



Big Pine Unified School District
 500 South Main Street / P. O. Box 908
 Big Pine, CA 93513-0908
 District Business Office 760/938-2005
 School Office 760/938-2222 FAX 760/938-2310



FILED

AUG 18 2016

Board of Trustees

Marilyn Mann, *President*
 Denelle Carrington, *Vice President*
 Carla Bacoch
 Sandra Lund
 Tom Snyder

Superintendent

Pamela Jones

INYO CO. CLERK
 KAMMI FOOTE, CLERK

BY  DEPUTY

Principal

Ed Dardenne-Ankringa

August 16, 2016

To: Grand Jury

From: Pamela Jones
 Superintendent
 Big Pine Unified School District

Re: Response to Grand Jury

On behalf of the Big Pine Unified School District (BPUSD), I have reviewed the 2015-2016 Grand Jury Findings on Alcoholic Beverages on Public School Campuses and Penal Code Section 933.05 (a), (b), and (c). I respond as follows:

- a. The District disagrees with the findings of the Grand Jury in that BPUSD does not serve alcohol on the school district campus and has no plans to do so.
- b. Should the District decide to change their policy and allow service of alcohol on the school grounds under Code 25608 subsection (a) (17), the District will follow recommendation R1 and will exercise care and seek advice of legal counsel.
- c. There is no budget impact to BPUSD as a result of this recommendation.

If you have any questions, please contact me at pjones@bp.k12.ca.us or call me at school at (760) 938-2005 x2452

Sincerely,



Pamela J. Jones, Superintendent
 Big Pine Unified School District

BISHOP UNIFIED SCHOOL DISTRICT

Barry Simpson, Superintendent

301 N. Fowler Street
Bishop, California 93514
Phone - 760.872.3680
Fax - 760.872.6016

August 10, 2016

Inyo County Grand Jury
Post Office Box 401
Independence, CA 93526

Re: 2015-2016 Grand Jury Report
Alcoholic Beverages on Public School Campuses

FILED

OCT 13 2016

INYO CO. CLERK
KAMMI FOOTE, CLERK

BY  DEPUTY

After review of the 2015-2016 Grand Jury Final report, Bishop Unified School District's response is as follows:

The District does acknowledge allowing the Foundation for Excellence to serve wine and beer at a fundraising event on the BUHS Farm. Based on the following information, the District does not wholly agree with the findings.

Response to findings F1 - F5:

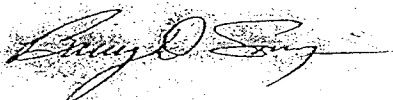
In the fall, the Foundation for Excellence (FFE), a non-profit organization that independently raises money to help support Bishop Union High School (BUHS), held a fundraising event on the grounds of the BUHS Farm. The event included dinner and various fundraising activities. The event did include wine and beer service to adults in attendance.

Prior to approving the event, the District contacted BUSD's legal counsel for their input and we were advised to obtain board approval for the event along with a liability insurance rider from the Foundation's insurance carrier specifically covering the service of alcohol and a special permit allowing the serving of alcohol at a special event. The required items were received by the District prior to the event taking place.

Response to recommendation R1:

As you have read in our response to the findings, BUSD did indeed follow all of the recommended procedures outlined in the 2015-2016 Grand Jury Report prior to the FFE event happening on our campus.

Respectfully Submitted,



Barry Simpson
Superintendent



LONE PINE UNIFIED SCHOOL DISTRICT

P. O. BOX 159 · LONE PINE, CALIFORNIA 93545
PHONE (760) 876-5579 FAX (760) 876-5438

RECEIVED

AUG 22 2016

INYO CO. SUPERIOR COURT
PAMELA M. FOSTER, CLERK
DEPUTY
BY *Ade*

Heidi Torix
Superintendent/Principal

Board of Trustees:
Susan Patton, President
Cheryl Howerton, Clerk
Marjianne Yonge
Donna Carson
Jason Olin

August 17, 2016

Attn: Inyo County Grand Jury

Re: Letter received by Lone Pine Unified School District stating "Notice to Officers, Agencies, Departments and Governing Bodies of Public Agencies"

On behalf of the Lone Pine Unified School District, I am attaching our board policies in regards to personnel – Drug and Alcohol Free Workplace (BP4020a), as well as our board policy regarding Use of School Facilities (BP1330) which links to BC25608- Alcoholic Beverages on School Premises.

If the Grand Jury requires further information, please contact me at the Lone Pine Unified School District Office at 760-876-5579.

Respectfully,

Heidi Torix
Superintendent/Principal
Lone Pine Unified School District

Cc: LPUSD Board of Trustees

FILED

AUG 23 2016

INYO CO. CLERK
KAMM FOSTE, CLERK
BY *[Signature]* DEPUTY

ALCOHOLIC BEVERAGES ON PUBLIC SCHOOL CAMPUSES

INTRODUCTION

The legality and subsequent concern of the liability regarding alcohol usage on public education campuses was brought to the attention of the grand jury.

DISCUSSION

The grand jury takes no moral position on the issue of alcohol on public school campuses. However, the grand jury desires to provide information of the existing California State Law and California Education Codes addressing this issue; the grand jury has concerns about the possibility of liabilities attached with the usage of alcohol on school campuses.

FINDINGS

F1: California Business and Professions Code section 25608(a)

Every person who possesses, consumes, sells, gives or delivers to any other person, any alcohol beverage in or on any public schoolhouse or any of the grounds thereof, is guilty of a misdemeanor.

F2: Article 2 (commencing with Section 82537) of Chapter 8, Part 49 of the Education Code states any person convicted of a violation of this section shall, in addition to the penalty imposed for the misdemeanor, be barred from having or receiving any privilege of the use of public school property.

F3: Alcoholic beverages have been used at adult functions at some of the Inyo County Public Education functions

F4: Facilities involved include Bishop High School farm laboratory facilities and the Bernasconi Center. The Bernasconi Center in Big Pine, leases their property from the Los Angeles Department of Water and Power (LADWP). Under California law both the lessor and the lessee may become responsible in the event of some kind of liability involving the use of alcohol.

F5: California Business and Professions Code 25608 as interpreted bears forth the recommendation to consult an attorney when the issue of alcohol is being used.

METHODOLOGY

The grand jury sought legal interpretation regarding alcohol usage on public education campuses from both the Inyo County Counsel and the Inyo County District Attorney. The following is their interpretation. Effective 2015, code 25608 was amended to add a subsection (a)(17) which allows the possession and use of alcohol on school grounds IF: the alcoholic beverages are acquired, possessed, used, or consumed pursuant to a license or permit obtained under this division for special events held at facilities owned and operated by an educational agency, county office of education, superintendent of schools, school district, or community college district at a time when pupils are not on the grounds. As used in this paragraph, "facilities" include, but are not limited to, office complexes, conference centers, or retreat facilities.

The lessor/lessee question is only relevant pursuant to Business and Professions Code section 25608, subsection (a)(3), which applies only to surplus school property that is leased to another entity (in other words, property owned by a special district, but leased to some other entity for use as a something other than a school).

RECOMMENDATION

R1. Serving alcohol on school grounds is an area in which school districts need to exercise care and should seek advice of counsel if the district would like to allow alcohol use.

INTERPRETATION

The following Inyo County entities have established and have in place written policy regarding alcohol beverage use on all Public Education campuses.

**All Inyo County Public School Districts
Inyo County Office of Education**

REQUEST RESPONSES FROM:

Inyo County Public School Districts:

Bishop

Owens Valley

Round Valley

Lone Pine

Big Pine

Death Valley

DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of drug- and alcohol-free workplaces is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. (Government Code 8355; 41 USC 701)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

(cf. 4032 - Reasonable Accommodation)

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local public health or law enforcement agency or other appropriate agency.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

DRUG AND ALCOHOL-FREE WORKPLACE (continued)

Drug-Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug abuse in the workplace
2. The district's policy of maintaining a drug-free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

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

U.S. Department of Labor: <http://www.dol.gov>

Policy
adopted: September 15, 2010
revised: January 20, 2011

LONE PINE UNIFIED SCHOOL DISTRICT
Lone Pine, California

Lone Pine USD | BP 1330 Community Relations

Use Of School Facilities

The Governing Board believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the Board authorizes the use of school facilities by district residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

(cf. 6145.5 - Student Organizations and Equal Access)

School-related activities shall have priority in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

As necessary to ensure efficient use of school facilities, the Superintendent or designee may, with the Board's approval, enter into an agreement for the joint use of any school facilities or grounds. The Board shall approve any such agreement only if it determines that it is in the best interest of the district and the community.

(cf. 1330.1 - Joint Use Agreements)

Subject to prior approval by the Board, the Superintendent or designee may grant the use of school facilities on those days on which the school is closed. (Education Code 37220)

(cf. 6115 - Ceremonies and Observances)

For the effective management and control of school facilities and grounds, the Superintendent or designee shall maintain procedures and regulations that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities
2. Preserve order in school buildings and on school grounds and protect school facilities, designating a person to supervise this task, if necessary

(cf. 0450 - Comprehensive School Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work

There shall be no advertising on school facilities and grounds except as allowed by district policy specified in BP 1325 - Advertising and Promotion.

(cf. 1325 - Advertising and Promotion)

Fees

The Board shall grant the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not to exceed direct costs. However, if the use of school facilities or grounds is for religious services, the group shall be charged an amount that equals or exceeds direct costs determined in accordance with Education Code 38134.

In determining direct costs to be charged for community use of school facilities or grounds, including, but not limited to, playing or athletic fields, track and field venues, tennis courts, and outdoor basketball courts, the

Superintendent or designee shall include a proportionate share of the costs of the following: (Education Code 38134)

1. Supplies, utilities, janitorial services, other services of district employees, and salaries of district employees directly associated with operation and maintenance of the school facilities or grounds involved
2. Maintenance, repair, restoration, and refurbishment of the school facilities or grounds

However, for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs, direct costs to be charged shall not include the cost of maintenance, repair, restoration, or refurbishment of the school facilities or grounds. (Education Code 38134)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. (Education Code 38134)

Legal Reference:

EDUCATION CODE

10900-10914.5 Community recreation programs

32282 School safety plan

37220 School holidays

38130-38138 Civic Center Act, use of school property for public purposes

BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverage on school premises (attached)

GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

MILITARY AND VETERANS CODE

1800 Definitions

CODE OF REGULATIONS, TITLE 5

14037-14042 Proportionate direct costs for use of school facilities and grounds

UNITED STATES CODE, TITLE 20

7905 Equal access to public school facilities

COURT DECISIONS

Good News Club v. Milford Central School, (2001) 533 U.S. 98

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 508 U.S. 384

Cole v. Richardson, (1972) 405 U.S. 676

Connell v. Higgenbotham, (1971) 403 U.S. 207

ACLU v. Board of Education of Los Angeles, (1961) 55 Cal .2d 167

Ellis v. Board of Education, (1945) 27 Cal.2d 322

ATTORNEY GENERAL OPINIONS

82 Ops.Cal.Atty.Gen. 90 (1999)

79 Ops.Cal.Atty.Gen. 248 (1996)

Management Resources:

CSBA PUBLICATIONS

Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, February 2010

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

WEB SITES

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

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

Policy LONE PINE UNIFIED SCHOOL DISTRICT

adopted: September 15, 2010 Lone Pine, California

revised: September 11, 2013

Legal Resources | Business and Professions Code | BC 25608

Alcoholic Beverages on School Premises

- (a) Every person who possesses, consumes, sells, gives, or delivers to any other person, any alcoholic beverage in or on any public schoolhouse or any of the grounds of the schoolhouse, is guilty of a misdemeanor. This section does not, however, make it unlawful for any person to acquire, possess, or use any alcoholic beverage in or on any public schoolhouse, or on any grounds of the schoolhouse, if any of the following applies:
- (1) The alcoholic beverage possessed, consumed, or sold, pursuant to a license obtained under this division, is wine that is produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
 - (2) The alcoholic beverage is acquired, possessed, or used in connection with a course of instruction given at the school and the person has been authorized to acquire, possess, or use it by the governing body or other administrative head of the school.
 - (3) The public schoolhouse is surplus school property and the grounds of the schoolhouse are leased to a lessee that is a general law city with a population of less than 50,000, or the public schoolhouse is surplus school property and the grounds of the schoolhouse are located in an unincorporated area and are leased to a lessee that is a civic organization, and the property is to be used for community center purposes and no public school education is to be conducted on the property by either the lessor or the lessee and the property is not being used by persons under the age of 21 years for recreational purposes at any time during which alcoholic beverages are being sold or consumed on the premises.
 - (4) The alcoholic beverages are acquired, possessed, or used during events at a college-owned or college-operated veterans stadium with a capacity of over 12,000 people, located in a county with a population of over 6,000,000 people. As used in this paragraph, "events" mean football games sponsored by a college, other than a public community college, or other events sponsored by noncollege groups.
 - (5) The alcoholic beverages are acquired, possessed, or used during an event not sponsored by any college at a performing arts facility built on property owned by a community college district and leased to a nonprofit organization that is a public benefit corporation formed under Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code. As used in this paragraph, "performing arts facility" means an auditorium with more than 300 permanent seats.
 - (6) The alcoholic beverage is wine for sacramental or other religious purposes and is used only during authorized religious services held on or before January 1, 1995.
 - (7) The alcoholic beverages are acquired, possessed, or used during an event at a community center owned by a community services district or a city and the event is not held at a time when students are attending a public school-sponsored activity at the center.
 - (8) The alcoholic beverage is wine that is acquired, possessed, or used during an event sponsored by a community college district or an organization operated for the benefit of the community college district where the college district maintains both an instructional program in viticulture on no less than five acres of land owned by the district and an instructional program in enology, which includes sales and marketing.
 - (9) The alcoholic beverage is acquired, possessed, or used at a professional minor league baseball game conducted at the stadium of a community college located in a county with a population of less than 250,000 inhabitants, and the baseball game is conducted pursuant to a contract between the community college district and a professional sports organization.

(10) The alcoholic beverages are acquired, possessed, or used during events at a college-owned or college-operated stadium or other facility. As used in this paragraph, "events" means fundraisers held to benefit a nonprofit corporation that has obtained a license pursuant to this division for the event. "Events" does not include football games or other athletic contests sponsored by any college or public community college. This paragraph shall not apply to any public education facility in which any grade from kindergarten to grade 12, inclusive, is schooled.

(11) The alcoholic beverages are possessed, consumed, or sold, pursuant to a license, permit, or authorization obtained under this division, for an event held at an overnight retreat facility owned and operated by a county office of education or a school district at times when pupils are not on the grounds.

(12) The grounds of the public schoolhouse on which the alcoholic beverage is acquired, possessed, used, or consumed is property that has been developed and is used for residential facilities or housing that is offered for rent, lease, or sale exclusively to faculty or staff of a public school or community college.

(13) The grounds of a public schoolhouse on which the alcoholic beverage is acquired, possessed, used, or consumed is property of a community college that is leased, licensed, or otherwise provided for use as a water conservation demonstration garden and community passive recreation resource by a joint powers agency comprised of public agencies, including the community college, and the event at which the alcoholic beverage is acquired, possessed, used, or consumed is conducted pursuant to a written policy adopted by the governing body of the joint powers agency and no public funds are used for the purchase or provision of the alcoholic beverage.

(14) The alcoholic beverage is beer or wine acquired, possessed, used, sold, or consumed only in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a campus of a California community college and the person has been authorized to acquire, possess, use, sell, or consume the beer or wine by the governing body or other administrative head of the school.

(15) The alcoholic beverages are possessed, consumed, or sold, pursuant to a license or permit obtained under this division for special events held at the facilities of a public community college during the special event. As used in this paragraph, "special event" means events that are held with the permission of the governing board of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.

(16) The alcoholic beverages are acquired, possessed, or used during an event at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is schooled, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility. As used in this paragraph, "events" include fundraisers held to benefit a nonprofit corporation that has obtained a license pursuant to this division for the event.

(17) The alcoholic beverages are acquired, possessed, used, or consumed pursuant to a license or permit obtained under this division for special events held at facilities owned and operated by an educational agency, a county office of education, superintendent of schools, school district, or community college district at a time when pupils are not on the grounds. As used in this paragraph, "facilities" includes, but are not limited to, office complexes, conference centers, or retreat facilities.

(b) Any person convicted of a violation of this section shall, in addition to the penalty imposed for the misdemeanor, be barred from having or receiving any privilege of the use of public school property which is accorded by Article 2 (commencing with Section 82537) of Chapter 8 of Part 49 of Division 7 of Title 3 the Education Code.

(Amended by Stats. 2014. Ch. 235, Sec. 1.)



Owens Valley Unified School District

Board of Trustees

<i>Cecil Faircloth</i>	President
<i>Norm Wilder</i>	Vice President
<i>Betty Mull</i>	Clerk
<i>Sandra Anderson</i>	Board Member
<i>Aldene Felton</i>	Board Member

P.O. Drawer E -- 202 South Clay St.
Independence, California 93526
760-878-2405 FAX-760-878-2626
www.ovusd.org

Superintendent
Dan Moore

August 10, 2016

To: Grand Jury

From: Daniel Moore
Superintendent / Principal. OUSD

Re: Response to Grand Jury

Owens Valley Unified School District (OVUSD), after reviewing Penal Code Section 933.05 (a), (b), and (c), does not agree with the findings of the Grand Jury in that OVUSD has never served alcohol on campus at any school related event. If we ever choose to do so in the future, we will follow Recommendation (R1) that was presented by the Grand Jury.

If you have any questions, please contact me at dmoore@ovusd.org or call me at school at (760) 387-2525

Daniel E. Moore

Daniel E. Moore
Superintendent / Principal

FILED

OCT 13 2016

INYO CO. CLERK
KAMMI FOOTE, CLERK

BY *[Signature]* DEPUTY