

**BOARD OF EDUCATION SPECIAL BOARD MEETING
GUSTINE UNIFIED SCHOOL DISTRICT
1500 MEREDITH AVENUE
GUSTINE, CA 95322
WEDNESDAY, AUGUST 16, 2017
6:00 P.M.**

I. CALL TO ORDER – 6:00 p.m.

A. Public Comment

The public may comment on any closed session agenda item.

B. Roll Call

Mrs. Crickett Brinkman, President
Mrs. Loretta Rose, Clerk
Mr. Kevin Cordeiro, Board Member
Mrs. Pat Rocha, Board Member
Trustee Area #5 - Vacant

II. CLOSED SESSION – 6:00 p.m.

A. Public Employee Appointment – Interim/Acting Superintendent

B. Personnel – Public Employee Resignation, Discipline, Dismissal, Release, Employment

C. Conference with Labor Negotiator District Support Staff – GRTA (Govt. Code 54954.5 (f) pursuant to Govt. Code 54957.6)

III. RECONVENE TO OPEN SESSION – MEETING WILL BE RECORDED - 7:00 p.m.

A. Pledge of Allegiance

B. Report from Closed Session

C. Revision/Adoption/Ordering of Agenda

D. Disability-Related Modifications

Request for any disability-related modification or accommodation, including auxiliary aids or services in order to participate in the public meeting, may be made by contacting the Gustine Unified School District Office at (209) 854-3784 at least four (4) days prior to the scheduled meeting. Agendas and other writings may also be requested in alternative formats, as outlined in Section 12132 of the Americans With Disabilities Act.

IV. REPORTS AND PRESENTATIONS

A. None

V. CONSENT AGENDA

Items under Consent are considered as a group. Only one motion is necessary to approve these items. Consent items are of a routine nature and for which the Superintendent recommends approval. In accordance with the law, the public has a right to comment on any agenda item.

At the request of any member of the Board, any item of the Consent Agenda shall be removed and given individual consideration for action as a regular action item on the agenda.

A. Personnel

1. Mendoza, Rosa – Resignation, ASB Account Clerk/Maintenance Secretary, GUSD
2. Azevedo, Frank – Resignation, JV Girls' Basketball Coach, GHS
3. Dybas, Hanna – Resignation, Health Aid, RES
4. Soares, Joseph – Resignation, Yard Supervisor, GMS
5. Cathcart, Tiffany – Resignation, Crossing Guard, GES
6. Azevedo, Barbara – Hire Link Crew Advisor, GHS
7. Azevedo, Denise – Hire Link Crew Advisor, GHS
8. Pearce, Nicole – Hire Read 180 Teacher, GMS
9. Herrera, Jackie – Hire Avid Tutor, GMS
10. Lugo, Karina – Hire Avid Tutor, GMS

B. Minutes

1. None

C. Yearly Renewals and Contracts

1. None

D. Donations

1. None

VI. INFORMATION

A. Superintendent Search Brochure

B. District Representation for Bond Oversight Committee

VII. COMMUNICATION FROM THE PUBLIC

Members of the public may bring before the Board matters that are not listed on the agenda. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action at that time. Comments will be accepted during this time concerning any action item on the agenda. The Board will consider all comments prior to taking action on the item as listed on the agenda in the Action Item section. (Gov. Sec. 54954.3) Individual speakers shall be allowed three minutes to address the Board on each agenda or non-agenda item (BP 9323).

VIII. ACTION

A. Update Board Policies BP 3551 and AR 3551 Food Service Operations/Cafeteria Fund- First & Second Reading

Recommendations:

It is recommended that the Board of Education waive the first reading and proceed to a second reading to approve Update Board Policies BP3551 and AR 3551 Food Service Operations/Cafeteria Fund.

B. Adopt Board Policies BP 1114 And AR 1114 District-Authorized Social Media – First Reading

Recommendations:

It is recommended that the Board of Education hold the first reading to Adopt Board Policies BP 1114 and AR 1114 District-Authorized Social Media.

C. Update Board Policies BP 3350 and AR 3350 and Delete E 3350 Travel Expenses

Recommendations:

It is recommended that the Board of Education hold the first reading to Update Board Policies BP 3350 and AR 3350 and delete E 3350 Travel Expenses.

IX. ADVANCED PLANNING

A. Regular Board Meeting, September 13, 2017 @ 6:00 p.m.

B. Workshop with Board Measure P Sub Committee and Board, August 24, 2017 @ 6:00 p.m.

C. Bond Oversight Committee Meeting (not scheduled yet)

X. ADJOURN TO CLOSED SESSION (If needed)

XI. RECONVENE TO OPEN SESSION

XII. REPORT FROM CLOSED SESSION

XIII. ADJOURNMENT

CONSENT AGENDA

ACTION ITEMS

GUSTINE UNIFIED SCHOOL DISTRICT

Meeting of the Board of Trustees

MEETING DATE:

August 16, 2017

AGENDA ITEM TITLE: Update Board Policies BP 3551 and AR 3551 Food Service Operations/Cafeteria Fund

AGENDA SECTION: First and Second Reading/Action

PRESENTED BY: Lizett Aguilar, CBO

RECOMMENDATIONS:

It is recommended that the Board of Education waive the first reading and proceed to a second reading to approve Update Board Policies BP 3551 and AR 3551.

SUMMARY:

As discussed at the July 17, 2017 Board meeting, our school sites have been experiencing difficulties in managing the delivery of food from outside business and parents to our campuses. At the direction of the Board, we have received legal guidance to assist with this recommendation. Legal counsel has recommended the district revise Board Policy/Administrative Regulation 3551. This policy revision would support school sites in the management of food deliveries from parents while minimizing disruption to the school site operations, classes, students and staff. The revision is at the end of the BP/AR and highlighted in yellow.

In addition, counsel has indicated that based on existing Ed Code 49431 and 49431.2 as well as Board Policy and Administrative Regulation 3554, the district can prohibit food vendors access to school sites to limit disruption and the potential liability for competitive food deliveries.

Counsel has also recommended parents be notified of the policies and laws that will be enforced by the school district. A letter has been drafted to send to parents and it is also attached for your review. The letter will go out by Friday of this week.

FISCAL IMPACT: None

BUDGET CATEGORY: None

Gustine USD

Board Policy

Food Service Operations/Cafeteria Fund

BP 3551

Business and Noninstructional Operations

The Governing Board intends that school food services shall be a self-supporting, nonprofit program. To ensure program quality and increase cost effectiveness, the Superintendent or designee shall centralize and direct the purchasing of foods and supplies, the planning of menus, and the auditing of all food service accounts for the district.

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

(cf. 3311 - Bids)

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

(cf. 3552 - Summer Meal Program)

(cf. 5030 - Student Wellness)

The Superintendent or designee shall ensure that all food service personnel possess the required qualifications and receive ongoing professional development related to the effective management and implementation of the district's food service program in accordance with law.

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

At least once each year, food service administrators, other appropriate personnel who conduct or oversee administrative procedures, and other food service personnel shall receive training provided by the California Department of Education (CDE). (42 USC 1776)

Meal Sales

Meals may be sold to students, district employees, Board members, and employees or members of the fund or association maintaining the cafeteria. (Education Code 38082)

In addition, meals may be sold to nonstudents, including parents/guardians, volunteers, students' siblings, or other individuals, who are on campus for a legitimate purpose. Any meals served to nonstudents shall not be subsidized by federal or state reimbursements, food service revenues, or U.S. Department of Agriculture (USDA) foods.

Meal prices, as recommended by the Superintendent or designee and approved by the Board, shall be based on the costs of providing food services and consistent with Education Code 38084 and 42 USC 1760.

Students who are enrolled in the free or reduced-price meal program shall receive meals free of charge or at a reduced price in accordance with law, Board policy, and administrative regulation. Such students shall not be overtly identified or treated differently from other students.

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall establish strategies and procedures for the collection of meal payments, including delinquent meal payments, and shall clearly communicate these procedures and related district policies to students and parents/guardians. The procedures adopted by the Superintendent or designee shall conform with 2 CFR 200.426 and any applicable CDE guidance, and shall not overtly identify students with unrecovered or delinquent debt or treat them differently than other students.

Cafeteria Fund

The Superintendent or designee shall establish a cafeteria fund independent of the district's general fund.

The wages, salaries, and benefits of food service employees shall be paid from the cafeteria fund. (Education Code 38103)

The Superintendent or designee shall ensure that state and federal funds provided through school meal programs are allocated only for purposes related to the operation or improvement of food services and reasonable and necessary indirect program costs as allowed by law.

(cf. 3230 - Federal Grant Funds)

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

(cf. 3460 - Financial Reports and Accountability)

Contracts with Outside Services

With Board approval, the district may enter into a contract for food service consulting services or management services in one or more district schools. (Education Code 45103.5; 42 USC 1758; 7 CFR 210.16)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

Procurement of Foods

To the maximum extent practicable, foods purchased for use in school meals by the district or by any entity purchasing food on its behalf shall be domestic commodities or products. Domestic commodity or product means an agricultural commodity that is produced in the United States and a food product that is processed in the United States substantially using agricultural

commodities that are produced in the United States. (42 USC 1760; 7 CFR 210.21)

A nondomestic food product may be purchased for use in the district's food service program only as a last resort when the product is not produced or manufactured in the United States in sufficient and reasonable quantities of a satisfactory quality, or when competitive bids reveal the costs of a United States product are significantly higher than the nondomestic product. In such cases, the Superintendent or designee shall retain documentation justifying the exception.

Program Monitoring and Evaluation

The Superintendent or designee shall present to the Board, at least annually, financial reports regarding revenues and expenditures related to the food service program.

The Superintendent or designee shall provide all necessary documentation required for the Administrative Review conducted by the CDE to ensure compliance of the district's food service program with federal requirements related to maintenance of the nonprofit school food service account, meal charges, paid lunch equity, revenue from nonprogram goods, indirect costs, and USDA foods.

(cf. 3555 - Nutrition Program Compliance)

Parent Food Delivery Local Site Policy

Due to the history of disruption and unsupportable expenditure of staff resources to manage food deliveries by non-vendors, the Superintendent, or designee, and each site Principal, or designee, shall ensure that any deliveries of food to students by non-vendors (i.e. parents, relatives, other students) shall be in a manner that is not disruptive to the school site operations, classes, students or staff

Legal Reference:

EDUCATION CODE

38080-38086 Cafeteria, establishment and use

38090-38095 Cafeterias, funds and accounts

38100-38103 Cafeterias, allocation of charges

42646 Alternate payroll procedure

45103.5 Contracts for management consulting services; restrictions

49490-49493 School breakfast and lunch programs

49500-49505 School meals

49554 Contract for services

49550-49562 Meals for needy students

HEALTH AND SAFETY CODE

113700-114437 California Retail Food Code

CODE OF REGULATIONS, TITLE 5

15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769j School lunch programs
1771-1791 Child nutrition, including:
1773 School breakfast program
CODE OF FEDERAL REGULATIONS, TITLE 2
200.56 Indirect costs, definition
200.400-200.475 Cost principles
200 Appendix VII Indirect cost proposals
CODE OF FEDERAL REGULATIONS, TITLE 7
210.1-210.31 National School Lunch Program
220.1-220.21 National School Breakfast Program
250.1-250.70 USDA foods

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Food Distribution Program Administrative Manual

Unpaid Meal Charges: Local Meal Charge Policies, Clarification on Collection of Delinquent Meal Payments, and Excess Student Account Balances, Management Bulletin, SNP-03-2017, April 2017

Clarification for the Use of Alternate Meals in the National School Lunch and School Breakfast Programs, Bad Debt Policies, and the Handling of Unpaid Meal Charges, Management Bulletin USDA-SNP-06-2015, May 2015

Cafeteria Funds--Allowable Uses, Management Bulletin NSD-SNP-07-2013, May 2013

Paid Lunch Equity Requirement, Management Bulletin USDA-SNP-16-2012, October 2012

Storage and Inventory Management of United States Department of Agriculture (USDA)

Donated Foods, Management Bulletin USDA-FDP-02-2010, August 2010

Adult and Sibling Meals in the National School Lunch and School Breakfast Programs, Management Bulletin 00-111, July 2000

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

FAQs About School Meals

Unpaid Meal Charges: Guidance and Q&A, SP 23-2017, March 2017

Indirect Costs: Guidance for State Agencies and School Food Authorities SP 60-2016, September 2016

Overcoming the Unpaid Meal Challenge: Proven Strategies from Our Nation's Schools, September 2016

Unpaid Meal Charges: Local Meal Charge Policies, SP 46-2016, July 2016

Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program, SP 24-2016, February 2016

Discretionary Elimination of Reduced Price Charges in the School Meal Programs, SP 17-2014, January 2014

WEB SITES

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

California School Nutrition Association: <http://www.calsna.org>

U.S. Department of Agriculture, Food and Nutrition Service: <http://www.fns.usda.gov/cnd>

Policy GUSTINE UNIFIED SCHOOL DISTRICT
adopted: June 28, 2017 Gustine, California

Gustine USD

Administrative Regulation

Food Service Operations/Cafeteria Fund

AR 3551

Business and Noninstructional Operations

Payments for Meals

With the exception of students who are eligible to receive meals at no cost, students may pay on a per-meal basis or may submit payments in advance. The Superintendent or designee shall maintain a system for accurately recording payments received and tracking meals provided to each student.

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

(cf. 3552 - Summer Meal Program)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

At the beginning of the school year, and whenever a student enrolls during the school year, parents/guardians shall be notified of the district's meal payment policies and be encouraged to prepay for meals whenever possible. The Superintendent or designee shall communicate the district's meal payment policies through multiple methods, including, but not limited to:

1. Explaining the meal charge policy within registration materials provided to parents/guardians at the start of the school year
2. Including the policy in print versions of student handbooks, if provided to parents/guardians annually
3. Providing the policy whenever parents/guardians are notified regarding the application process for free and reduced-price meals, such as in the distribution of applications at the start of the school year
4. Posting the policy on the district's web site
5. Establishing a system to notify parents/guardians when a student's meal payment account has a low or negative balance

(cf. 1113 - District and School Web Sites)

(cf. 5145.6 - Parental Notifications)

In order to avoid potential misuse of a student's food service account by someone other than the student in whose name the account has been established, the Superintendent or designee shall

verify a student's identity when setting up the account and when charging any meal to the account. The Superintendent or designee shall investigate any claim that a bill does not belong to a student or is inaccurate, shall not require a student to pay a bill that appears to be the result of identity theft, and shall open a new account with a new account number for a student who appears to be the subject of identity theft.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Any payments made to a student's food service account shall, if not used within the school year, be carried over into the next school year or be refunded to the student's parents/guardians.

Unpaid and Delinquent Meal Charges

Students and their parents/guardians shall be notified whenever their account has a low or negative balance. Whenever a student's account has an unpaid balance of \$50 or more, parents/guardians shall be notified in writing that full payment is due within seven school days from the date of the notice unless other payment arrangements are made with the Food Service Department. Unpaid balances that remain at \$50 or more and have not responded to notices within 7 days, will be reported to a debt collection agency throughout the year.

Alternate meals will not be served to students. Regardless of unpaid balances, all students will be served from the same meal choices.

In cases of repeated nonpayment by a student, the Superintendent or designee may contact parents/guardians to discuss the reasons for the nonpayment. The Superintendent or designee may evaluate individual circumstances to determine if the student's parents/guardians need assistance completing an application for free or reduced-price meals or need referral to social services.

The Superintendent or designee may enter into a repayment plan with a student's parents/guardians for payment of the student's unpaid meal charge balance over a period of time. As necessary, the repayment plan may allow the unrecovered or delinquent debt to carry over into the next fiscal year.

The district's efforts to collect debt shall be consistent with district policies and procedures, California Department of Education (CDE) guidance, and 2 CFR 200.426. The district shall not spend more than the actual debt owed in efforts to recover unpaid meal charges.

The Superintendent or designee shall maintain records of the efforts made to collect unpaid meal charges and, if applicable, financial documentation showing when the unpaid meal balance has become an operating loss.

Reimbursement Claims

The Superintendent or designee shall maintain records of the number of meals served each day

by school site and by category of free, reduced-price, and full-price meals. The Superintendent or designee shall submit reimbursement claims for school meals to the CDE using the online Child Nutrition Information and Payment System.

Cafeteria Fund

All proceeds from food sales and other services offered by the cafeteria shall be deposited in the cafeteria fund as provided by law. The income and expenditures of any cafeteria revolving account established by the Governing Board shall be recorded as income and expenditures of the cafeteria fund. (Education Code 38090, 38091)

(cf. 3100 - Budget)

(cf. 3300 - Expenditures and Purchases)

The cafeteria fund shall be used only for those expenditures authorized by the Board as necessary for the operation of school cafeterias in accordance with Education Code 38100-38103, 2 CFR Part 200 Appendix VII , and the California School Accounting Manual.

Any charges to, or transfers from, a food service program shall be dated and accompanied by a written explanation of the expenditure's purpose and basis. (Education Code 38101)

(cf. 3110 - Transfer of Funds)

Indirect costs charged to the food service program shall be based on either the district's prior year indirect cost rate or the statewide average approved indirect cost rate for the second prior fiscal year, whichever is less. (Education Code 38101)

Net cash resources in the nonprofit school food service shall not exceed three months average expenditures. (2 CFR 220.14)

U.S. Department of Agriculture Foods

The Superintendent or designee shall ensure that foods received through the U.S. Department of Agriculture (USDA) are handled, stored, and distributed in facilities which: (7 CFR 250.14)

1. Are sanitary and free from rodent, bird, insect, and other animal infestation
2. Safeguard foods against theft, spoilage, and other loss
3. Maintain foods at proper storage temperatures
4. Store foods off the floor in a manner to allow for adequate ventilation
5. Take other protective measures as may be necessary

The Superintendent or designee shall maintain inventories of USDA foods in accordance with 7

CFR 250.59 and CDE procedures, and shall ensure that foods are used before their expiration dates.

USDA donated foods shall be used in school lunches as far as practicable. USDA foods also may be used in other nonprofit food service activities, including, but not limited to, school breakfasts or other meals, a la carte foods sold to students, meals served to adults directly involved in the operation and administration of the food service and to other school staff, and training in nutrition, health, food service, or general home economics instruction for students, provided that any revenues from such activities accrue to the district's nonprofit food service account. (7 CFR 250.59)

Contracts with Outside Services

The term of any contract for food service management or consulting services shall not exceed one year. Any renewal of the contract or further requests for proposals to provide such services shall be considered on a year-to-year basis. (Education Code 45103.5; 7 CFR 210.16)

Any contract for management of the food service operation shall be approved by CDE and comply with the conditions in Education Code 49554 and 7 CFR 210.16 as applicable. The district shall retain control of the quality, extent, and general nature of its food services, including prices to be charged to students for meals, and shall monitor the food service operation through periodic on-site visits. The district shall not enter into a contract with a food service company to provide a la carte food services only, unless the company agrees to offer free, reduced-price, and full-price reimbursable meals to all eligible students. (Education Code 49554; 42 USC 1758; 7 CFR 210.16)

Any contract for consulting services shall not result in the supervision of food service classified staff by the management consultant, nor shall it result in the elimination of any food service classified staff or position or have any adverse effect on the wages, benefits, or other terms and conditions of employment of classified food service staff or positions. All persons providing consulting services shall be subject to applicable employment conditions related to health and safety as listed in Education Code 45103.5. (Education Code 45103.5)

Parent Food Delivery Local Site Policy

All non-vendor (i.e. parents, relatives, other students) deliveries of food to students must be made to the school before a deadline each school day, determined to be appropriate to each site by the site Principal and approved by the Superintendent, or designee, of which notice shall be given to parents/guardians by the Superintendent, or designee, effective five (5) school days after mailing of such notice.

(cf. 3312 - Contracts)

(cf. 3515.6 - Criminal Background Checks for Contractors)

(cf. 3600 - Consultants)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

(cf. 4212 - Appointments and Conditions of Employment)

Regulation GUSTINE UNIFIED SCHOOL DISTRICT
approved: June 28, 2017 Gustine, California



Gustine Unified School District

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Gustine, California 95322
Telephone (209) 854-3784
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Superintendent

Board of Education
Trustee Area #5-Vacant
Crickett Brinkman
Kevin Cordeiro
Pat Rocha
Loretta Rose

“Preparing students for the future . . . today”

UPDATED*

August 11, 2017

Dear Parents and Guardians,

We hope your student(s) is off to a great new school year!

This letter is to inform you of changes this new school year. **Starting in the 2017-2018 school year, all schools of the Gustine Unified School District will prohibit food vendors from coming onto campus to sell or deliver food directly to students.** This change is in accordance with our existing policies (Board Policy/Administrative Regulation #3554) and in compliance with the Education Code (49431 and 49431.2). Food vendors will only be allowed onto campus when administration and/or staff have scheduled delivery from such vendors to support class festivities or school events.

In addition, we would like to provide clarification in regards to **food deliveries by persons other than food vendors** (i.e. parents, relatives, other students). Food deliveries by non-vendors shall be in a manner that is not disruptive to the school site operations, classrooms, students, staff, and parents. This practice is in accordance with Board Policy/Administrative Regulation 3551.

As such, all non-vendor deliveries of lunches must be made to the school before the following deadlines:

Gustine Elementary School	10:30 A.M.
Romero Elementary School	10:45 A.M.
Gustine Middle School	10:00 A.M.
Gustine High School	At the front gate, no later than the end of the designated lunch period
Pioneer Continuation	11:30 A.M.

We invite you to visit our website to view our monthly cafeteria menu offerings and follow us on Facebook for updates: <https://www.facebook.com/GUSD-Food-Service-315224215598607/>

We are also working to make improvements and we welcome your feedback on our survey at <https://goo.gl/forms/ZUAfTe1RbffcV73> also located on our cafeteria website.

While we understand that change can be difficult at times, we ask for your support and help to explain to your student the importance of healthy eating to promote learning.

Thank you,

Name
Title

MLA/mla

**This letter is an update and supersedes a previous letter dated June 28, 2017.*

GUSTINE UNIFIED SCHOOL DISTRICT

Meeting of the Board of Trustees

MEETING DATE:

August 16, 2017

AGENDA ITEM TITLE: Adopt Board Policies BP 1114 and AR 1114 District –Authorized Social Media

AGENDA SECTION: First Reading/Action

PRESENTED BY: Lizett Aguilar, CBO
Marisol Juarez, HR Specialist

RECOMMENDATIONS:

It is recommended that the Board of Education hold the first reading to Adopt Board Policies BP 1114 and AR 1114.

SUMMARY:

The use of social media is ever growing and more present than ever in our society and school districts are not an exception. It is common to read headlines relating to social media that put school districts in difficult situations. In addition, social media can also be used as a helpful tool to benefit communication between our district and our community.

In light of these considerations, staff has worked with counsel to recommend the adoption of a new board policy to address social media. It is the intent of the policy to assist in controlling the content of District authorized social media sites, to be proactive in sharing important information, and to provide some guidance to employees when considering the use of personal social media whenever there is a relation to the school district.

FISCAL IMPACT: None

BUDGET CATEGORY: None

BOARD POLICY 1114

District-Authorized Social Media

I. General Statement of Policy

The Gustine Unified School District ("District") recognizes and supports the value of social media and the benefits for extending and enhancing the educational program of the District. The use of any District authorized social media sites ("District Social Media") shall be for the purpose of furthering the District's mission, communicating the District's messages and shall be used only for their stated purposes and in the manner consistent with this policy and the District's mission and goals. The District is committed to supporting responsible use of the Internet and social media as a tool for sharing information and resources, and building knowledge. The same laws, professional expectations and guidelines for interacting with students, parents and other District constituents apply to the use of District Social Media. Employees are responsible for any content they post on District Social Media.

II. Applicability of Policy

This Policy applies to all District Social Media which shall be used only for their stated District purposes and in a manner consistent with the policy and applicable law. By creating District Social Media sites and allowing for public comment, the District does not intend to create a limited or open public forum or otherwise guarantee an individual's right to free speech. All official District-authorized communication through social media platforms shall comply with District policies and regulations, and be in accordance with the District's Acceptable Use Rules and Regulations. Each District Social Media site shall include a statement of the site's purpose and that the site is to be used only for the stated purpose.

III. Prohibited Use of District Social Media

District Social Media shall not be used to communicate content that is obscene, libelous, or incites students to create a clear and present danger of the commission of unlawful acts on District premises, violation of District policies, rules, or regulations, substantial disruption of the District's orderly operation, or violation of state or federal laws or regulations. District employees or students who post prohibited content shall be subject to discipline in accordance with District policies, rules and regulations.

IV. Rules

A. Protect District Confidential Information and Private Information.

The Superintendent or designee shall aim to protect the privacy rights of students, parents/guardians, employees, and other individuals in connection with official District social media platforms.

Use of District Social Media sites shall be consistent with other District policies concerning the protection of pupil information and records as well as the protection of District

confidential information. District Social Media sites shall not be used to transmit confidential information about District students, employees or District operations.

B. Do Not Announce District News.

Do not be the first to announce District or Department news on social media site unless pre-approved by the Superintendent or designee.

C. Comply with Intellectual Property Laws.

Any use of the District's logos must have prior approval from the Superintendent or designee. When posting, be aware of the copyright, trademark and other intellectual property rights of others and of the District and do not post content in violation of such laws.

D. Comply with Terms of Service.

All users of District Social Media sites are subject to the terms, policies, laws and regulations governing the social media platform, media, software, devices or networks.

E. Adhere to District Board Policies, Regulations and Rules.

District employee and student use of District Social Media sites must adhere to all District Board policies, regulations, Acceptable Use Agreements, and other relevant procedures. District employees and students who violate such policies, regulations and rules governing the District Social Media may be subject to discipline.

V. Responsibility

Overall responsibility for complying with and administering this Policy for District Social Media lies with the Superintendent or designee. Changes to this Policy shall be approved by the District Board. The Superintendent or designee shall establish procedures and content guidelines for the administration and use of District Social Media to ensure appropriate and responsible use of these resources and compliance with District policies and procedures and all applicable federal and states laws and regulations.

Legal Reference:

EDUCATION CODE

32261 School safety, definitions of bullying and electronic act

35182.5 Contracts for advertising

48900 Grounds for suspension and expulsion

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

49061 Definitions, directory information

49073 Release of directory information

60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers

6250-6270 Public Records Act, especially:

6254.21 Publishing addresses and phone numbers of officials

6254.24 Definition of public safety official

54952.2 Brown Act, definition of meeting

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 29

157 Employee rights to engage in concerted, protected activity

794 Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

COURT DECISIONS

Page v. Lexington County School District, (2008, 4th Cir.) 531 F.3d 275

Downs v. Los Angeles Unified School District, (2000) 228 F.3d 1003

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37

Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

NATIONAL LABOR RELATIONS BOARD DECISIONS

18-CA-19081 Sears Holdings, December 4, 2009

Management Resources:

FACEBOOK PUBLICATIONS

Facebook for Educators Guide, 2011

WEB SITES

Facebook in Education: <http://www.facebook.com/education>

Facebook for Educators: <http://facebookforeducators.org>

Facebook, privacy resources: <http://www.facebook.com/fbprivacy>

ADMINISTRATIVE REGULATION 1114

District-Authorized Social Media

Introduction

Social media are powerful communication tools that impact professional and institutional reputations. The Gustine Unified School District ("District") recognizes the importance of social media as a communication tool to inform the public about issues impacting the District. The same laws, professional expectations and guidelines for interacting with students, parents and other District constituents apply to employee use of social media. Employees are responsible for any District related content they post on District authorized social media sites ("District Social Media"). Employees will be provided a copy of this Administrative Regulation and its accompanying Board Policy 1114 and "Social Media Site Authorization Form" (Form 1114a).

Definitions

"Social media" means any online platform for collaboration, interaction, and active participation, including, but not limited to, social networking sites such as Facebook, Twitter, YouTube, LinkedIn, or blogs.

"District Social Media" are sites authorized by the Superintendent or designee to be used for school purposes. Sites that have not been authorized by the Superintendent or designee but that contain content related to the District or comments on District operations, such as a site created by a parentteacher organization, booster club, or other school-connected organization or a student's or employee's personal site, are not considered District Social Media.

"Account Managers" are District employees who establish and maintain District Social Media sites.

Authorization for District Social Media Sites

The Superintendent or designee shall authorize the development of any District Social Media site. Teachers and coaches shall obtain approval from the principal or designee before creating an official classroom or team social media platform. The Superintendent or designee has the discretion and right to temporarily or permanently disable, alter settings, or shut down any District Social Media site at any time for any reason.

Responsibility for District Social Media

The District's Business/Technology department will maintain a list of social media sites authorized by the Superintendent or designee for use by organizational departments and designated Account Managers approved to post content. Account Managers shall obtain permission to establish the District Social Media site pursuant to the attached "Social Media Site Authorization Form" (Form 1114a). Any sites, accounts, or pages existing absent prior authorization will be subject to review, editing, and removal. As appropriate, a recommendation for disciplinary action may result. Account Managers will review content posted on the sites

they manage and for adherence with Board Policy 1114 and Administrative Regulation 1114 on a regular basis. All users are encouraged to report to the Account Manager any District Social Media sites that are not in compliance with Board Policy 1114 or Administrative Regulation 1114.

Guidelines for Content

Account Managers shall ensure that District Social Media sites provide current information regarding District programs, activities, and operations, consistent with the goals and purposes of this policy and regulation. District Social Media sites shall contain content that supports the District's educational mission and that is appropriate for all audiences.

Account Managers shall ensure that content conforms to all applicable state and federal laws, as well as all District Board policies and administrative procedures.

Account Managers shall ensure that copyright and other intellectual property laws are not violated in the use of material on District Social Media sites.

Account Managers are responsible for monitoring content and may remove posts based on viewpointneutral considerations, such as lack of relation to the site's purpose or violation of the District's policy, regulation, or content guidelines.

Each District Social Media Account Manager shall comply with the following:

1. Create the District Social Media sites using the Account Manager's District email address.
2. Use the District Social Media site only for the purpose for which the site was created.
3. Become familiar with and use the security settings of the social media site as appropriate for the site's purpose.
4. Monitor and remove any inappropriate posts. Inappropriate posts include those that:
 - A. Are obscene, libelous, or so incite students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of District or school rules, or substantial disruption of the school's orderly operation;
 - B. Are not related to the stated purpose of the site, including, but not limited to, comments of a commercial nature, political activity, and comments that constitute discrimination, harassment, or bullying, or otherwise violate federal or state laws, or District policies, procedures, or regulations.
5. Establish protocols for users, including expectations that users will communicate in a respectful, courteous, and professional manner.

6. Include the following information on the site, where technically possible:
 - A. A statement that users are personally responsible for the content of their posts and that the District is not responsible for the content of external online platforms.
 - C. A disclaimer that the views and comments expressed on the site are those of the users and do not necessarily reflect the views of the District.
 - D. A disclaimer that any user's reference to a specific commercial product or service does not imply endorsement or recommendation of that product or service by the District.
 - E. The individual(s) to contact regarding violation of District guidelines on the use of District Social Media sites.

Privacy

Account Managers shall require that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on District Social Media sites. Social media and networking sites and other online platforms shall not be used by District employees to transmit confidential information about students, employees or District operations.

Appropriate Use by District Employees

District employees who participate in District Social Media sites shall adhere to all applicable District policies and regulations, including, but not limited to, employee use of technology and professional standards related to interactions with students, staff, and the public.

Common sense is the best guide if an employee decides to post information for District purposes or for purposes related to District employment. If an employee is unsure about any particular posting, the employee is encouraged to contact the Account Manager for guidance.

When appropriate, and technically possible, employees using District Social Media sites shall identify themselves by name and District title and include a disclaimer stating that the views and opinions expressed in their post are theirs alone and do not necessarily represent those of the District or school.

Public Nature of Communications

By submitting content to any of the publicly available District Social Media sites, users understand and acknowledge this information is available to the public. The District may use this information for internal and external purposes, and other users may use posted information in ways beyond the District's control. Users who do not wish to have the information used, published, copied or reprinted, should not post on the District Social Media pages. Postings may be considered a public record under the California Public Records Act.

Visitor Generated Content

If District Social Media sites allow posting of content by other users, such content does not reflect the opinions or endorsement by the District and the District is not responsible for such content. Users are fully responsible for the content they post on District Social Media sites.

The District reserves the right to block or remove any content from District Social Media at any time without prior notice if the District deems the content to be inappropriate for students or to violate any agreements, terms, policies, procedures, or regulations established by the District or social media provider; or whenever the District deems it in its best interest to do so. For example, the District may block or remove content it deems threatening, profane, obscene, a violation of intellectual property laws or privacy laws, commercial or promotional of organizations or programs not related to or affiliated with the District, illegal, or otherwise injurious to minors or the educational program.

The Account Manager has the authority to monitor discussions and comments, providing feedback as needed, and remove comments that violate District policy, rules or regulations, and comments that do not relate to the purpose for which the District Social Media site was established. Account Managers shall include, when technically possible, the following notice on District Social Media sites:

“Notice to Visitors: Thank you for your interest in the District. We encourage comments concerning this site, but are not creating an open forum for public discussion. We encourage responsible use of this site. The District reserves the right to remove any content that is deemed to violate District policies, rules, regulations and/or applicable laws.”

Personal Social Media

“*Personal Social Media*” is defined as any social media site that is created and maintained by a District employee in their individual capacity for personal purposes without the use of District resources.

Although District employees enjoy free speech rights guaranteed by the First Amendment to the United States Constitution, certain types of communication, typically by virtue of their subject-matter connection to campus, may relate enough to school to have ramifications for the author or subject at the District site. Courts have held that the off-campus online communications may be connected enough to campus to result in either student or employee discipline. (*San Diego Unified School District v. Commission on Professional Competence (Lampedusa)* (2011) 194 Cal.App.4th 1454.)

This section of the guidelines is intended to present to District staff members examples of such situations, and guidelines for responsible, professional internet use.

1. **Restricted On-Duty Use** - District employees shall not use Personal Social Media during on-duty time. Under no circumstances may Personal Social Media use interfere with an employee's job duties.

2. **Work/Personal Distinction** - Personal Social Media shall not be used for District purposes or for purposes related to District employment. District employees are encouraged to maintain a clear distinction between their Personal Social Media use and any District-related social media use.

3. **Contacting Students on Personal Social Media** - District employees shall not use Personal Social Media for communicating with District students outside of the District Social Media sites. When in doubt about contacting a District student during off-duty hours, begin by contacting the student's parent(s) or legal guardian through their District registered phone number. District employees should only contact District students for educational purposes and must never disclose confidential information possessed by the employee by virtue of his or her District employment.

4. **Prohibition of Use of Student Information on Personal Social Media** - District employees may not send, share or post pictures, text messages, emails or other material that personally identifies District students in electronic or any other form of Personal Social Media or use images of students, student e-mails or other personally identifiable student information for personal gain or profit.

5. **Professional Effectiveness** - District employees must be mindful of the public nature of Social Media. To avoid jeopardizing their professional effectiveness, employees are encouraged to familiarize themselves with the privacy policies, settings, and protections on any Social Media sites to which they choose to subscribe. Employees should be aware that any information posted online, despite privacy protections offered by those sites, may be made available to the public and could be reported to the District. Because online content can be spread in mere seconds to mass audiences, the District encourages employees to determine before posting any information online whether they are comfortable having this information shared publicly beyond their intended audience.

GUSTINE UNIFIED SCHOOL DISTRICT
SOCIAL MEDIA SITE AUTHORIZATION FORM

Employees of the Gustine Unified School District who wish to create and maintain an official District or school presence ("Account Manager") on any social media site must have a copy of this completed form on file with the school site or District department, and a copy submitted to the District's Technology Department, prior to a social media site's activation.

Note: Once authorized, Account Manager is fully responsible to abide by the District Authorized Social Media Board Policy and Administrative Regulation and Employee Acceptable Use of Technology Agreement.

Date: _____

School Site or District Department: _____

Employee Name: _____ Employee Title: _____

Employee Signature: _____

District e-mail address: _____

Social media site requested: _____

Purpose for social media site: _____

Social Media Account Information

User name: _____

Password: _____

Note: If password is changed, administration and the Technology Department must be notified.

Approval

For school-related sites, the Principal or designee's approval is required below. For all other sites, the Department Associate Superintendent's approval is required below:

Name: _____

Signature: _____

Title: _____ Date: _____

Technology Department Completion

Name: _____ Date: _____

Form 1114.a

GUSTINE UNIFIED SCHOOL DISTRICT**Meeting of the Board of Trustees****MEETING DATE:**

August 16, 2017

AGENDA ITEM TITLE: Update Board Policies BP 3350 and AR 3350 and Delete E 3350 Travel Expenses

AGENDA SECTION: First Reading/Action

PRESENTED BY: Lizett Aguilar, CBO
Hugo Luna, Business Manager

RECOMMENDATIONS:

It is recommended that the Board of Education hold the first reading to approve Update Board Policies BP 3350 and AR 3350 and Delete E 3350 Travel Expenses.

SUMMARY:

Gustine Unified School District is looking to update Board Policy and Administrative Regulation #3350 regarding travel reimbursement requests. Our current rate is a per diem of \$38 for meals and has not changed for several years. We are looking to increase our meal reimbursement rates so they are in accordance with the negotiated agreement with the Gustine-Romero Teachers' Association (GRTA). We are proposing a board policy update that reflects the most current IRS meal reimbursement rates. In addition, we are looking to eliminate the district credit card language. Both of these will update the policy to reflect current practice as well as what has been negotiated with GRTA.

FISCAL IMPACT: None

BUDGET CATEGORY: None

Gustine USD

Board Policy

Travel Expenses

BP 3350

Business and Noninstructional Operations

The Governing Board shall authorize payment for actual and necessary expenses, including travel, incurred by any employee performing authorized services for the district.

The Superintendent or designee may approve employee requests to attend meetings in accordance with the adopted budget.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Expenses shall be reimbursed within limits approved by the Board. The Superintendent or designee shall establish procedures for the submission and verification of expense claims. He/she may authorize an advance of funds to cover necessary expenses.

The Board may establish an allowance on either a mileage or monthly basis to reimburse authorized employees for the use of their own vehicles in the performance of assigned duties.

All out-of-state travel for which reimbursement will be claimed shall have Board approval. Travel expenses not previously budgeted also shall be approved on an individual basis by the Board.

~~Authorized employees may use district credit cards while attending to district business. Under no circumstances may personal expenses be charged on district credit cards.~~

(cf. 9240 - Board Development)

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Legal Reference:

EDUCATION CODE

44016 Travel expense

44032 Travel expense payment

44033 Automobile allowance

44802 Student teacher's travel expense

Policy GUSTINE UNIFIED SCHOOL DISTRICT

adopted: September 29, 2010 Gustine, California

Travel Expenses

Expenses shall be reimbursed within limits approved by the Board. The Superintendent or designee shall establish procedures for the submission and verification of expense claims. He/she may authorize an advance of funds to cover necessary expenses.

An employee shall obtain approval from the Superintendent or designee prior to traveling. The Superintendent or designee may approve travel requests in accordance with the adopted budget and upon determining that the travel is authorized or assigned by the employee's supervisor, is necessary to attend a conference or other staff development opportunity that will enhance employee performance, and/or is otherwise necessary to the performance of the employee's duties. Travel expenses not previously budgeted may be approved on a case-by-case basis by the Superintendent or designee if he/she determines that the travel is essential and that resources may be obtained or redirected for this purpose.

Expenses approved by the Superintendent for reimbursement shall be actual, usual and necessary to the conduct of school business.

1. Meals: Meals will be reimbursed based on documented actual expenses up to the maximum amounts established by the Internal Revenue Service (IRS) and U.S. General Services Administration (GSA). Original, itemized receipts are required. No reimbursements will be made for meals when it is included in the cost of registration.

Breakfast - \$11.00 per diem including tax and tip when staying overnight or when travel begins before 6:00 a.m.

Lunch - \$12.00 per diem including tax and tip.

Dinner - \$23.00 per diem including tax and tip when staying overnight or when travel ends after 7:00 p.m.

When the employee is entitled to all three meals any individual meal may exceed the established limit so long as the total does not exceed \$46.00.

According to the IRS, specified "high-cost localities" may warrant meal reimbursements in excess of the dollar guidelines above.

Per IRS Regulations, meals that are reimbursed when there is no overnight stay will be taxable as wages (i.e. payroll) and subject to state and federal taxes.

2. Lodging: Lodging will be reimbursed at the standard Continental United States (CONUS) per diem rate of \$91 per night, unless a Non-Standard Area (NSA) rate higher than the CONUS rate applies. Receipts are required.

The maximum may be exceeded with prior board approval based on extenuating circumstances. If lodging is at conference hotel, rate will be approved.

3. Mileage: Mileage reimbursement for use of personal vehicles used for district related travel will be paid at the current IRS rate per mile and shall be calculated beginning from the employee's designated work-site.

4. Common Carrier: The actual cost of common carrier round trip fare will be reimbursed upon submission of receipt.

5. Miscellaneous Travel Expenses: Travel expenses essential to official district business are reimbursable when reasonably incurred and submitted with valid, original, itemized, receipts. Allowable expenses include, but are not limited to, transportation costs, parking fees, bridge or road tolls, cab fare, car rental, registration fees for seminars and conferences, and other necessary incidental expenses.

6. Personal Expenses: Certain travel expenses are considered personal expenses which are not essential to district business. These personal expenses are "Non-Reimbursable Expenses." These type of expenditures include: alcoholic beverages; meal or travel expenses for guests, spouses, or friends who are accompanying the employee on district-related business; entertainment; transportation to or from places of entertainment; laundry; personal phone calls; or personal losses or traffic violation fees incurred while on district business.

The Superintendent is directed to establish regulations for implementing this policy and is authorized to perform all powers authorized under Education Code 44032 so long as expended funds do not exceed those previously budgeted for those purposes by the Governing Board.

Travel costs and expenses will be reimbursed based upon a claim form submitted by the employee. Claims shall be submitted on the form provided by the district and submitted within one month after incurring the expenses.

All claims for reimbursement shall be supported by the actual receipts.

(cf. 9240 - Board Development)

(cf. 9250 - Remuneration, Reimbursement, and Other Benefits)

Regulation GUSTINE UNIFIED SCHOOL DISTRICT

approved: April 7, 2004 Gustine, California

revised: August 8, 2012

revised: August 14, 2013

Delete E 3350

Gustine USD

Exhibit

Travel Expenses

E 3350

Business and Noninstructional Operations

GUSTINE UNIFIED SCHOOL DISTRICT CERTIFICATION AND RECEIPT OF CREDIT CARD

I, _____ have read the Gustine Unified School District's Credit Card Policy and Procedures and agree to abide by them in acceptance of a Credit Card issued to me, and that revocation of card authorization will have no effect on obligations outstanding as of the date of revocation. I am also aware that any inappropriate use may result in disciplinary action to include termination of my employment or criminal charges.

Single transaction limit: \$ _____

30-day limit per card: \$ _____

GUSD Account No. _____

I understand the restrictions of the use of this credit card.

I ACCEPT RESPONSIBILITY THAT PURCHASES MADE WITH THIS CREDIT CARD
ARE FOR OFFICIAL BUSINESS FOR THE GUSTINE UNIFIED SCHOOL DISTRICT.

Signature: _____ Date: _____
(Employee)

Signature: _____ Date: _____
(District Superintendent)

ExhibitGUSTINE UNIFIED SCHOOL DISTRICT
version: September 29, 2010 Gustine, California