DURHAM UNIFIED SCHOOL DISTRICT
9420 Putney Drive, Durham, CA 95938
Regular Session Governing Board Meeting Agenda
Wednesday, January 17, 2018
6:00 PM Closed Session  7:00 PM Open Session

A. CALL TO ORDER

B. MOVE TO CLOSED SESSION

C. CLOSED SESSION
   1. Conference with Labor Negotiators Agency designated representatives: Board President
      Todd Southam, Unrepresented Employee(s): Superintendent
      (Government Code 54957.6)
   2. Conference with Labor Negotiators Agency designated representatives: Superintendent
      Lloyd Webb
      Employee Organizations: Administrative,
      CTA, CSEA, and Classified Confidential
      (Government Code 54957.6)
   3. Public Employee Discipline / Dismissal / Release / Complaint
      (Government Code 54957)
   4. Public Employee Performance Evaluation: Superintendent
      (Government Code 54957)

D. RETURN TO OPEN SESSION

E. PLEDGE OF ALLEGIANCE

F. REPORT OF ACTION TAKEN IN CLOSED SESSION

G. ADJUSTMENTS TO ORDER OF AGENDA

H. ITEMS FROM THE PUBLIC
   The law allows the public to address the governing board on any school district matter, whether or not
   it is on the agenda, but the law prohibits action or discussion by the Board on non-agenda items.
   A person wishing to be heard by the Board shall first be recognized by the president and shall then
   proceed to comment as briefly as the subject permits. Individual speakers shall be allowed three
   minutes to address the Board on each agenda or non-agenda item. The Board shall limit the total
   time for public input on each item to 20 minutes. With Board consent, the president may increase or
   decrease the time allowed for public presentation, depending on the topic and the number of persons
   wishing to be heard. The president may take a poll of speakers for or against a particular issue and
   may ask that additional persons speak only if they have something new to add. (BB 9323)
"Questions or concerns expressed may be referred to the Superintendent, Lloyd Webb, for a response or resolution. Those persons wishing to contact the Superintendent may do so by phone at (530) 895-4675 or by email at lwebb@durhamunified.org"

I. STUDENT OF THE MONTH PRESENTATION
Durham Intermediate School – Quincy Stephens

J. DISTRICT REPORTS
1. Students

2. MOT (Maintenance, Operations & Transportation) - Drew Edwards

3. Principal Reports
   a. Durham Elementary School - Shirley Williams
   b. Durham Intermediate School - Jason Bramson
   c. Durham High School – Lloyd Webb

4. Business Manager, Ron Sherrod

5. Superintendent Report, Lloyd Webb

K. CONSENT AGENDA

1. Minutes of Regular Meeting December 20, 2017

2. Accounts Payable for the Month of December 2017

3. Employment
   Classified Resignation:

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<tr>
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<tr>
<td>Kari Stotler</td>
<td>Special Education Para Professional</td>
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   Coaches

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<td>Hagen Atkins</td>
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<td>Volunteer</td>
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<td>Jessica Libby</td>
<td>Softball</td>
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<td>Oscar Rangel</td>
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<td>Christian Mitchell</td>
<td>DIS 7th Boys BB</td>
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<td>Tony Longueria</td>
<td>JV Baseball</td>
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<td>Edgar Quezada</td>
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<td>Alvyna Goodwin</td>
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   Returning Coaches for Fall 2018

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<td>Skip Riley</td>
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<td>Gran Riley</td>
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<tr>
<td>Jason Slightom</td>
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<td>Brev Creech</td>
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<tr>
<td>Gina Schweitzer</td>
<td>Swim, Head</td>
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</tr>
<tr>
<td>Mark Chavez</td>
<td>Cross Country, Head</td>
<td>Paid</td>
</tr>
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A. INFORMATION ITEM
1. Quarterly Report on Williams Uniform Complaint

B. ACTION ITEMS:
   Background: It has been determined that the District needs to explore ways to improve facilities and technology, and construct and/or modernize /renovate classrooms and school facilities at our schools. There are numerous options for districts to fund these items including Federal dollars, fundraisers, State-matching grants, parcel taxes, local G.O. Bonds, and joint-use monies. Like neighboring Butte County districts, our District is considering a local bond measure to improve its facilities.

   Fiscal Impact: If a local bond measure is unsuccessful or does not make the ballot, there is no cost associated with the financial advisor as Isom Advisors works on a contingent basis. If the measure is successful, financial advisor fees would be paid from bond proceeds, and the planning fees would be paid out of the general fund or other legally allowable sources. The only out of pocket cost to the District is to pay for the actual cost of the survey (not to exceed $3,500)

   Educational Impact: Modernized, renovated and/or improved facilities are beneficial to the learning environment for all students.

   Recommendation: Authorize Administration to enter into an agreement with Isom Advisors to provide advisory services, conduct a survey, and explore the feasibility of a local school improvement measure to determine if this is something the District’s voters would support.

   Moved __________   Second __________   Vote: Aye ___   Nay ___

2. Action: Consideration for adoption at first reading Board Policy Updates.
   BP 0460 Local Control and Accountability Plan; BP/AR 3260 Fees and Charges; and AR 4112.00 Staff Teaching English Learners.

   Moved __________   Second __________   Vote: Aye ___   Nay ___

C. ITEMS FROM THE BOARD

D. RETURN TO CLOSED SESSION – If Needed

E. CLOSED SESSION - If Needed

F. RETURN TO OPEN SESSION

G. REPORT OF ACTION TAKEN IN CLOSED SESSION

H. NEXT BOARD MEETING DATE: February 21, 2018

I. ADJOURNMENT   Adjournment Time: ________

Notes: *Agenda items documents are available for public inspection during regular business hours at the District Office. **Handouts will be provided at the board meeting. If you require special accommodations to participate in the meeting, please advise Toni Steen, District Secretary, 48 hours in advance at 655-4675 x227.
Durham Unified School District

Regular and Annual Organizational Meeting of the Board of Trustees
Wednesday, December 20, 2017

6:00 p.m. ORGANIZATIONAL MEETING

CLOSED SESSION IMMEDIATELY FOLLOWING
(RETURN TO OPEN SESSION AT 7:00 P.M.)
District Boardroom
9420 Putney Drive, Durham, Ca 95938

Minutes

The Annual Organizational / Regular meeting of the Board of Trustees of the Durham Unified School District was held in the Durham Unified School District Board Room, Wednesday, December 20, 2017 and begun at 6:00 pm.

Trustees Present: Alex DuBose, Kathy Horn, Ed McLaughlin, Lance Smith & Todd Southam
Trustees Absent: None
Staff Members Present: Superintendent Lloyd Webb, Business Manager Ron Sherrod, District Secretary Tina Blenn, Principal Shirley Williams, Principal Jason Bramson, Principal Terry Bennett and Drew Edwards, MOT Manager
Staff Members Absent: School Psychologist/Director of Special Education Terry Quinto

A. CALL TO ORDER
President Ed McLaughlin called the DUSD Board of Trustees meeting to order at 6:05 pm.

B. ANNUAL ORGANIZATION OF GOVERNING BOARD
1. Election of Board Officers
   Election of Board President Todd Southam Vote: 5-0
   Election of Board Clerk Lance Smith Vote: 5-0
   Appoint Secretary (Employee) Superintendent Lloyd Webb Vote: 5-0

2. Establishment of 2018 Regular Board Meeting Dates, Times, and Location:
   3rd Wednesday of the Month beginning at 6pm held at the Durham Unified Board Room
   Motion: Kathy Horn Second: Lance Smith Vote: 5-0

C. MOVE TO CLOSED SESSION 6:10 pm

D. CLOSED SESSION
1. Conference with Labor Negotiators Agency designated representatives:
   Board President, Unrepresented Employee(s): Superintendent
   (Government Code 54957.6)
2. Conference with Labor Negotiators Agency designated representatives: Superintendent Lloyd Webb
   Employee Organizations: Administrative, CTA, CSEA, and Classified Confidential
   (Government Code 54957.6)
3. Public Employee Discipline / Dismissal / Release / Complaint
   (Government Code 54957)
4. Public Employee Performance Evaluation: Superintendent (Government Code 54957)
5. Public Employee Appointment/Employment: Superintendent (Government Code 54957)
6. Student Expulsion: (1-Student #2017-1) Pursuant to Education Code section 35146. The Education Code requires closed session in these cases to prevent disclosure of confidential student record information

E. RETURN TO OPEN SESSION
President Southam reconvened Open Session at 7:05 pm.

F. PLEDGE OF ALLEGIANCE
Trustee Ed McLaughlin led the Pledge of Allegiance.

G. REPORT OF ACTION TAKEN IN CLOSED SESSION
No action was taken in closed session.

H. INFORMATION ITEMS: None

I. ITEMS FROM THE PUBLIC: None

J. DISTRICT REPORTS
- Students of the Month: DES
  Recognized for their tremendous growth in reading:
  Delainey Loudermilk
  Cooper Ziegenhirt
  Jaime Garibay-Delgado
  Justin Spooner
  Dakota Parenti-Oberholtz
  Aiden Amator

- Appreciation Award: Brian Czechowski

- MOT Report, Drew Edwards

- Principal Shirley Williams, Durham Elementary School:
  PTS Update: Christmas Boutique shopping for students
  GALA Update: March 23rd, 60 Tickets available
  Winter Concert: A wonderful event and a joy to see the 5th Graders play in unison
  Kindergarten Registration: January 19th, 2018 – there is already a waiting list
  Enrollment: 493

- Principal Jason Bramson, Durham Intermediate School:
  Welcome Erika Montgomery, DIS new Librarian Tech
  Thank you DIS parents for your generous support of our library needs, 60 books in 3 days!
  Academic Probation Meetings have promoted encouraging results. The sole purpose is to address students in jeopardy of not graduating and helping them get back on track.
  A plan is in the works at DIS to help manage Tardies
  DIS Holiday Dance was held Friday December 15th with 125 students attending.
  Enrollment: 240
1. ATHLETICS: Winter sports have begun.
   JV Baseball Coach hired, Tony Longueria
   DIS 7/8 grade Boys Basketball tryouts are ongoing. The season begins after break.

2. TECHNOLOGY:
   IES will be upgrading our sites lighting in accordance with Prop 39 Energy Grant.
   Alessandro Electric will be starting technology infrastructure upgrade at DHS

- Principal Terry Bennett, Durham High School
  Congratulations to Matt Plummer and our District’s Band for a tremendous holiday concert.
  Winter Finals start December 20th
  ASB: Megan Farley is the advisor of FOR, a club inspired by Rachel’s Challenge.
  Winter Homecoming is Jan 29th - Feb 2nd. A compliment/thank you box was started and 5-6 are read during morning announcements. A leadership conference will be held after winter break at Sutter High School. Upcoming dances: SCUD March 10th and Prom May 5th
  WASC Visit: March 19 and 20th 2018 Co-Coordinates: Mark Pisenti and Dave Atkinson
  Site Council: January 10th at lunch, Student Center
  Professional Development: Collaboration: Vertical articulation meetings and Department meetings. Technology training form Smart and Prowise vendors.

- Business Manager, Ron Sherrod
  Escape will go live on January 1
  17-18 First Interim Budget reviewed later as Item # 4. The 2016-2017 Audit Report will be considered for approval as Item # 3 on this agenda. Technology is moving ahead as DHS will have installation of network starting this week. Prop 39 funds have started with installation of lighting throughout campus.

- Superintendent, Lloyd Webb
  Catapult EMS will be in use after the Winter Break

- Presentation of Resolution of Appreciation to Terry Bennett

K. CONSENT AGENDA
   The Consent Agenda was approved with the omission of Item # 4 Coaches.

   Moved: Ed McLaughlin  Second: Lance Smith  Vote:5-0  Abstained: 0  Absent: 0

L. DISCUSSION ITEMS:

1. Discussion: Re-investigating facility improvement: Isom Advisors, a full service planning and financial advisory company serving California School Districts.

M. ACTION ITEMS:

1. Action: Adoption of 2018 Board Meeting Calendar
   The Durham Board of Trustees will continue to meet on the 3rd Wednesday of the month, convening at 6pm in the Durham Unified School District Board room.

   Moved: Alex DuBose  Second: Kathy Horn  Vote: 5-0  Abstained: 0  Absent: 0

2. Action: First Reading/Adoption of BP Vision OOOO (a-b); BP Philosophy 0100 21-65
The Board adopted the above policies with the omission of E Charter School Oversight 0420.41.

Moved: Alex DuBose  Second: Ed McLaughlin  Vote: 5-0  Abstained: 0  Absent: 0

3. **Action:** Adoption of the 2016-2017 Audit Report

Moved: Kathy Horn  Second: Lance Smith  Vote: 5-0  Abstained: 0  Absent: 0

4. **Action:** Adoption of First Interim Budget 2017-2018

Moved: Alex DuBose  Second: Ed McLaughlin  Vote: 5-0  Abstained: 0  Absent: 0

5. **Action:** Adoption of Resolution #18-07 Accounting of 2016-2017 Developer Fee Fund. Government code sections 66001(d) and 66006 (b) require this District to make an annual accounting of the Fund and to make additional findings every five years if there are any funds remaining in the Fund at the end of the prior fiscal year. This Resolution makes various findings and takes action regarding the Fund as required by the above Government codes.

Moved: Alex DuBose  Second: Kathy Horn  Vote: 5-0  Abstained: 0  Absent: 0

6. **Action:** Adoption of Resolution #18-08 Fund 76

This is an interest bearing fund for use and recording of financial activity of the Durham Unified School District payroll liabilities.

Moved: Ed McLaughlin  Second: Alex DuBose  Vote: 5-0  Abstained: 0  Absent: 0

7. **Action:** Approval of Overnight and Out of State Trips for Athletics

This measure was passed with the amendment that all trips will be posted in the nearest agenda to date of trip.

Moved: Kathy Horn  Second: Lance Smith  Vote: 5-0  Abstained: 0  Absent: 0

**N. ITEMS FROM THE BOARD OF TRUSTEES**

Lance Smith: A wonderful Winter Concert and looking forward to more! Merry Christmas to everyone.

Alex DuBose: What are the steps that are being taken to hire a high school principal. When will this position be posted?

Ed McLaughlin: Good Luck to Terry Bennett and thank you for a great job. Merry Christmas to everyone and thank you for your hard work.

Todd Southam: I enjoy the award ceremonies and think they are great for families, students and the district. I wish Terry Bennett all the best. A special thank you to Ed McLaughlin for his work as president.

Kathy Horn: Merry Christmas. Community questions regarding wrestling and damaged equipment. Very proud of DHS girls varsity basketball team for their sportsmanship shown during adversity. Midway properties still need work and fence.

Thank you for every ones hard work.
O. RETURN TO CLOSED SESSION
   No return to closed session

P. NEXT BOARD MEETING DATE: January 17th, 2018

Q. ADJOURNMENT
   President Southam adjourned the meeting of the DUSD Board of Trustees at 9:10 pm.

Notes:
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**Handout will be provided at the board meeting.
If you require special accommodations to participate in the meeting, please advise Tina Blenn, District Secretary, 48 hours in advance at 895-4675 x227.
| Check Total | District Technology Materials & Supplies | 214.95 |
| Check Total | Materials & Supplies | 169.59 |
| Check Total | Materials & Supplies | 320.25 |
| Check Total | Fiscal Services | 445.55 |
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### Durham Unified School District

**Detailed AP Vendor Check Register**
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<td>Equipment</td>
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**Detailed AP Check Register**

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**Durham Unified School District**

**Detailed AP Vendor Check Register**
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Detailed AP Check Register

Durham Unified School District
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**Durham Unified School District**

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**Detailed AP Check Register**

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13
### District Fund Total:

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**Notes:**
- **CSF Local Chapter:**
  - 35000000
- **Disability INS - CL:**
  - 35000000
- **CATERINA:**
  - 35000000
- **Food Service:**
  - 00000000
Quarterly Report on Williams Uniform Complaints
[Education Code § 35186(d)]

District: Durham Unified School District
Person completing this form: Lloyd Webb
Title: Superintendent

Quarterly Report Submission Date: □ April 2018
□ July 2018
□ October 2017
☑ January 2018

Date for information to be reported publicly at governing board meeting:

Please check the box that applies:
☑ No complaints were filed with any school in the district during the quarter indicated above.

☐ Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

<table>
<thead>
<tr>
<th>General Subject Area</th>
<th>Total # of Complaints</th>
<th># Resolved</th>
<th># Unresolved</th>
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<td>Textbooks and Instructional Materials</td>
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<td>Teacher Misassignments or Vacancies</td>
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<td>Facilities Conditions</td>
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<td>CAHSEE Intensive Instruction and Services</td>
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<tr>
<td>TOTALS</td>
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Print Name of District Superintendent: Lloyd Webb
Signature of District Superintendent: Date:

Send to: Educational Support Services, BCOE
G. Wilson
5 County Center Drive, Oroville, CA 95965
gwilson@bcoe.org or fax 530.532.5828
CONSULTING SERVICES AGREEMENT

This CONSULTING SERVICES AGREEMENT (this "Agreement") is dated as of the latest date set forth on the signature page hereto (the "Effective Date") and is entered into by and between Isom Advisors, a Division of Urban Futures Inc., a California corporation ("Advisor"), and Durham Unified School District ("District").

RECITALS

WHEREAS, District wishes to issue certain bonds (the "Bonds") and desires that Advisor provide to District certain Consulting Services (defined below) with respect to the Bonds; and

WHEREAS, Advisor desires to provide to District certain Consulting Services with respect to the Bonds on the terms and subject to the conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, agreements, representations, and warranties contained in this Agreement, the parties agree as follows:

AGREEMENT

1. CONSULTING SERVICES. District hereby retains Advisor to perform (i) the survey/poll services set forth on Exhibit A hereto (the "Survey/Voter Opinion Poll Services"), (ii) the financial planning services set forth on Exhibit B hereto ("the Financial Planning Services"), (iii) the financial advisory services set forth on Exhibit C hereto ("the Financial Advisory Services"); and Advisor hereby agrees to perform the Consulting Services pursuant to the terms and conditions of this Agreement.

2. EFFECTIVE DATE, TERM AND CONDITIONS. This Agreement shall be effective as of the Effective Date and shall remain in effect until (i) the 5-year (five-year) anniversary of the Effective Date (the "Term") or (ii) until the Agreement is terminated as set forth below. The parties may extend the Term for successive 1-year (one-year) periods upon mutual written agreement, or otherwise as the parties may agree in writing.

3. COMPENSATION. Compensation for the Consulting Services provided to District pursuant to this Agreement shall be as set forth in this Section 3. All fees and expenses are contingent on the success of the election with exception to Survey/Voter Opinion Poll Services. Fees for Survey/Voter Opinion Poll Services and Financial Planning Services shall be paid from the District's general fund or other allowable sources. Fees for Financial Advisory Services shall be paid out of proceeds received by the District resulting from the sale of Bonds.
a. Fees.

i. For Survey/Voter Opinion Poll Services. The fees for the survey will be kept at cost, not exceed Three Thousand Five Hundred Dollars ($3,500) and are to be paid upon presentation of results to the District. This sum covers the expenses for the creation of the initial survey instrument, cost of the telephone calls, interpretation of the data from the survey, and the presentation of survey results to District.

ii. For Financial Planning Services, District shall pay to Advisor a fee of Twenty-Five Thousand Dollars ($25,000) payable upon the closing of the first series of Bonds.

iii. For Financial Advisory Services, District shall pay to Advisor a fee of Sixty-Five Thousand Dollars ($65,000) for each series of Bonds sold, payable upon the closing of each series of Bonds (including, without limitation, the first).

iv. District shall reimburse Advisor for out-of-pocket expenses incurred by Advisor in the course of performance of Consulting Services at the actual cost of such expenses. Payment for any expenses pursuant to this Section 3(b) shall be made at the next following due date for payment of a fee pursuant to Section 3(a).

4. COVENANTS.

a. District.

i. Access to Personnel. District will cooperate with Advisor by providing opportunities to consult with District personnel as Advisor deems reasonably necessary to perform the Consulting Services.

ii. Information. District agrees to provide on a timely, diligent and accurate basis, and to the best extent possible, all necessary information reasonably requested by Advisor for the purpose of performing the Consulting Services.

iii. Additional Professional Services. District agrees to provide or authorize additional professional services (e.g., legal counsel, paying agent) as Advisor deems reasonably necessary to complete the Consulting Services and the Bond issuance.

iv. Further Assurances. District agrees to take such further actions as may be necessary or appropriate to effectuate, carry out and comply with all of the terms of this Agreement and the transactions contemplated hereby.

b. Advisor.

i. Compliance with Laws. Advisor shall, at all times, comply with all laws, rules and regulations related to the subject matter of this Agreement and to which Advisor is subject.
5. **TERMINATION.**

a. This Agreement may be terminated prior to the conclusion of the Term as follows:

i. By either party upon the other party's material breach of any of its representations, warranties or obligations under this Agreement, provided that such breach is not cured within thirty (30) days of receipt of notice specifying the breach.

ii. At any time upon mutual written consent of the Parties.

b. The District agrees that during the term and any subsequent terms of this contract that Isom Advisors, a Division of Urban Futures, Inc. shall be the sole financial advisor in relation to the sale of the Bonds, and that no additional financial advisors shall be hired by the District for the services described in this Agreement without the written consent of Isom Advisors, a Division of Urban Futures, Inc.

6. **LIMITATION OF LIABILITY.**

a. **Advisor Liability.** The parties agree that Advisor's officers, directors, agents and employees shall not be personally liable to District for any damages in connection with this Agreement. Advisor shall be solely liable for any finally determined damages in connection with this Agreement for which Advisor is deemed liable.

b. **Limitation of Advisor Liability.** Except to the extent finally determined to have resulted from the gross negligence, fraud or willful misconduct of Advisor, Advisor's liability to pay damages for any damages, losses and claims incurred by District, regardless of the theory of liability asserted, is limited to no more than an amount equal to the total amount of fees paid to Advisor under this Agreement. In addition, Advisor shall not be liable in any event for lost profits, revenue or goodwill, or any other consequential, indirect, incidental, punitive, exemplary or special damages.

c. **District Liability.** The parties agree that District's officers, directors, agents, and employees shall not be personally liable to Advisor for any damages in connection with this Agreement. District shall be solely liable for any finally determined damages in connection with this Agreement for which District is deemed liable.

d. **Limitation of District Liability.** Except to the extent finally determined to have resulted from the gross negligence, fraud or willful misconduct of District, District's liability to pay damages for any damages, losses and claims incurred by Advisor, regardless of the theory of liability asserted, is limited to no more than an amount equal to the total amount of fees to be paid to Advisor under this Agreement. In addition, District will not be liable in any event for lost profits, revenue or goodwill, or any other consequential, indirect, incidental, punitive, exemplary or special damages.
e. **Survival of Liability.** The provisions of this Section 6 shall survive the expiration or termination of this agreement.

7. **CONFIDENTIALITY OF INFORMATION.** It is mutually agreed that Advisor shall regard all information received during the performance of services pursuant to this Agreement ("Confidential Information") as confidential and shall not disclose Confidential Information to any other person without prior consent of District. Confidential Information shall not include information that: (i) is, as of the time of its disclosure, or thereafter becomes, part of the public domain through a source other than Advisor; (ii) was known to Advisor as of the time of its disclosure; (iii) is independently developed by Advisor; or (iv) is subsequently learned from a third party not under a confidentiality obligation to District. In addition, Advisor shall be entitled to disclose Confidential Information to the extent such disclosure is requested by the order of a court of competent jurisdiction, administrative agency, or other governmental body, provided that Advisor shall provide prompt, advance notice thereof to enable District to seek a protective order or otherwise prevent such disclosure. The confidentiality obligations of Advisor shall survive the expiration or termination of this Agreement.

8. **ADDITIONAL MATTERS.**

a. **Governing Law; Jurisdiction.** It is expressly understood and agreed that this Agreement and all questions arising hereunder shall be construed according to the laws of the State of California, without giving effect to conflicts of law principles. All actions or proceedings arising directly or indirectly from this Agreement shall be litigated in courts located within Butte County, California. The parties consent to the jurisdiction thereof and the parties further agree not to disturb such choice of forum.

b. **Political Contributions.** Advisor may choose of its own free will to contribute time, money, or resources to political campaigns associated with the passage of a bond measure. Prior to signing this agreement, Advisor has not made, considered, or discussed a contribution to any campaign connected with the referenced general obligation bonds. This agreement does not obligate Advisor to contribute to any particular campaign or election. Advisor has in no way committed to or indicated a willingness to contribute time, money, or resources to any campaign, or to make any other contribution.

c. **Successors and Assigns.** Except as otherwise provided herein, this Agreement shall not be assignable by either party without the express written consent of the other party hereto. Nothing in this Agreement, express or implied, is intended to confer upon any party other than the parties hereto or their respective successors and assigns any rights, remedies, obligations, or liabilities under or by reason of this Agreement, except as expressly provided in this Agreement.

d. **Attorneys’ Fees.** In the event of any action to enforce or interpret this Agreement, including without limitation the recovery of damages for its breach, the prevailing
party shall be entitled to recover from the other party its reasonable attorneys' fees and costs. Any judgment or order entered in such action shall contain a specific provision providing for the recovery of attorneys' fees and costs incurred in enforcing such judgment.

e. Amendments to Agreement. This Agreement may not be modified, amended or supplemented except by written instrument executed by all parties hereto.

f. Notice. All notices to be given by the parties hereto and other communications hereunder shall be in writing and shall be deemed effectively given: (i) upon personal delivery to the party to be notified; (ii) when sent by confirmed telex, electronic mail or facsimile if sent during normal business hours of the recipient, if not, then on the next business day; (iii) one (1) day after deposit with a nationally recognized overnight courier, specifying next day delivery, with written verification of receipt; or (iv) four days after deposit with a United States Post Office, first class postage prepaid and registered. All communications shall be sent as follows:

To Advisor:

Isom Advisors,
a Division of Urban Futures Inc.
1470 Maria Lane, Ste. 315
Walnut Creek, CA 94596
Attn.: Jonathan Isom, Managing Principal
Telephone: (925) 478-7450
E-mail: jon@isomadvisors.com

To District:

Durham Unified School District
9420 Putney Dr.
Durham, CA 95938
Attn.: Lloyd Webb, Superintendent
Telephone: (530) 895-4675
E-mail: lwebb@durhamunified.org

g. Severability. If one or more provisions of this Agreement are held to be unenforceable under applicable law, such provision shall be excluded from this Agreement and the balance of the Agreement shall be interpreted as if such provision were so excluded and shall be enforceable in accordance with its terms.

h. Entire Agreement. This Agreement (including the Exhibits attached hereto) contains the entire understanding of the parties in respect of its subject matter and supersedes all prior agreements and understandings (oral or written) between the parties with respect to such subject matter. The Exhibits attached hereto constitute a part hereof as though set forth in full herein.

i. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the dates set forth below.

ADVISOR:

Isom Advisors,  
A Division of Urban Futures Inc.

By: ____________________________  
Name: Jonathan Isom  
Title: Managing Principal

Dated: _________ ____, 2017

DISTRICT:

Durham Unified School District

By: ____________________________  
Name: Lloyd Webb  
Title: Superintendent

Dated: _________ ____, 2017

Urban Futures, Inc. is currently registered as a Municipal Advisor with the U.S. Securities and Exchange Commission and the Municipal Securities Rulemaking Board.

Within the Municipal Securities Rulemaking Board ("MSRB") website at www.msrb.org, Durham Unified School District may obtain the Municipal Advisory client brochure that is posted on the MSRB website. The brochure describes the protections that may be provided by the MSRB Rules along with how to file a complaint with financial regulatory authorities.
EXHIBIT A

SURVEY/VOTER OPINION POLL SERVICES

• Prepare a voter survey to assist District to assess the feasibility of a voter approved funding measure in the District (general obligation bond/parcel tax measure)

• Test voter attitudes, specific project support, tax tolerances, and overall support for local school district funding measure

• Conduct telephone survey with a not to exceed amount of 400 voters that match demographics of those voting on proposed election dates

• Produce a written report of findings with complete cross tabulations

• Provide a survey results presentation to District to summarize results of voter survey
EXHIBIT B

FINANCIAL PLANNING SERVICES

- Review District project list and assist District in preparing a capital and financing plan
- Analyze the assessed valuation of District, calculate bonding capacity, and perform financial analysis to determine possible bond proceeds
- Create an election timeline and financing timeline; coordinate same with bond counsel, District, and county
- Recommend proposed bond amount, issuance schedule, and projects to be funded by bond program
- Conduct public information program to assess the feasibility of a bond program in District including providing information
- Assist in the preparation of a bond election resolution including preparing ballot language and detailed bond project list
- Prepare tax rate statement and estimates of tax rates for bond program
- If needed, prepare ballot arguments and rebuttals
EXHIBIT C

FINANCIAL ADVISORY SERVICES

- Analyze the bond market to determine timing, credit enhancement requirements, structure, bond amount, legal documentation requirements, rating requirements, and method of sale

- Assist District, as needed, to assemble bond finance team members including bond counsel, paying agent, trustee, and underwriter

- Prepare timeline, distribution lists, and term sheets to manage financing

- Manage bond issuance process including the coordination with other finance team members (bond counsel, paying agent, trustee, and underwriter, if needed)

- Define the proposed structure including sizing, call provisions, amortization schedule, and phasing of debt service repayment

- Review legal documents including district and county resolutions, bond purchase agreements, Preliminary Official Statement, and Official Statement

- Prepare rating agency and insurer presentation; negotiate with analysts of same

- Assist in preparation and train District members for rating agency meetings

- Analyze tax base and recommend appropriate tax structure

- For competitive sale, review Notice of Sale and Bid Form, distribute bid documents to qualified underwriters and post bid documents, monitor and verify bids on day of sale, and coordinate award of winning bid

- For negotiated sale, discuss structure and tax rate objectives with underwriter, review proposed structure and scale and make recommendations as appropriate, review fees, and review final pricing

- Review closing documents including tax opinion, arbitrage certificate, and continuing disclosure certificate

- Prepare wrap up presentation booklets to summarize bond sale

- Manage pre-closing and closing

- Attend board meetings as needed to explain bond sale, legal documents, and pricing summary
CSBA Sample
Board Policy

Philosophy, Goals, Objectives, and Comprehensive Plans

LOCAL CONTROL AND ACCOUNTABILITY PLAN

Note: The following policy is optional. Education Code 52060-52077 require the Governing Board to adopt and annually update, on or before July 1, a local control and accountability plan (LCAP). Pursuant to Education Code 52060, the LCAP must include goals and actions aligned with eight state priorities related to (1) the degree to which teachers are appropriately assigned and fully credentialed, students have sufficient access to standards-based instructional materials, and facilities are maintained in good repair; (2) implementation of and student access to state academic content and performance standards; (3) parent/guardian involvement; (4) student achievement; (5) student engagement; (6) school climate; (7) student access to and enrollment in a broad course of study, including programs and services provided to benefit low-income students, English learners, and/or foster youth (i.e., "unduplicated students" for purposes of the local control funding formula); and (8) student outcomes in the specified course of study. Education Code 52060 provides that, in addition to addressing the state priorities in the LCAP, the district may establish and address local priorities. Examples include priorities for student wellness and other conditions of children, professional development, community involvement, and effective governance and leadership. See the accompanying administrative regulation for further information about the required content of the LCAP.

The LCAP is a key component of the state accountability system. Pursuant to Education Code 52064.5, the State Board of Education (SBE) has adopted evaluation rubrics (called the "California School Dashboard") which will assist districts in evaluating their progress toward the goals in their LCAP. Under the flexibility provided by the federal Every Student Succeeds Act (ESSA) (P.L. 114-95), California has begun to streamline local, state, and federal requirements into a single, coherent system for planning, accountability, and school improvement and support.

The Governing Board desires to ensure the most effective use of available funding to improve outcomes for all students. A community-based, comprehensive, data-driven planning process shall be used to identify annual goals and specific actions and to facilitate continuous improvement of district practices.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)

Note: A template for the LCAP and related requirements are contained in 5 CCR 15494-15497.5. According to California Department of Education (CDE) correspondence dated January 18, 2017, for the 2017-18 school year, districts scheduled for Federal Program Monitoring and/or applying for Title III funds must also complete an LCAP Addendum that was developed by the CDE to ensure alignment of local, state, and federal planning efforts. Districts may use an electronic template, accessible on the CDE's web site, to create their LCAP.

The Board shall adopt a districtwide local control and accountability plan (LCAP), following the template provided in 5 CCR 15497.5, that addresses the state priorities in Education Code 52060 and any local priorities adopted by the Board. The LCAP shall be updated on or before July 1 of each year and, like the district budget, shall cover the next fiscal year and subsequent two fiscal years. (Education Code 52060; 5 CCR 15497.5)

(cf. 3100 - Budget)
LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

The LCAP shall focus on improving outcomes for all students, particularly those who are "unduplicated students" and other underperforming students.

Unduplicated students include students who are eligible for free or reduced-price meals, English learners, and foster youth and are counted only once for purposes of the local control funding formula. (Education Code 42238.02)

(cf. 3553 - Free and Reduced Price Meals)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6174 - Education for English Language Learners)

Note: Education Code 52062 requires the district to ensure that the specific actions included in the LCAP are consistent with strategies in the single plan for student achievement (SPSA) submitted by each school pursuant to Education Code 64001; see BP/AR 0420 - School Plans/Site Councils for SPSA requirements. In addition, the LCAP template in 5 CCR 15497.5 allows for the LCAP to be supplemented with information contained in other plans, including the Title I local educational agency plan required by 20 USC 6312 (see BP/AR 6171 - Title I Programs).

The Superintendent or designee shall review the single plan for student achievement (SPSA) submitted by each district school pursuant to Education Code 64001 to ensure that the specific actions included in the LCAP are consistent with strategies included in the SPSA. (Education Code 52062)

(cf. 0420 - School Plans/Site Councils)

The LCAP shall also be aligned with other district and school plans to the extent possible in order to minimize duplication of effort and provide clear direction for program implementation.

(cf. 0400 - Comprehensive Plans)
(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 6171 - Title I Programs)
(cf. 7110 - Facilities Master Plan)

Any complaint that the district has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 - Uniform Complaint Procedures. (Education Code 52075)

(cf. 1312.3 - Uniform Complaint Procedures)

Plan Development

The Superintendent or designee shall gather data and information needed for effective and meaningful plan development and present it to the Board and community. Such data and
LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

information shall include, but not be limited to, data regarding the number of students in student subgroups, disaggregated data on student achievement levels, and information about current programs and expenditures.

Note: Education Code 52060 requires consultation on plan development with all of the groups listed below. The Board may delegate responsibility for arranging meetings and other input opportunities to the Superintendent or designee.

5 CCR 15495 defines what it means to consult with students, including unduplicated students and other numerically significant student subgroups, and gives examples of methods that may be used for this consultation. Pursuant to Education Code 52052, a numerically significant subgroup includes ethnic subgroups, students with disabilities, socioeconomically disadvantaged students, English learners, foster youth, and homeless students, when there are at least 30 students in the subgroup (or 15 foster youth or homeless students) in the school or district. For schools or districts with 11-99 students, numerically significant student subgroups are defined by the Superintendent of Public Instruction (SPI) with approval of the SBE.

State regulations do not provide examples of consultation with groups other than students, but consultations might include the establishment of an advisory committee consisting of representatives of all the specified groups, solicitation of feedback from the groups after a draft plan is available, discussion of the LCAP at staff meetings, and communication with parent organizations, student councils, school site councils, or other established committees or organizations.

The district may expand the following paragraph to reflect district practice.

The Board shall consult with teachers, principals, administrators, other school personnel, employee bargaining units, parents/guardians, and students in developing the LCAP. Consultation with students shall enable unduplicated students and other numerically significant student subgroups to review and comment on LCAP development and may include surveys of students, student forums, student advisory committees, and/or meetings with student government bodies or other groups representing students. (Education Code 52060; 5 CCR 15495)

(cf. 1220 - Citizen Advisory Committees)
(cf. 4140/4240/4340 - Bargaining Units)
(cf. 6020 - Parent Involvement)

Public Review and Input

Note: Pursuant to Education Code 52063 and 5 CCR 15495, the Board is required to establish a parent advisory committee that is composed of a majority of parents/guardians and includes at least one parent/guardian of an unduplicated student. In addition, if district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board is required to establish an English learner parent advisory committee which, pursuant to 5 CCR 15495 as amended, must include a majority of parents/guardians of English learners. The district may use existing parent advisory committees
LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

for these purposes if the committee composition complies with Education Code 52063 and 5 CCR 15945. However, the district should consider whether such opportunities need to be expanded to achieve significant levels of stakeholder involvement in the planning process as intended by the law.

The Board shall establish a parent advisory committee to review and comment on the LCAP. The committee shall be composed of a majority of parents/guardians and shall include at least one parent/guardian of an unduplicated student as defined above. (Education Code 52063; 5 CCR 15495)

Whenever district enrollment includes at least 15 percent English learners, with at least 50 students who are English learners, the Board shall establish an English learner parent advisory committee composed of a majority of parents/guardians of English learners. (Education Code 52063; 5 CCR 15495)

The Superintendent or designee shall present the LCAP to the committee(s) before it is submitted to the Board for adoption, and shall respond in writing to comments received from the committee(s). (Education Code 52062)

Note: Education Code 52062 requires notification to the public of the opportunity to submit written comments on the proposed LCAP, including notification in the primary language of parents/guardians when required by Education Code 48985. Pursuant to Education Code 48985, whenever 15 percent or more of the students in a school speak a single primary language other than English, notifications sent to parents/guardians of such students must be written in the primary language as well as in English; see BP 5145.6 - Parental Notifications.

The Superintendent or designee shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the LCAP. The notification shall be provided using the most efficient method of notification possible, which may not necessarily include producing printed notices or sending notices by mail. All written notifications related to the LCAP shall be provided in the primary language of parents/guardians when required by Education Code 48985. (Education Code 52062)

(cf. 5145.6 - Parental Notifications)

Note: Pursuant to Education Code 305, as amended by Proposition 58 (November 2016) and effective July 1, 2017, the LCAP parent and community engagement process must include solicitation of input as described in the following paragraph. Also see BP/AR 6174 - Education for English Language Learners for further information regarding the types of language acquisition programs that may be offered to students.

As part of the parent and community engagement process, the district shall solicit input on effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs to enable all students, including English learners and native English speakers, to have access to the core academic content standards and to become proficient in English. (Education Code 305-306)
LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Note: Pursuant to Education Code 42127, the Board cannot adopt a district budget until the LCAP is in place for the budget year; see BP 3100 - Budget. The budget must include the expenditures necessary to implement the plan that will be effective during the subsequent fiscal year. If it does not, the County Superintendent of Schools will disapprove the district's budget.

The Board shall hold at least one public hearing to solicit the recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the LCAP. The public hearing shall be held at the same meeting as the budget hearing required pursuant to Education Code 42127 and AR 3100 - Budget. (Education Code 42127, 52062)

(cf. 9320 - Meetings and Notices)

Adoption of the Plan

The Board shall adopt the LCAP prior to adopting the district budget, but at the same public meeting. This meeting shall be held after the public hearing described above, but not on the same day as the hearing.

The Board may adopt revisions to the LCAP at any time during the period in which the plan is in effect, provided the Board follows the process to adopt the LCAP pursuant to Education Code 52062 and the revisions are adopted in a public meeting. (Education Code 52062)

Submission of Plan to County Superintendent of Schools

Note: Education Code 52070 requires the district to submit the LCAP to the County Superintendent. The County Superintendent may seek written clarification of the contents of the plan and may submit recommendations for amendments as provided below. He/she is required to approve the LCAP on or before October 8 if he/she determines that (1) the LCAP adheres to the template in 5 CCR 15497.5; (2) the district budget includes expenditures sufficient to implement the specific actions in the LCAP; and (3) the LCAP adheres to supplemental and concentration grant expenditure requirements specified in Education Code 42238.07 for unduplicated students. In determining whether the district has fully demonstrated that it will use supplemental and concentration funds to increase or improve services for unduplicated students, 5 CCR 15497 requires the County Superintendent to review any descriptions of districtwide or schoolwide services provided.

Not later than five days after adoption of the LCAP, the Board shall file the LCAP with the County Superintendent of Schools. (Education Code 52070)

If the County Superintendent sends, by August 15, a written request for clarification of the contents of the LCAP, the Board shall respond in writing within 15 days of the request. If the County Superintendent then submits recommendations for amendments to the LCAP within 15 days of receiving the Board's response, the Board shall consider those recommendations in a public meeting within 15 days of receiving the recommendations. (Education Code 52070)
LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Monitoring Progress

Note: The following optional paragraph may be revised to reflect the district's timeline for reviewing evaluations of the progress and effectiveness of strategies included in the LCAP. Such reports should be provided to the Board in sufficient time to allow for any necessary changes in the annual update to the LCAP by July 1 of each year, as required by Education Code 52060-52061. The California School Dashboard provides a tool to assist in evaluation of district and school performance and includes all of the state priorities for the LCAP described in Education Code 52060.

The Superintendent or designee shall report to the Board, at least annually in accordance with the timeline and indicators established by him/her and the Board, regarding the district's progress toward attaining each goal identified in the LCAP. Evaluation shall include, but not be limited to, an assessment of district and school performance based on evaluation rubrics adopted by the State Board of Education pursuant to Education Code 52064.5. Evaluation data shall be used to recommend any necessary revisions to the LCAP.

(cf. 0500 - Accountability)

Technical Assistance/Intervention

Note: Pursuant to Education Code 52071, the Board may, at its discretion and at the district's expense, request technical assistance as described in items #1-3 below. In addition, the County Superintendent is required to provide such technical assistance whenever he/she does not approve the district’s LCAP and/or the district fails to improve student achievement across more than one state priority described in Education Code 52060, as determined using the SBE evaluation rubric.

When it is in the best interest of the district, the Board may submit a request to the County Superintendent for technical assistance, including, but not limited to: (Education Code 52071)

1. Assistance in the identification of district strengths and weaknesses in regard to state priorities and review of effective, evidence-based programs that apply to the district's goals

2. Assistance from an academic expert, team of academic experts, or another district in the county in identifying and implementing effective programs to improve the outcomes for student subgroups

3. Advice and assistance from the California Collaborative for Educational Excellence established pursuant to Education Code 52074

In the event that the County Superintendent requires the district to receive technical assistance pursuant to Education Code 52071, the Board shall review all recommendations received from the County Superintendent or other advisor and shall consider revisions to the LCAP as appropriate in accordance with the process specified in Education Code 52062.
LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Note: Education Code 52072 provides that the SPI, with approval of the SBE, may intervene when a district meets both of the following criteria: (1) the district did not improve the outcomes for three or more student subgroups identified pursuant to Education Code 52052, or all of the student subgroups if the district has fewer than three subgroups, in regard to more than one state or local priority in three out of four consecutive school years; and (2) the California Collaborative for Educational Excellence (CCEE) has provided advice and assistance to the district and submits a finding that the district failed or is unable to implement the CCEE's recommendations or that the district's inadequate performance is so persistent or acute as to require intervention. For any district identified as needing intervention, the SPI or an academic trustee appointed by the SPI may, with approval of the SBE, take one or more of the actions listed in items #1-3 below.

If the Superintendent of Public Instruction (SPI) identifies the district as needing intervention pursuant to Education Code 52072, the district shall cooperate with any action taken by the SPI or any academic advisor appointed by the SPI, which may include one or more of the following:

1. Revision of the district's LCAP

2. Revision of the district's budget in accordance with changes in the LCAP

3. A determination to stay or rescind any district action that would prevent the district from improving outcomes for all student subgroups, provided that action is not required by a collective bargaining agreement

Legal Reference: (see next page)
LOCAL CONTROL AND ACCOUNTABILITY PLAN (continued)

Legal Reference:
EDUCATION CODE
305-306 English language education
17002 State School Building Lease-Purchase Law, including definition of good repair
33430-33436 Learning Communities for School Success Program; grants for LCAP implementation
41020 Audits
42127 Public hearing on budget adoption
42238.01-42238.07 Local control funding formula
44258.9 County superintendent review of teacher assignment
48983 Parental notices in languages other than English
51210 Course of study for grades 1-6
51220 Course of study for grades 7-12
52052 Academic Performance Index; numerically significant student subgroups
52060-52077 Local control and accountability plan
52302 Regional occupational centers and programs
52372.5 Linked learning pilot program
54692 Partnership academies
60119 Sufficiency of textbooks and instructional materials; hearing and resolution
60605.8 California Assessment of Academic Achievement; Academic Content Standards Commission
60811.3 Assessment of language development
64001 Single plan for student achievement
99300-99301 Early Assessment Program

CODE OF REGULATIONS, TITLE 5
15494-15497.5 Local control and accountability plan and spending requirements

UNITED STATES CODE, TITLE 20
6312 Local educational agency plan
6826 Title III funds, local plans

Management Resources:
CSBA PUBLICATIONS
Promising Practices for Developing and Implementing LCAPs, Governance Brief, November 2016
LCFF Rubrics, Issue 1: What Boards Need to Know About the New Rubrics, Governance Brief, rev. October 2016

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
California School Accounting Manual
Every Student Succeeds Act - Update #6, January 18, 2017
LCFF Frequently Asked Questions
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
CSBA Sample
Board Policy

Business and Noninstructional Operations  BP 3260(a)

FEES AND CHARGES

Note: Pursuant to Education Code 49011, a district is prohibited from requiring students to pay a fee, deposit, or other charge in order to participate in an educational activity as defined in Education Code 49010. A district is also required to provide the supplies, materials, and equipment needed by students to participate in educational activities. Education Code 49011 clarifies that an otherwise impermissible fee would not be made permissible by the provision of a waiver for some students. However, pursuant to 5 CCR 350, a district is permitted, in certain circumstances, to impose fees that are specifically authorized by law. See the accompanying administrative regulation for a list of permissible fees.

The Governing Board recognizes its responsibility to ensure that books, materials, equipment, supplies, and other resources necessary for students' participation in the district's educational program are made available to them at no cost.

No student shall be required to pay a fee, deposit, or other charge for his/her participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities. (Education Code 49010, 49011; 5 CCR 350)

(cf. 3100 - Budget)
(cf. 6145 - Extracurricular and Cocurricular Activities)

As necessary, the Board may approve fees, deposits, and other charges which are specifically authorized by law. When approving such fees, deposits, or charges, establishing fee schedules, or determining whether waivers or exceptions should be granted, the Board shall consider relevant data, including the socioeconomic conditions of district students' families and their ability to pay.

(cf. 3250 - Transportation Fees)
(cf. 3515.4 - Recovery for Property Loss or Damage)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 5143 - Insurance)
(cf. 9323.2 - Actions by the Board)

Note: The following optional paragraph may be revised to reflect district practice. The prohibition against student fees pursuant to Education Code 49011 does not restrict districts from soliciting for voluntary donations, participating in fundraising activities, or providing prizes or other recognition for participants in such fundraising activities. However, according to the California Department of Education's (CDE) Fiscal Management Advisory 15-01, Pupil Fees: Parent Service Hours, the prohibition against student fees does bar a district from requiring volunteer hours or payment in lieu of performing volunteer hours as a condition of admission, enrollment, continued enrollment, sibling preference, attendance, participation in educational activities, or receipt of credit or privileges related to educational activities.
FEES AND CHARGES (continued)

The prohibition against student fees shall not restrict the district from soliciting for donations, participating in fundraising activities, or providing prizes or other recognition for participants in such activities and events. The Superintendent or designee shall emphasize that participation of students, parents/guardians, district employees, volunteers, or educational or civic organizations in such activities and events is voluntary. The district shall not offer or award to a student any course credit or privileges related to educational activities in exchange for voluntary donations or participation in fundraising activities by or on behalf of the student. It also shall not remove or threaten to remove from a student any course credit or privileges related to educational activities, or otherwise discriminate against the student, due to a lack of voluntary donations or participation in fundraising activities by or on behalf of the student.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 3290 - Gifts, Grants and Bequests)

Note: The following paragraph is optional and may be revised to reflect district practice.

The Superintendent or designee may provide information or professional development opportunities to administrators, teachers, and other personnel regarding permissible fees.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Complaints

Note: Pursuant to Education Code 49013, a district is mandated to adopt policy and procedures which allow complaints to be filed using the uniform complaint procedures when the district is alleged to have violated the prohibition against requiring unauthorized student fees. See BP/AR 1312.3 - Uniform Complaint Procedures for language implementing this mandate.

A complaint alleging district noncompliance with the prohibition against requiring student fees, deposits, or other charges shall be filed in accordance with the district's procedures in BP/AR 1312.3 - Uniform Complaint Procedures. (Education Code 49013)

(cf. 1312.3 - Uniform Complaint Procedures)

Note: Education Code 49013 requires districts found in violation of the prohibition against student fees to design a remedy which may include reasonable efforts to fully identify and reimburse all affected individuals as specified in 5 CCR 4600. See AR 1312.3 - Uniform Complaint Procedures for additional language reflecting these requirements.

If, upon investigation, the district finds merit in the complaint, the Superintendent or designee shall recommend and the Board shall adopt an appropriate remedy to be provided to all affected students and parents/guardians in accordance with 5 CCR 4600.
FEES AND CHARGES (continued)

Information related to the prohibition against requiring students to pay fees for participation in an educational activity shall be included in the district's annual notification of uniform complaint procedures to be provided to all students, parents/guardians, employees, and other interested parties pursuant to 5 CCR 4622. (Education Code 49013)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE
8239 Preschool and wraparound child care services
8250 Child care and development services for children with disabilities
8263 Child care eligibility
8422 21st Century High School After School Safety and Enrichment for Teens programs
8482.6 After School Education and Safety programs
8760-8774 Outdoor science and conservation programs
17453.1 District sale or lease of Internet appliances or personal computers to students or parents
17551 Property fabricated by students
19910-19911 Offenses against libraries
32033 Eye protective devices
32221 Insurance for athletic team member
32290 Fingerprinting program
35330-35332 Excursions and field trips
35335 School camp programs
38080-38086.1 Cafeteria establishment and use
38120 Use of school band equipment on excursions to foreign countries
39801.5 Transportation for adults
39807.5 Payment of transportation costs
39837 Transportation of students to places of summer employment
48050 Residents of adjoining states
48052 Tuition for foreign residents
48904 Liability of parent or guardian
49010-49013 Student fees
49065 Charge for copies
49066 Grades, effect of physical education class apparel
49091.14 Prospectus of school curriculum
51810-51815 Community service classes
52612 Tuition for adult classes
52613 Nonimmigrant foreign nationals
56304 School records; students with disabilities
60410 Students in classes for adults
GOVERNMENT CODE
6253 Request for copy; fee

Legal Reference continued: (see next page)
FEES AND CHARGES (continued)

Legal Reference: (continued)

CALIFORNIA CONSTITUTION
   Article 9, Section 5  Common school system
CODE OF REGULATIONS, TITLE 5
   350  Fees not permitted
   4600-4687  Uniform complaint procedures
UNITED STATES CODE, TITLE 8
   1184  Foreign students
COURT DECISIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
   Pupil Fees: Damage to School Property, Fiscal Management Advisory 16-01, September 16, 2016
   Pupil Fees: Parent Service Hours, Fiscal Management Advisory 15-01, January 20, 2015
   Pupil Fees, Deposits, and Other Charges: Cap and Gown for High School Graduation Ceremony, Addendum to Fiscal Management Advisory 12-02, October 4, 2013
   Fees, Deposits and Other Charges, Fiscal Management Advisory 12-02, April 24, 2013
WEB SITES
   CSBA:  http://www.csba.org
   California Department of Education:  http://www.cde.ca.gov

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CSBA Sample
Administrative Regulation

Business and Noninstructional Operations

FEES AND CHARGES

Note: Pursuant to 5 CCR 350, districts may charge fees only when specifically authorized by law. The following list specifies fees currently authorized by law and should be revised to reflect the types of fees that have been approved by the Governing Board; see the accompanying Board policy. Other permissible fees may exist and be identified in the future. For further information about fees and charges, see the California Department of Education's (CDE) Fiscal Management Advisory 12-02, Fees, Deposits and Other Charges.

Pursuant to Education Code 49011, a district is prohibited from requiring a student to pay fees or charges in order to participate in an educational activity. A complaint alleging the unauthorized charging of student fees may be filed in accordance with the uniform complaint procedures; see the accompanying Board policy and BP/AR 1312.3 - Uniform Complaint Procedures. Districts with questions as to whether a particular fee may be charged should consult with legal counsel.

When approved by the Governing Board, the Superintendent or designee may impose a fee for the following: (5 CCR 350)

1. Insurance for athletic team members, with an exemption providing for the district to pay the cost of the insurance for any team member who is financially unable to pay (Education Code 32221)

(cf. 5143 - Insurance)

2. Insurance for medical or hospital service for students participating in field trips and excursions (Education Code 35331)

Note: In its Fiscal Management Advisory 12-02, the CDE interprets Education Code 35330 as permitting the district, at its discretion, to charge fees for any field trip, provided that no student is prevented from participating in a field trip due to a lack of funds. However, Education Code 35330 prohibits the use of district funds or district transportation allowances for an out-of-state field trip, and thus the district must charge participating students a fee for such trips and/or use non-district funds such as donations from a parent-teacher or community organization, education foundation, or school fundraiser specifically designated for this purpose.

3. Expenses of students' participation in a field trip or excursion within the state or to another state, the District of Columbia, or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds (Education Code 35330)

(cf. 6153 - School-Sponsored Trips)

4. Student fingerprinting program, as long as the fee does not exceed the actual costs associated with the program (Education Code 32390)

(cf. 5142.1 - Identification and Reporting of Missing Children)
FEES AND CHARGES (continued)

5. School camp programs in outdoor science education, conservation education, or forestry operated pursuant to Education Code 8760-8774, provided that the fee is not mandatory and no student is denied the opportunity to participate for nonpayment of the fee (Education Code 35335)

(cf. 6142.5 - Environmental Education)

Note: Education Code 17551 permits the district to sell to a student any nonperishable property of the district which has been fabricated by the student, as provided in item #6 below. CDE Fiscal Management Advisory 12-02 clarifies that this cost applies to materials the student will take home for his/her own possession and use, such as wood shop, art, or sewing projects.

6. Reimbursement for the direct cost of materials provided by the district to a student for the fabrication of nonperishable personal property the student will take home for his/her own possession and use, such as wood shop, art, or sewing projects kept by the student (Education Code 17551)

7. Home-to-school transportation and transportation between regular, full-time day schools and regional occupational centers, programs, or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student and exemptions are made for indigent and disabled students (Education Code 39807.5)

(cf. 3250 - Transportation Fees)

8. Transportation for students to and from their places of employment in connection with any summer employment program for youth (Education Code 39837)

9. Deposit for school band instruments, music, uniforms, and other regalia which school band members take on excursions to foreign countries (Education Code 38120)

10. Sale or lease of personal computers or of Internet appliances that allow a person to connect to or access the district's educational network, provided that the items are sold or leased to parents/guardians at no more than cost and the district provides network access for families who cannot afford it (Education Code 17453.1)

(cf. 0440 - District Technology Plan)
(cf. 6163.4 - Student Use of Technology)

11. An adult education or secondary school community service class in civic, vocational, literacy, health, homemaking, and technical and general education, not to exceed the cost of maintaining the class (Education Code 51810-51815)

(cf. 6142.4 - Service Learning/Community Service Classes)
FEES AND CHARGES (continued)

12. Eye safety devices worn in courses or activities involving the use of hazardous substances likely to cause injury to the eyes, when being sold to students and/or teachers or instructors to keep and at a price not to exceed the district's actual costs (Education Code 32033)

(cf. 3514.1 - Hazardous Substances)
(cf. 5142 - Safety)

13. Actual cost of furnishing copies of any student's records, except that no charge shall be made for furnishing up to two transcripts or two verifications of a former student's records or for reproducing records of a student with a disability when the cost would effectively prevent the parent/guardian from exercising the right to receive the copies (Education Code 49065, 56504)

(cf. 5125 - Student Records)

14. Actual cost of duplication for reproduction of the prospectus of school curriculum or for copies of public records (Education Code 49091.14; Government Code 6253)

(cf. 1340 - Access to District Records)
(cf. 5020 - Parent Rights and Responsibilities)

15. Food sold at school, subject to free and reduced-price meal program eligibility and other restrictions specified in law (Education Code 38084)

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Funds)
(cf. 3552 - Summer Meal Program)
(cf. 3553 - Free and Reduced Price Meals)
(cf. 3554 - Other Food Sales)

16. As allowed in law, replacement cost or reimbursement for lost or willfully damaged district books, supplies, or property, or for district property loaned to a student that he/she fails to return (Education Code 19910-19911, 48904)

(cf. 3515.4 - Recovery for Property Loss or Damage)

17. Tuition for district school attendance by an out-of-state or out-of-country resident (Education Code 48050, 48052, 52613; 8 USC 1184)

(cf. 5111.2 - Nonresident Foreign Students)
FEES AND CHARGES (continued)

18. Adult education books, materials, transportation, and classes, except that no fee may be charged for classes in elementary subjects, classes for which high school credit is granted when taken by a person who does not hold a high school diploma, or classes in English and citizenship (Education Code 39801.5, 52612, 60410)

(cf. 6200 - Adult Education)

19. Preschool and child care and development services, in accordance with the fee schedule established by the Superintendent of Public Instruction, unless the family qualifies for subsidized services or the program is for severely disabled children and the student is eligible to enroll in it (Education Code 8239, 8250, 8263)

(cf. 5148 - Child Care and Development)
(cf. 5148.3 - Preschool/Early Childhood Education)

Note: Pursuant to Education Code 8422 and 8482.6, as amended by AB 2615 (Ch. 470, Statutes of 2016), districts are permitted to charge family fees for participation in After School Education and Safety (ASES) programs, 21st Century Community Learning Centers (21st CCLC), and 21st Century High School After School Safety and Enrichment for Teens programs, as long as fees are waived or reduced for families with students who are eligible for free or reduced-price meals. In regard to ASES and 21st CCLC, commencing July 1, 2017, no fees may be charged if the district knows the student is a homeless youth or in foster care.

20. Participation in a before-school or after-school program that is funded as an After School Education and Safety (ASES) program, 21st Century Community Learning Center (21st CCLC), or 21st Century High School After School Safety and Enrichment for Teens program, provided that fees are waived or reduced for families with students who are eligible for free or reduced-price meals and, in regard to ASES and 21st CCLC programs, fees are not charged if the district knows the student is a homeless or foster youth (Education Code 8422, 8482.6)

(cf. 5148.2 - Before/After School Programs)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

Note: In Fiscal Management Advisory 12-02, the CDE lists Advanced Placement and International Baccalaureate examination fees as permissible. Some districts choose to reduce the cost of the fees for low-income students through the use of district funds or other funding sources; see BP 6141.4 - International Baccalaureate Program and BP 6141.5 - Advanced Placement.

21. Advanced Placement and International Baccalaureate Diploma examinations for college credits, as long as the examination is not a course requirement and the results have no impact on student grades or credits in the course

(cf. 6141.4 - International Baccalaureate Program)
(cf. 6141.5 - Advanced Placement)
FEES AND CHARGES (continued)

Note: In its Addendum to Fiscal Management Advisory 12-02 issued in October 2013, the CDE clarifies that a district that requires its students to wear a cap and gown as a condition for their participation in the high school graduation ceremony may not require such students to purchase the cap and gown. CDE recommends that such districts provide the graduates with a cap and gown for their use at the graduation ceremony and inform them that those interested may purchase a cap and gown from a vendor.
CSBA Sample
Administrative Regulation

Certificated Personnel

STAFF TEACHING ENGLISH LEARNERS

Note: To be assigned to provide English language development (ELD), specially designed academic instruction in English (SDAIE), and/or primary language instruction, as defined below, a teacher must hold an appropriate authorization from the Commission on Teacher Credentialing (CTC).

Education Code 44258.9 requires the County Superintendent of Schools to monitor district teacher assignments and vacancies and to investigate district efforts to ensure that a teacher in an assignment requiring authorization to teach English learners completes the necessary requirements. See BP 4113 - Assignment.

Definitions

Note: Proposition 58 (November 2016) amended Education Code 306 to revise the definition of "English learner" to conform with federal law, as follows.

*English learner* means a student who is age 3-21 years, who is enrolled or is preparing to enroll in an elementary or secondary school, and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the ability to meet state academic standards, the ability to successfully achieve in classrooms where the language of instruction is English, or the opportunity to participate fully in society. An English learner may include a student who was not born in the United States or whose native language is a language other than English; a student who is Native American or Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or a student who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant. (Education Code 306; 20 USC 7801)

*Instruction for English language development* (ELD) means instruction designed specifically for English learners to develop their listening, speaking, reading, and writing skills in English. (Education Code 44253.2)

*Specially designed academic instruction in English* (SDAIE) means instruction in a subject area, delivered in English, that is specially designed to meet the needs of English learners. (Education Code 44253.2)

*Primary language instruction* includes both *primary language development* designed to develop English learners' listening, speaking, reading, and writing skills in their primary language and *content instruction delivered in the primary language* in any subject area. (Education Code 44253.2)

(cf. 6174 - Education for English Learners)
STAFF TEACHING ENGLISH LEARNERS (continued)

Teacher Qualifications

Note: Education Code 44253.1-44253.11, related Title 5 regulations, and CTC leaflet CL-622, Serving English Learners, describe requirements pertaining to the qualifications of teachers of English learners.

It is the authorization listed on a document issued by the CTC, not the title of the document, which determines if and how an individual is authorized to serve English learners. Teacher preparation programs for multiple subject, single subject, and education specialist candidates include embedded coursework that allows them to earn an English learner authorization (authorizing ELD and SDAIE instruction) or a bilingual authorization (authorizing ELD, SDAIE, and primary language instruction) directly on their teaching credential. A teacher also may qualify to provide ELD and SDAIE instruction by completing coursework and/or passing CTC-approved examinations leading to a Crosscultural, Language and Academic Development (CLAD) certificate. The CTC is no longer issuing new Bilingual, Crosscultural, Language and Academic Development (BCLAD) certificates, but current holders of valid BCLAD certificates may continue to provide ELD, SDAIE, and primary language instruction.

Pursuant to Education Code 44253.11, a teacher with an appropriate prerequisite credential may enroll in a CTC-approved staff development program and, upon successful completion, may apply to the CTC for a Certificate of Completion of Staff Development authorizing the teacher to provide instruction in SDAIE.

5 CCR 80021 and 80021.1 provide that all Short-Term Staff Permits and Provisional Internship Permits will be issued with an English learner authorization, unless the district requests the bilingual authorization and the applicant verifies target-language proficiency. The CTC also may issue emergency CLAD and bilingual authorization permits pursuant to 5 CCR 80024.7-80024.8. See AR 4112.2 - Certification.

The CTC's "Frequently Asked Questions Concerning Appropriate Assignment and Authorizations to Serve English Learners in California" clarifies that any teacher with one or more K-12 English learner students in his/her class is required to have a CTC authorization to provide ELD, SDAIE, and primary language instruction, as appropriate. State law does not specify any exemption based on the number of English learners in a class, the type of class (e.g., elective), or type of setting (e.g., special education or career technical education). According to the FAQs, districts have discretion to establish an employment requirement that all teachers, even those who currently have no English learners, possess an authorization to teach English learners. Districts that choose to do so should modify the following paragraph accordingly.

Only a teacher who possesses an appropriate authorization issued by the Commission on Teacher Credentialing (CTC) shall provide ELD, SDAIE, and/or primary language instruction in a class with one or more English learners.

(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
(cf. 4113 - Assignment)
(cf. 4131 - Staff Development)
(cf. 4222 - Teacher Aides/Paraprofessionals)

The district may, for the purpose of providing primary language instruction, hire bilingual teachers who are employed in public or private schools of a foreign country, state, territory, or possession, provided such teachers speak English fluently and hold the necessary sojourn
credential issued by the CTC. After the initial two-year sojourn credential expires, the teacher may annually apply to the CTC for an extension for a total period of not more than five years. Any application for renewal shall include verification by the Superintendent or designee that termination of the employment would adversely affect an existing bilingual program and that attempts to secure the employment of a qualified certificated California teacher have been unsuccessful. (Education Code 44856)

Legal Reference:

EDUCATION CODE
306 Definition, English learner
44253.1-44253.11 Qualifications of teachers of English learners
44258.9 County superintendent review of teacher assignments
44259.5 Standards for teachers of all students, including English language learners
44380-44386 Alternative certification
44856 Employment of teachers from foreign countries
52160-52178 Bilingual-Bicultural Act of 1976
62001-62005. 5 Evaluation and sunsetting of programs
CODE OF REGULATIONS, TITLE 5
80015 Requirements for the CLAD certification or English learner authorization
80015.1-80015.4 Requirements for CLAD, English learner authorization or bilingual authorization
80021 Short-Term Staff Permit
80021.1 Provisional Internship Program
80024.7-80024.8 Emergency CLAD and bilingual permits
UNITED STATES CODE, TITLE 20
6601-6651 Training and recruiting high-quality teachers
6801-7014 Language instruction for English learners and immigrant students
7801 Definition of English learner
COURT DECISIONS

Management Resources: (see next page)
STAFF TEACHING ENGLISH LEARNERS (continued)

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS
Administrator's Assignment Manual
Frequently Asked Questions Concerning Appropriate Assignment and Authorizations to Serve English Learners in California
CL-622  Serving English Learners
CL-626B  Bilingual Authorizations
CL-626C  Crosscultural, Language and Academic Development (CLAD) Certificate
CL-568  The Sojourn Certified Employee Credential
CL-824  Certificate of Completion of Staff Development
WEB SITES
CSBA: http://www.csba.org
California Association for Bilingual Education: http://www.gocabe.org
California Department of Education, English Learners: http://www.cde.ca.gov/sp/el
California Teachers of English to Speakers of Other Languages: http://www.catesol.org
Commission on Teacher Credentialing: http://www.ctc.ca.gov