

ADMINISTRATIVE DISCRETION REGARDING GOVERNING BOARD POLICY

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, situations may arise in the operation of district schools or in the implementation of district programs that are not addressed in Board policy or administrative regulation. When resolution of such a situation necessitates immediate action, the Superintendent or designee shall have the authority to act on behalf of the district.

If the situation or its resolution may affect the safety or security of students or staff members, involve a significant impact on student learning, or create a distraction within the school community, 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 Governing 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.

TIER 3 CATEGORICAL FLEXIBILITY

The Governing 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 implementing the flexibility, the Superintendent, in accordance with Education Code 42605, may suspend any program or funding requirement reflected in any Board policy, administrative regulation, or other document designed for the operation of any Tier 3 categorical program to the extent that such suspension does not affect the terms of any existing district contract or bargaining agreement. As necessary, the Superintendent or designee shall consult with other district staff, including the 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.

LEGAL REFERENCES**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

WEBSITES

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

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