

# Board Policy

## Administrative Discretion Regarding Board Policy

BP 2210

### Administration

\*\*\*Note: The following optional policy may be revised to reflect district practice.\*\*\*

Through the adoption of written policies, the Governing Board conveys its expectations for actions that will be taken in the district, clarifies roles and responsibilities of the Board and Superintendent, and communicates Board philosophy and direction. However, the Board recognizes that, at times, issues may arise in the operation of district schools that are not addressed in Board policy or administrative regulation. When resolution of such issues necessitates immediate action, the Superintendent or designee shall have the authority to act on behalf of the district.

(cf. 2110 - Superintendent Responsibilities and Duties)

(cf. 9000 - Role of the Board)

(cf. 9310 - Board Policies)

If the matter involves a policy decision where controversy is foreseeable, or a matter that has a significant impact on student learning or safety, the Superintendent or designee shall notify the Board as soon as practicable after its occurrence. The Board president and the Superintendent shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions to Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

(cf. 9322 - Agenda/Meeting Materials)

### Tier 3 Categorical Flexibility

\*\*\*Note: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), the 2009-10 budget trailer bills, Education Code 42605 grants districts flexibility to transfer funds received for 39 "Tier 3" categorical programs to be used for any "educational purpose" for the 2008-09 through 2012-13 fiscal years. As a condition of receipt of the categorical funds, Education Code 42605 requires the Governing Board to (1) first hold a public hearing in order to take testimony from the public and to discuss and approve or disapprove the proposed use of the funding and (2) make explicit for each budget item the purposes for which the funds will be used; see BP 3110 - Transfer of Funds. \*\*\*

\*\*\*Note: Education Code 42605 specifies that districts accepting the flexibility shall be "deemed in compliance with the program and funding requirements contained in statutory, regulatory, and provisional" language for each of these Tier 3 categorical programs for the 2008-09 through 2012-13 fiscal years. District policies and administrative regulations, as well as CSBA's sample materials, reflect the legal requirements for these programs and, depending on how a district has chosen to exercise this flexibility, many of these requirements may not be applicable during this period. \*\*\*

\*\*\*Note: However, this grant of flexibility by the legislature does not affect or alter any existing bargaining agreement that the district may have in place or the terms of any contract with external third parties. Districts are still subject to those contractual obligations, unless those agreements are renegotiated. Districts should examine the terms of these agreements and consult with district legal counsel for guidance. \*\*\*

\*\*\*Note: The following optional section is for use by districts that have accepted the categorical flexibility and provides for the temporary suspension of provisions of affected policies, administrative regulations, and other documents during the period of flexibility. Adoption of this language will enable the district to make programmatic changes without revising and reissuing all affected policies and administrative regulations. In addition, it is recommended that districts add a cautionary notice to each affected policy and regulation to alert readers that provisions in those materials may have been temporarily suspended. See CSBA's policy advisory Policy Implications of Categorical Program Flexibility. \*\*\*

The Board has determined that it is in the best interest of the district to utilize the categorical program flexibility authorized by Education Code 42605. In accordance with Education Code 42605, for the 2008-09 through 2012-13 fiscal years, the Superintendent may suspend statutory or regulatory program and funding requirements for Tier 3 categorical programs reflected in any of the district's Board policies, administrative regulations, bylaws, or exhibits to the extent that such suspension does not affect the terms of any existing district contract or bargaining agreement. He/she may also suspend any such language reflected in any district procedure, rule, plan, or employee or student handbook. As necessary, the Superintendent or designee shall consult with other staff, district legal counsel, and/or the chief business official regarding the district's exercise of this flexibility.

The Superintendent or designee shall regularly report to the Board regarding how the district is exercising the flexibility and whether the desired results are being achieved.

- (cf. 0420 - School Plans/Site Councils)
- (cf. 0420.1 - School-Based Program Coordination)
- (cf. 0520.1 - High Priority Schools Grant Program)
- (cf. 1220 - Citizen Advisory Committees)
- (cf. 1312.4 - Williams Uniform Complaint Procedures)
- (cf. 3110 - Transfer of Funds)
- (cf. 3111 - Deferred Maintenance Funds)
- (cf. 4111 - Recruitment and Selection)
- (cf. 4112.2 - Certification)

(cf. 4112.21 - Interns)  
(cf. 4113 - Assignment)  
(cf. 4117.14/4317.14 - Postretirement Employment)  
(cf. 4131 - Staff Development)  
(cf. 4131.1 - Beginning Teacher Support/Induction)  
(cf. 4138 - Mentor Teachers)  
(cf. 4139 - Peer Assistance and Review)  
(cf. 4231 - Staff Development)  
(cf. 4331 - Staff Development)  
(cf. 5123 - Promotion/Acceleration/Retention)  
(cf. 5136 - Gangs)  
(cf. 5141.32 - Health Screening for School Entry)  
(cf. 5145.6 - Parental Notifications)  
(cf. 5146 - Married/Pregnant/Parenting Students)  
(cf. 5147 - Dropout Prevention)  
(cf. 5148.1 - Childcare Services for Parenting Students)  
(cf. 5149 - At-Risk Students)  
(cf. 6111 - School Calendar)  
(cf. 6141.5 - Advanced Placement)  
(cf. 6142.6 - Visual and Performing Arts Education)  
(cf. 6142.91 - Reading/Language Arts Instruction)  
(cf. 6142.94 - History-Social Science Instruction)  
(cf. 6146.1 - High School Graduation Requirements)  
(cf. 6151 - Class Size)  
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)  
(cf. 6162.52 - High School Exit Examination)  
(cf. 6163.1 - Library Media Centers)  
(cf. 6164.2 - Guidance/Counseling Services)  
(cf. 6172 - Gifted and Talented Student Program)  
(cf. 6176 - Weekend/Saturday Classes)  
(cf. 6177 - Summer School)  
(cf. 6178 - Career Technical Education)  
(cf. 6178.2 - Regional Occupational Center/Program)  
(cf. 6179 - Supplemental Instruction)  
(cf. 6184 - Continuation Education)  
(cf. 6185 - Community Day School)  
(cf. 6200 - Adult Education)  
(cf. 7214 - General Obligation Bonds)  
(cf. 9323.2 - Actions by the Board)

Legal Reference:

EDUCATION CODE

35010 Control of district, prescription and enforcement of rules

35035 Powers and duties of superintendent

35160 Authority of governing boards  
35160.5 Annual review of school district policies  
35163 Official actions, minutes and journal  
42605 Tier 3 categorical flexibility

Management Resources:

**CSBA PUBLICATIONS**

Policy Implications of Categorical Program Flexibility, Policy Advisory, November 2009

Flexibility Provisions in the 2008 and 2009 State Budget: Policy Considerations for Governance Teams, Budget Advisory, March 2009

**CALIFORNIA DEPARTMENT OF EDUCATION CORRESPONDENCE**

Fiscal Issues Relating to Budget Reductions and Flexibility Provisions, April 2009

**WEB SITES**

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

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

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**Gravenstein Union School District  
Sebastopol, California**