/7/94, 6/1/98
Reviewed 11/1/04
Amended 4/4/11

Curriculum materials published by the office of the County Superintendent of Schools shall be distributed free or at cost in the quantities deemed necessary by the County Superintendent of Schools.

Curriculum materials may be sold by the County Superintendent of Schools to other school districts and to individuals, if such sale will not deplete the supply to such an extent that there will be an insufficient quantity for public schools in San Bernardino County required to use such materials.

One copy of all publications by the County Superintendent of Schools may be furnished free of charge to state universities/colleges of California on request.

Amended 12/6/04

322 Supplemental Instructional Materials and Library Materials

Supplemental instructional materials and library materials for use in schools and classes operated by the County Superintendent and for inclusion in the Educational Resource Center collection shall be purchased in accordance with the County Superintendent Administrative Procedures.

323 Audio-Visual Materials

The County Superintendent of Schools shall recommend to the Board films and filmstrips to be approved for inclusion in the county Media Educational Film Contract Service Library in accordance with Education Code provisions, and the County Superintendent Administrative procedures.

324 Basic Instructional Materials

The County Superintendent of Schools shall recommend to the Board for adoption basic instructional materials for use in schools and classes operated by the County Superintendent in accordance with Education Code provisions and the County Superintendent Administrative Procedures.

325 Challenged Material

Since opinions may differ in a democracy, on occasion the suitability of a particular book or material may be questioned. A challenged book or material will not be immediately removed from the collection, but will be reviewed again in the light of the objections raised. Such cases shall be handled by the following procedures:

1. If the complainant wishes to file a formal complaint, he must present the complaint in writing on the "Request for Review of Instructional Materials" form.
2. The materials in question shall be reviewed by a Reviewing Committee of at least three members appointed by the County Superintendent. Members of the committee shall be deemed by the Superintendent to have

competence in the subject area concerned, and/or experience with a knowledge about the age group with which the material is used.

3. The Reviewing Committee shall evaluate the questioned material with the specific objections in mind. Their analysis and recommendation shall be completed as rapidly as possible and their final recommendation presented in writing to the Board.
4. After considering the recommendation of the Reviewing Committee, the Board shall make final decision as to whether or not the material is to be retained in the collection and shall direct the Superintendent to notify in writing the individual members of the Reviewing Committee and the complainant of the Board's final decision.
5. Only the decision of the Board shall authorize removal of the material from the collection, and the decision of the Board is to be regarded as final.

330 Student Exercise of Free Expression

The Board recognizes the right of its students to exercise freedom of speech and of the press. This freedom includes the use of bulletin boards, the distribution of printed materials or petitions, the wearing of buttons, badges, or other insignia, and the right of expression in official publications, whether or not such publications or other means of expression are supported financially by the school or by use of school facilities.

Any such expression which is obscene, libelous, or slanderous is prohibited. The prohibition extends to any material which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school regulations, or the substantial disruption of the orderly operation of the school.

350 County Community School Program

351 Student Services

The County Board of Education may establish and enroll students in community school programs, court school programs, and independent study pursuant to rules and regulations adopted by the State Board of Education and/or as set forth in Education Code. The administration and operation of such programs shall be delegated to the San Bernardino County Superintendent of Schools.

352 Course of Study

The course of study for community school/court school programs and location, rules and regulations for independent study shall be adopted by the County Board of Education. Pupils enrolled in county operated alternative programs shall be assigned to classes or programs that are appropriate for reinforcing or reestablishing educational development and shall have an individually planned

educational program as determined by an appropriate educational assessment. The minimum school day for these programs shall be 240 minutes.

353 Student Calendar

The student calendar for court school programs shall annually be approved by the County Board of Education by June of each school year.

354 Facilities

The San Bernardino County Superintendent of Schools shall have the responsibility for acquiring facilities to meet the instructional needs of students in accordance with Education Code 1986 (b-e).

In a school building as defined in Education Code section 17283, that is exempt from the requirements of the Field Act, such as those specified in Education Code section 1986 (b-e) the County Board of Education shall review a structural engineer's report to determine that substantial structural hazards do not exist.

The County Board of Education shall review the building plans for special education and alternative education school facility projects proposed on school sites owned by the County Board of Education.

Amended 12/6/04
Amended 4/4/05

355 Pupil Retention and Promotion Policy

The San Bernardino County Board of Education expects students to make individual progress. To accomplish this, instruction should accommodate the varying interests and growth patterns of individual students, and include strategies for addressing academic and behavioral deficiencies when needed.

The San Bernardino County Superintendent of Schools is committed to providing programs designed to remediate academic and behavioral deficits. This is accomplished by offering small classes supported by a teacher, an educational assistant, and other support staff. Teachers employ a variety of strategies geared at fostering student success.

It is the intention of San Bernardino County Superintendent of Schools to allow local school districts to retain or promote alternative education students. Retention and promotion policies are individual district decisions. The local school district sets the requirements for promotion, and awards the diploma for alternative education students.

When an individual with exceptional needs in an alternative education program meets district requirements for completion of the prescribed course of study and adopted differential proficiency standards as designated in the student's IEP, the district of residence shall award the diploma.

Special education students' individual standards for promotion or retention are made as part of the IEP process. Students with disabilities who are in danger of retention based on lack of anticipated progress shall be referred to the IEP team for consideration of placement.

Adopted 6/7/99
Reviewed 11/1/04

356 Granting of High School Diplomas

The Board recognizes that programs operated at Juvenile Court Schools, Juvenile Homes, day centers, Juvenile Court Ranches or camps may qualify enrolled students with sufficient credits in their home districts to graduate with a high school diploma.

The Board recognizes that programs operated by the County Superintendent of Schools including alternative education programs, or special education programs for students earning credits towards high school graduation, may qualify enrolled students with sufficient credits in their home districts to graduate with a high school diploma.

Amended 7/7/97
Reviewed 11/1/04
Amended 6/9/08

357 Expulsion of Court and Community School Students

1. A pupil may be suspended from a school or program or recommended for expulsion in conformity with Education Codes 48900 through 48926.
2. In cases defined in Education Codes 48900 through 48926 as mandatory expulsions, the principal or designee shall recommend the pupil's expulsion to the County Superintendent. In other cases, the principal or designee may recommend the pupil's expulsion to the County Superintendent.
3. Upon recommendation by the principal or by the hearing panel, and in accordance with Education Code, the County Superintendent may order a court or community school pupil expelled.
4. Upon ordering an expulsion, the County Superintendent shall set a date when the pupil will be reviewed for readmission to school. For a pupil expelled for "possessing, as verified by a county employee, or selling or otherwise furnishing a firearm," this date shall be one year from the date the expulsion occurred, except that the County Superintendent may set an earlier date on a case-by-case basis.
5. Pupils that are under an expulsion order will receive educational services at an alternate court or community school.
6. The principal or designee shall, prior to the suspension or expulsion of any pupil, notify law enforcement authorities about any student's possession of

weapons and any acts of assault by a student with a firearm or other deadly weapon or instrument.

7. Expulsion orders are appealable to the County Board of Education in accordance with Education Code section 48919.

Adopted 8/10/98
Reviewed 11/1/04

400 PERSONNEL

410 Concepts and Roles

The Office of the San Bernardino County Superintendent of Schools is headed by a County Superintendent elected by the electors of this County. The County Superintendent of Schools serves as the chief administrative officer for the County Board of Education, is ex officio secretary and executive officer. The County Superintendent of Schools also serves as secretary to the County Committee on School District Organization or may appoint an acting secretary if deemed appropriate.

The County Superintendent of Schools is the Employer of Record and has the responsibility for employment, discipline, acceptance of resignations and all issues related to the collective bargaining process as identified under statute for all employees of the Office of the County Superintendent.

Adopted 4/4/05

420 Health of Employees

421 Chest X-rays for School Personnel

It is the policy of the Board that every precaution be taken to protect the health of pupils in the schools of this County and in furtherance of this policy, all certificated or classified personnel employed by the County Superintendent of Schools shall be required to file with the office, every four years, a certificate of freedom from active tuberculosis based on a chest x-ray or intradermal tuberculin test. The certificate of freedom from active tuberculosis shall be filed by the employee within thirty (30) days after the date of original employment by the County Superintendent of Schools.

422 Infectious/Communicable Diseases

The Board recognizes its responsibility of protecting the health of students and all personnel from risks posed by infectious/communicable diseases and supports efforts of district boards in developing policies dealing with such diseases, including Acquired Immune Deficiency Syndrome (AIDS).

430 Employee Recognition

431 Employees of the County Superintendent of Schools

A certificate of appreciation, at the discretion of the Board, may be issued by the Board to all staff members who retire after service in the office of the County Superintendent of Schools.

432 Employee Awards

The Board concurs with the County Superintendent of Schools that recognition may be made to any employee of an award that would signify recognition for years of service, performance of special acts, or outstanding services in the public interest. {E.C. 44015b}

1. Expenditures authorized in connection with this policy shall not exceed two hundred dollars (\$200.00) per individual unless a larger award is expressly approved by the Superintendent and Board of Education.
2. Employees will be recognized with a certificate or other suitable award for anniversaries of five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, and forty service years.

Amended 9/2/03

Amended 12/6/04

500 ADMINISTRATION

510 Credential Documents

511 Temporary Teaching Certificates

The County Superintendent of Schools is authorized to issue temporary County teaching certificates in accordance with the Education Code, subject to ratification by the Board at the following regular meeting.

512 Substitute Credentials

Applicants for the emergency credential for 30 days' substitute service shall have a baccalaureate degree from a regionally accredited college or university.

520 County In-Service Training Program

The Board endorses establishment of a program of in-service training in the office of the County Superintendent of Schools. In compliance with the Education Code, the County Superintendent of Schools may provide in-service training for school personnel.

530 County Superintendent of Schools

531 Annual Salary

At the June board meeting of each year, the Board shall consider the adjustment of the County Superintendent's salary based on, but not limited to, a comparison with the annual total compensation of county superintendents in California Class II counties of similar size and with offices carrying similar responsibilities.

1. An additional annual amount of \$500 will be allowed for each of the following:
 - (a) B.A. degree plus 60 graduate semester units including M.A.
 - (b) Earned doctorate
2. In lieu of being assigned a County automobile, the County Superintendent shall receive a monthly allowance of \$650 for an automobile. The County Superintendent shall also be authorized to use County Superintendent of Schools credit cards for gasoline expenses for business related use of the automobile. Nothing shall preclude the County Superintendent the use of a County automobile in limited and extenuating circumstances related to County Schools business.
3. Monthly payment of \$400 to be applied to a tax-sheltered annuity or to the annual salary of the Superintendent at the election of the Superintendent.

4. Professional and service association membership fees paid by the County School Service Fund for the Superintendent not to exceed \$1,000 per year.
5. The County Superintendent of Schools who retires from service after having reached the age of fifty-five (55) and having completed five (5) years of consecutive service shall have 50% of the premiums paid for medical, dental, vision, and life insurance benefits for the superintendent and spouse (excluding life insurance for spouse) until age sixty-five (65) and upon eight (8) years of consecutive service, medical, dental, vision and life insurance benefits shall be paid for the superintendent and spouse (excluding life insurance for spouse) for life. Years of service for the elected superintendent shall be year for year and shall include time served as assistant superintendent, associate superintendent, deputy superintendent, and superintendent in the San Bernardino County Superintendent of Schools office. {E.C. 7000-7008}
6. The County Superintendent shall receive unused sick leave credit at the rate of one day per month for each month served as County Superintendent at the time of his or her retirement if he/she entered the State Teachers Retirement System prior to 7/1/80
 - Modified 5/7/90, Modified 7/5/95
 - Amended 9/4/90, Modified 8/5/96
 - Modified 5/1/91, Amended 7/7/97
 - Modified 9/3/91, Amended 3/2/98
 - Modified 2/6/95, Amended 1/6/03
 - Reviewed 1/1/04, Amended 4/4/05
 - Amended 7/5/05

532 Authority to Fill Vacancy in County Superintendent of Schools Position

The Board hereby adopts the authority to fill by appointment any vacancy that occurs during the term of office of the County Superintendent of Schools and the appointee shall hold office until the office is filled by election at the next gubernatorial election.

Amended 4/4/05

533 Delegation of Responsibility and Authority

It shall hereafter be a joint resolution of the San Bernardino County Superintendent of Schools and the San Bernardino County Board of Education that delegation of responsibility and authority to manage and supervise the Office of the San Bernardino County Superintendent of Schools be established in the temporary absence, any form of temporary incapacitation of the County Superintendent of Schools.

In the event of any of these circumstances, the line of responsibility hereafter is delegated to the Assistant Superintendents by monthly rotation as follows:

December, January	Asst. Supt./Student Services
February, March	Asst. Supt./Education Support Services
April, May, June	Asst. Supt./Human Resources
July, August, September	Asst. Supt./Business Services
October, November	Asst. Supt./Administrative Services

In the event that the Assistant Superintendent designated to fill in on a temporary basis for a particular month is unavailable, the responsibility and authority will then pass to the Assistant Superintendent next in line by month.

In the event of a vacancy in the office of County Superintendent of Schools for any of the reasons enumerated in Government Code Section 1770, the Board shall forthwith appoint a person to fill the vacancy, which person shall hold office until the office is filled by election at the next gubernatorial election.

Adopted 6/5/89
 Amended 2/4/9, 12/9/92,
 2/6/95, 11/6/95, 6/5/00
 Reviewed 11/1/04
 Amended 4/4/05, 9/5/06,
 11/5/07, 11/3/08

540 Facilities Use

All facilities owned by the San Bernardino County Board of Education or operated by the San Bernardino County Superintendent of Schools are designated as “smoke-free.”

541 Roy C Hill Education Center

The San Bernardino County Board of Education hereby establishes a Civic Center at the Roy C Hill Education Center. Citizens, Parent Teacher Associations, School Community Advisory Councils, etc., may meet and discuss any subjects that pertain to the educational, political, economic, artistic or moral interests of the citizens of this community.

1. The Roy C Hill Education Center Seminar Rooms and parking lot will be available between the hours of 8:00 a.m. and 9:00 p.m., Monday through Friday, with the exception of legal and local holidays, and a limited number of Saturdays as designated in an annual calendar.
2. The free use of these facilities, as provided in the Education Code, shall be restricted to those facilities specifically set forth in Item 1. of this policy during the regular business hours of said facility (8:00 a.m. to 4:30 p.m., Monday through Friday) when said facility is not needed for business purposes of the County Superintendent of Schools office.

Said free use shall further be restricted to those hours and days when County Superintendent's employees may provide whatever needed services there might be, without added cost to the County Superintendent.

All other uses are subject to appropriate charges, as provided for by the Education Code.

- a. County Superintendent may charge for the costs of supplies, utilities, janitorial services, service and salaries of any of its employees necessitated by the organization's use of these facilities. A deposit (minimum fifteen [\$15.00]) or 10% of estimated cost will be required at time of application.
- b. When entertainments or meetings where admission fees are charged, or contributions are solicited and the net receipts of these fees or contributions are not expended for the welfare of the pupils of this community or for charitable purposes, a charge shall be made for the use of the facility which shall not be less than the fair rental value for the use of these facilities as determined by the Board of Education.
- c. If any group activity results in the destruction of County Superintendent's property, the group may be charged for an amount necessary to repay damages, and further use of these facilities may be denied.
- d. The applicant shall protect and indemnify the County Superintendent of Schools, the Board of Education and/or any officer, agent or employee of the Superintendent, and hold them harmless in every way from all suits of actions at law for damage or injury to persons, life, or property that may arise or be occasioned in any way because of the applicant's occupancy of the facilities or premises or as a consequence of the applicant's occupancy of the facilities or premises, regardless of responsibility or negligence.

The Superintendent may require, at his discretion, the furnishing of a certificate of liability insurance by the applicant in an amount appropriate to the intended use.

3. The use of these facilities shall be consistent with the purposes of the County Superintendent and shall not interfere with the regular conduct of County Superintendent's office work. No alcoholic beverages are permitted at any time on Board's property. Smoking is permitted only in designated areas.
4. Rules for the proper operation of the Roy C Hill Education Center:
 - a. Facilities may not be used for public dances, parties, or receptions for non-school related functions.
 - b. Arrangements for use of Education Center equipment must be made with the County Superintendent or his/her designee.

- c. Office furniture or equipment may not be removed or displaced without the permission of the Superintendent or his/her designee in charge.
- d. Permits may be revoked without previous notice when conflicting dates occur or when the need of the facility for public school purposes has developed. For other cause, permits may be revoked at any time upon reasonable notice.
- e. All persons using the Education Center facilities shall assume total responsibility for any damage or abuse, and shall ensure the same degree of maintenance and cleanliness found upon arrival at the facility.
- f. Applications must be submitted at least five (5) days prior to use. Reservations will be made for no more than three (3) months' use at a time.
- g. User notification of a cancellation must be made at least twenty-four (24) hours in advance, or there will be a charge for costs incurred by the County Superintendent.
- h. Charges for use of the facilities must be paid in advance at least three (3) days prior to use. Facilities will not be made available unless payment has been made. Payment of charges should be made to the County Superintendent's Office.

5. Facility Charges:

- a. Cost of Operations
 Individual Seminar Room - \$ 50/First Hour;
 \$10/Additional
 Entire Block (A & B) - \$ 75/First Hour;
 \$25/Additional
 Entire Block (C, D & E) - \$100/First Hour;
 \$40/Additional
- b. Custodial/Security Charges
 For custodial charge only - to open, clean and close facility - actual hours times a \$25.00 per hour rate. It is the sole and exclusive right of the County Superintendent or his/her designee to establish a minimum rate.
- c. Commercial Facility
 Individual Seminar Room-\$150 (3-Hour Minimum)
 Entire Block (A & B)-\$300 (3-Hour Minimum)
 Entire Block (C, D & E)-\$450 (3-Hour Minimum)

542 Regional Educational Service Centers

- 1. The San Bernardino County Superintendent of Schools Regional Educational Service Centers have been established to provide cost-

effective, technologically enabled conference and training facilities for the regional training and development of educators in San Bernardino County. The Educational Service Centers are available for use by school districts throughout San Bernardino County and by their parent and employee associations. In addition, these facilities are available for use by business, community and educational partners identified by SBCSS as having contributed actual or in-kind goods or services to the Educational Service Centers or the San Bernardino County Superintendent of Schools.

2. Any use of the Educational Service Centers outside of normal operating hours must be approved in advance by the San Bernardino County Superintendent of Schools Facilities Management Department and will be subject to a use fee. The fee for after hours use of the Educational Service Centers will be established to offset costs incurred by the County Superintendent for such after hours operation (including but not limited to supplies, utilities, janitorial services and staff salaries).
3. The centers will be open for use by Public colleges and universities offering their credential programs as well as courses prerequisite to credential programs at no cost on Monday through Thursday, excluding legal holidays, prior to 8:00 p.m. For classes conducted after 8:00 p.m. on Monday through Thursday, after 5:00 p.m. on Friday, and weekends, a facilities charge as established by the County Superintendent and Board of Education will be assessed to the user.
4. These charges also apply to districts and San Bernardino County Superintendent of Schools' departments only when they use the centers after hours in the evenings and weekends.

Amended 8/2/99
Amended 6/1/98
Amended 5/1/00
Reviewed 11/1/04

550 Naming of Schools

551 School Names

1. The San Bernardino County Superintendent of Schools will construct and renovate administrative facilities and schools for special education and alternative education students as funds are made available from the Federal Government, State of California, or local sources.
2. The Board of Education may choose to solicit the public to submit names to the Superintendent by an established date. The Superintendent will compile the list of names submitted. In addition, each board member will be given the opportunity to submit names to the Superintendent.

3. School names may be of historical and/or geographic significance and shall include the word "County." The Board of Education may elect to name a school or a building, such as a classroom, auditorium or office, after an educational or civic leader who has made significant contributions.
4. The Board of Education shall consider the list of names submitted and conduct a public hearing prior to naming a facility. At the conclusion of the public hearing, the Board of Education may take action to name the schools, building, or administrative facility.

Adopted 8/6/01
Amended 3/4/02
Reviewed 11/1/04

600 CHARTER SCHOOL PETITIONS

601 Policy Construction

It is the objective of the Board of Education that teachers, parents, pupils and community members may petition the Board to approve a charter school, and that the Board shall review such petitions in accordance with the letter and spirit of the law. These rules are to be liberally construed in order to accomplish the purpose of providing a fair and impartial decision to the petitioner(s).

602 Purpose

The following provisions of policy shall pertain to petitions submitted directly to the San Bernardino County Board of Education for charter schools proposing to serve students for whom the county office of education would otherwise be responsible for providing direct education and related services. The following provisions of policy shall also pertain, as applicable, to petitions denied by the governing board of a school district and subsequently submitted to the San Bernardino County Board of Education for review.

If the governing board of a school district denies a petition to establish a charter school, the petitioner(s) may submit a petition to the County Board of Education, hereinafter referred to as Board. The petition must be submitted to the Board not later than 180 days after the denial by the district governing board. {E.C. 47605(j)(1)}

Accordingly, in order to implement state law fully and fairly, and to provide petitioners with a thorough description of how the county office of education will meet its obligations under law, the Board adopts the following.

603 Pre-Hearing Procedures

It is the responsibility of the petitioner(s) to provide at least eight (8) copies of the following documents and any other information as requested by the Board. The cost of such documents shall be borne by the petitioner(s).

1. Petition

A petition to the Board of Education to approve a charter school shall include the following information:

- a. The name, address and phone number of each applicant, together with a statement signed by each of them, formally applying to the Board for approval of the charter school. If the proposed charter school includes one or more grade levels not served by the district to which the charter was initially submitted, it must also propose to include all of the grade levels which are served by the district.

- b. A thorough description of the education, work experience, credentials, degrees and certifications of the individuals comprising, or proposed to comprise, the directors, administrators and managers of the proposed charter school.
- c. The By-laws, articles of incorporation and other management documents, as applicable, governing, or proposed to govern, the charter school. The information in this section should specify that the charter school will be subject to the Brown Act, the Public Records Act, as well as the Conflict of Interest provisions which also apply to members of a Charter Board of Education. The County Board of Education will give preference to proposals which specify that the charter school will be operated as, or be operated by, a nonprofit public benefit corporation.
- d. A list of consultants whom the charter school has engaged, or proposes to engage, for the purpose of developing, operating and evaluating the charter school, together with a thorough description of the qualifications of such consultants.
- e. The names, addresses and telephone numbers of those persons endorsing the proposal with original signatures of such petitioners and in the form provided in Education Code Section 47605. The petition form must also indicate that a copy of the charter school proposal was attached so that petitioners were able to review it prior to signing. Parents/guardians signing a petition must have one or more children who are age appropriate for the proposed charter school. Teachers signing a petition must be properly credentialed to teach one or more core academic classes in the proposed charter school.
- f. A Charter School Proposal including reasonably comprehensive descriptions of those elements of school philosophy, curriculum and practice as called for in Section 47605(b)(5)(A) through 47605(b)(5)(P) inclusive of the Education Code.
- g. A description of the proposed assessment program related to the school's measurable pupil outcomes. This description should include a discussion of how the charter school shall meet all statewide standards and conduct the pupil assessments required pursuant to Education Code Section 60605 and any other statewide standards authorized in statute or pupil assessments applicable to pupils in noncharter public schools.
- h. A signed statement affirming that the school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against any person on the basis of ethnicity, national origin, gender, or disability as set forth in Section 47605(d)(1) of the Education Code.

- i. The address and a description of the charter school facility or facilities, located within the geographic boundaries of the county, or the district in the case of a petition initially denied by the governing board of a school district, together with such documentation sufficient to provide reasonable evidence that the charter school facility is safe, habitable, well-suited for its educational purpose, and that applicant has secured or has reasonable assurance of securing the facility for use by the charter school.
- j. A description of the proposed charter school's building maintenance, replacement, and expansion policies, including related financial projections. Current financial statements for the charter school, including a detailed balance sheet and statements of income and expense shall be included in cases of renewal applications.
- k. A detailed, complete, and fully annotated operational budget with estimates of charter school revenues and expenditures, cash-flows, and reserve positions, for the first three years of operation, including startup costs and the precise salary and benefits paid and to be paid to the persons or positions identified in paragraphs 1 (a), 1 (b), 1 (d), and 1 (m) of this policy.
- l. An attorney's opinion or a narrative from the charter school applicant providing a thorough description of the potential civil liability, if any, of the charter school and the county office of education.
- m. A summary of the administrative structure and organization of the school. The summary should specifically include school district liaison, special education and other basic elements of school operation. This section should also detail the proposed academic calendar including: Days of instruction, hours of operation, expectations for pupil attendance and annual instructional minutes for each grade level to be served.
- n. The manner, format and content by which the charter school proposes to regularly report to the San Bernardino County Superintendent of Schools (SBCSS), or the district, concerning implementation of the approved charter, measurable student progress, as well as the current and projected financial viability of the school.
- o. The augmented plans to insure the health and safety of students and staff beyond those listed under Required Element F of Code Section 47605(b)(5)(F). These plans are to address any plans for additional tuberculosis screening, student supervision, safety training for staff, as well as requirements regarding immunization screening.
- p. Education Code Section 47605(b)(5)(P) calls for a description of the procedures to be used if the charter school closes. The Board of Education expresses a preference for procedures which include a provision whereby

residual assets of the charter school will accrue to the benefit of the programs operated by the San Bernardino County Superintendent of Schools.

- q. An explanation of how the charter will meet compliance with all provisions of federal law and implementing regulations (20 U.S.C. Chapter 33, The Individuals with Disabilities Education Act) and eligibility for federal and state special education funds.
- r. Other documents as requested by the Board.
- s. Any other conditions set by the Board.

The County Board of Education may also approve a petition for the operation of a charter school that operates at one or more sites within the geographic boundaries of the county and that provides instructional services that are not generally provided by the County Superintendent of Schools. The County Board may only approve a countywide charter if it finds, in addition to the other requirements of law, that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county. Prior to making this finding, the County Board may conduct a public hearing to receive oral and written comments regarding the educational services to be provided and pupil population to be served by the charter. The County Board shall not approve the charter if the County Board finds that the proposed charter could be served as well as a charter school that operates in only one school district in the county.

Any one or more persons seeking to establish the charter school may circulate throughout the county a petition for the establishment of a countywide charter school pursuant to Education Code 47605.6. The petition may be submitted to the County Board of Education for review after receiving the required number of signatures and meeting the 30 days notice requirement in each affected school district pursuant to Education Code Section 47605.6(a)(1) inclusive.

604 Timelines

- 1. Upon receipt of a petition or preliminary application, a designated employee of the SBCSS shall date stamp the cover page of the submitted materials. A complete charter school petition shall include all of the information referenced in the Charter Schools Act by which the Board of Education may evaluate the application. While a charter school petition may be submitted at any time during the year, petitioners are encouraged not to submit a petition during a period when a regular Board of Education meeting is not scheduled within the next 30 days. In addition, petitioners seeking approval to commence charter school operation at the start of the next school year are encouraged to initiate the process not later than the prior January 15th. In the case of petitions received after that date, the

Board of Education reserves the right to consider approval on the basis of a one year delay in the commencement of charter school operation.

2. Not later than 30 days after receiving the complete charter school petition, or 60 days in the case of a countywide charter, the Board shall hold a public hearing on the provisions of the charter, at which time the level of support for the petition by teachers of the SBCSS, other employees of the SBCSS and parents, shall be considered. Charter applicants shall appear and provide testimony to the Board of Education. Notice of the hearing will be provided to each bargaining unit representing the employees of the SBCSS.
3. Within 60 days of receipt of the petition, or 90 days based upon agreement between the applicant and the SBCSS, the Board shall either grant or deny the petition. In the case of a countywide charter, the Board shall either grant or deny the petition within 90 days of receipt of the petition unless extended an additional 30 days if both parties agree. The Board may also approve the petition while noting certain conditions that the Board deems reasonable and rationally related to increasing the likelihood of success for the charter school and/or compliance with law. In that case, the Charter Schools Section of the State Department of Education, and other agencies as required by law, will be notified that the charter has been approved. The conditions cited by the Board of Education will be addressed in the Memorandum of Understanding or Operating Agreement to be developed between the charter school applicant and the Superintendent or designee. In the event that an agreement cannot be developed and signed prior to receipt by the State Board of Education and the Superintendent of Public Instruction, the Superintendent, or designee, will so inform the State Department of Education. Further, the Superintendent and the Board of Education will consider whether failure to reach agreement with the charter school applicant regarding the conditions noted by the Board of Education constitutes cause for charter revocation.

If the Board fails to act on a petition within 120 days of receipt, the decision of the governing board of the school district, if applicable, to deny the petition shall be subject to judicial review. {E.C. 47605(j)(3)}

605 Board Constituency

The Board shall be the hearing body.

606 Location of Public Hearing

The public hearing will be held at a time and place established by the Board.

607 Review Process

1. In making its decision, the Board shall:

- a. Review the local governing board's action to deny the charter, if applicable.
 - b. Review the charter proposal for completeness and quality.
 - c. Consider legislative intent that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged. {E.C. 47605(b)}
2. The Board may use professional consultants and/or establish committees as recommended by the County Superintendent of Schools.
 3. The Board may take testimony from the petitioner(s), a representative or representatives of the school district governing board that denied the petition, if applicable, and other experts as deemed necessary by the Board.
 4. The Board shall give preference to petitions that demonstrate the capability to provide a comprehensive learning experience to pupils identified by the petitioner(s) as academically low achieving pursuant to the standards established by the California Department of Education under Education Code Section 54032. {E.C. 47605(h)}
 5. The Board may use other information it determines beneficial to reach its decision.

608 Decision of the Board

The Board shall grant a charter if it is satisfied that granting the charter is consistent with sound educational practices. {E.C. 47605(b)}

The Board shall not deny a petition unless it makes written factual findings setting forth specific facts to support one, or more, of the following findings: {E.C. 47605(b)}

1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
2. The petitioner(s) are demonstrably unlikely to successfully implement the program as set forth in the petition.
3. The petition does not contain the number of signatures required or otherwise fails to meet the requirements of Education Code Section 47605(a)(1) through 47605(a)(6).
4. The petition does not contain an affirmation of each of the conditions described in Policy 603(1)(h) and Education Code Section 47605(d).
5. The petition does not contain reasonably comprehensive descriptions of the required elements set forth in Education Code Section 47605(b)(5)(A) through 47605(b)(5)(P).

6. The petition or proposed program is inconsistent with state law.

The final decision of the Board shall be in writing and copies thereof shall be transmitted to the petitioner(s) and to the school district in which the charter school will be located, if applicable.

If the charter is approved, the petitioner(s) shall provide written notice of the approval, including a copy of the petition, to the State Board of Education. {E.C. 47605(i)}

If the charter is denied, the petitioner(s) may file a petition for establishment of a charter school with the State Board of Education. {E.C. 47605(j)(1)}

609 Charter Conditions if Approved by County Board of Education

The Board, and the school district within which the charter school will be located, shall not require any employee to be employed in the charter school {E.C. 47605(e)}.

No pupil shall be required to attend the charter school. {E.C. 47605(f)}

The charter must specify that the charter school shall hold harmless and indemnify the Board and its officers, and the County Superintendent of Schools and his/her officers and employees from any claim or demand of whatever nature, including those based upon the negligence of the Board and its officers, and the County Superintendent of Schools and his/her officers and employees brought by any person, institution, or organization.

The charter school at its own cost, expense, and risk shall defend any legal proceedings that may be brought against the Board and its officers, and the County Superintendent of Schools and his/her officers and employees, by any person, including any institution or organization, on any claim or demand of whatever nature arising out of the Board granting a charter and shall satisfy any judgment that may be rendered against any of them. The Board and the County Superintendent of Schools shall notify the charter of the receipt of any such claims or demands.

The charter school shall obtain, and continue to maintain throughout the life of the charter, insurance with limits of at least \$5,000,000.00, for the purpose of satisfying the obligations of satisfying judgments or of defending and/or indemnifying itself, the Board and/or the County Superintendent of Schools for any and all claims or demands of whatever nature. Such insurance shall be obtained from a carrier that has been approved by the Board and/or County Superintendent of Schools. The Board, the County Superintendent of Schools and its officers, and its employees shall be named as additional insureds on such policy. The charter school shall make arrangements so that copies of certificates and notices shall be sent by the insurance carrier directly to the Board and County Superintendent of Schools.

The Board may charge for the actual costs of supervisorial oversight of the charter school not to exceed one percent (1%) of the revenue of the charter school. {E.C. 47613}

The Board may charge for the actual costs of supervisorial oversight of the charter school not to exceed three percent (3%) of the revenue of the charter school if the charter school is able to obtain substantially rent free facilities from the Board. {E.C. 47613 }

An initial approval of a charter petition by the Board shall be for a period normally not to exceed three (3) years. A charter granted by the Board may be granted one or more subsequent renewals by the Board. Each renewal shall be for a period not to exceed five years.

Renewing or materially modifying a charter are each subject to the approval of the Board. Applications to renew or materially modify the charter shall include all the same information, be processed in the same way, be subject to approval or denial on the same basis, as proposals for new charter schools, except that any renewal approval shall be for

a period of five years from the expiration date of the charter, and a material modification when approved shall not affect the expiration date of the charter as originally approved. Applications to materially modify the charter may be submitted at any time during the life of the approved charter. Applications to renew the charter shall be submitted no earlier than nine months prior to the date of charter expiration.

A material modification of an approved charter is any change in the representations made to the County Board of Education under sections 603(1)(f) through 603(1)(s) inclusive, of this policy.

610 Monitoring and Supervision

SBCSS oversight of the charter school shall be limited to that required or authorized by law. SBCSS supervisorial assistance provided to the charter school shall be limited to that required by law. However, additional services may be provided by the SBCSS subject to mutual agreement.

1. The relationship between the charter school and the SBCSS, as well as any services to be provided by the SBCSS, will be described in a Memorandum of Understanding or Operating Agreement. The provisions of this written agreement will be discussed concurrently with consideration of charter approval.
2. The Superintendent or designee shall inspect, not less often than annually, documents on file at the charter school which shall verify that all teachers at the school hold a certificate, permit or other document equivalent to that which teachers in other public schools would be required to hold, and that those teachers at the school instructing students in college preparatory subject areas such as mathematics, science, social science and language arts meet the same requirements imposed under state law on teachers in other public schools instructing such college preparatory subjects.
3. The Superintendent or designee shall examine, not less than annually, the audit report of the charter school, and shall, not less than annually, examine the general operation of the charter school. The Superintendent will promptly report to the

Board any instance in which the charter school has committed any of the violations listed in the Education Code section 47607(b) below:

A charter may be revoked by the authority that granted the charter under this chapter if the authority finds that the charter school did any of the following:

- (1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter petition.
 - (2) Failed to meet or pursue any of the pupil outcomes identified in the charter petition.
 - (3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
 - (4) Violated any provision of law.
4. Upon written finding by the Board that the charter school committed any of the violations at paragraph 47607(b)(1) through (4) of the Code inclusive, the Board shall notify the charter school accordingly, providing notice that the Board may revoke the charter, and give the school reasonable opportunity to cure the violation (unless the Board determines that the violation constitutes a severe and imminent threat to the health or safety of pupils) After a reasonable period, if satisfactory evidence is not presented to the Board that the violation has been cured, the Board may revoke the charter effective at such date as the Board determines appropriate. Upon evidence satisfactory to the Board that the violation has been cured, the Board shall rescind the notice of intent to revoke.
 5. The SBCSS shall charge, and the charter school shall pay, for the actual costs of monitoring and supervision not to exceed 1% of the revenue of the charter school except as otherwise provided by law.
 6. Should a charter school elect to operate as, or be operated by, a nonprofit public benefit corporation, the Board of Education may appoint a representative to serve on the board of directors of the corporation, and the corporation shall confer upon the board's appointee all rights and responsibilities exercised by any other director of the corporation.
 7. A charter school shall promptly respond to all reasonable inquiries from the San Bernardino County Superintendent of Schools.
 8. The County Superintendent is charged with developing such administrative policies and regulations as may be necessary or prudent to implement this policy.

611 County Board of Education Preferences of Charter School Petitioners

The Board recognizes that a charter school petition can be a complex document that requires thoughtful planning on the part of the petitioner and careful review on the part of

the County Superintendent of Schools. The Board, therefore, expresses the following preferences of charter school petitioners:

1. Petitioners are encouraged to discuss ideas with office administrators designated by the County Superintendent of Schools before submitting a petition. The petitioner should identify the lead representative who can negotiate and amend the charter proposal.
2. For startup charters submitted under nonprofit public benefit corporate status, the petition is not deemed to be complete if the intended nonprofit corporation does not yet exist.

3. Definitions:

Parent—A parent eligible to sign petitions is one who has one or more age-appropriate children

Teacher—A teacher eligible to sign petitions is one who is properly credentialed in the state of California to teach courses he or she is meaningfully interested in teaching

Revenue—Revenue of a charter school for the purposes of determining the 1% or 3% of costs of supervision shall include all funding sources, public and private.

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Amended 11/7/94, 5/3/99
9/7/99, 9/5/00, 9/2/03
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