

Board Meeting of
October 22, 2014

TO: Board of Education

FROM: Constance Hubbard, Superintendent
Michael Brady, Assistant Superintendent, Business Services
Sing Chin-Bendib, Chief Financial Officer

SUBJECT: **APPROVE RESOLUTION 07-2014-5 “AUTHORIZING ISSUANCE AND SALE OF 2014 GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$11,000,000 AND AUTHORIZING AND DIRECTING THE EXECUTION OF DOCUMENTS AND RELATING THERETO”**

I. BACKGROUND

At the last Board Meeting of October 8, 2014, the District’s public financial advisor Blake Boehm (of Kelling, Northcross & Nobriga - KNN) provided the Board with information regarding the restructuring and refinancing (called “refunding”) of existing General Obligation (GO) bonds, which could relieve potential debt service to the District and save taxpayers approximately \$800,000 through 2021.

The summary of KNN’s analysis of the refunding options available, as well as a review of the District’s current debt program, is available as part of the October 8 Board Meeting materials.

The Board directed staff to pursue a refunding of existing GO bonds. Resolution 07-2014-15 is attached for review. Included is the revised schedule for the sale of the bonds. The original schedule did not allow sufficient time for the required rating process. The change in the timeline does not affect the expected saving to the District.

II. RECOMMENDATION: ACTION

The Board is requested to approve Resolution 07-2014-15 “Authorizing Issuance and Sale of 2014 General Obligation Bonds in the Aggregate Principal Amount Not to Exceed \$11,000,000 and Authorizing and Directing the Execution of Documents and Relating Thereto”

CH/mb



Piedmont Unified School District 2014 General Obligation Refunding Bonds

October 17, 2014

September 2014						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October 2014						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November 2014						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

December 2014						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Date	Activity	Responsibility
Wednesday, October 1 st	District Planning Meeting – discuss MCDC, timing for refunding, next steps.	All
Wednesday, October 8th	Presentation to District Board of Education regarding GO Bond refunding.	All
Monday, October 13 th	<i>COLUMBUS DAY (Holiday)</i>	FA
Monday, October 13 th	Circulate authorizing resolution, legal documents to District and financing team.	BC, DC
Thursday, October 16 th	Circulate POS to District and financing team.	BC, DC
Thursday, October 16 th	Comments due for authorizing resolution, legal documents, and POS.	All
Friday, October 17 th	Documents to District for Board Agenda Package.	BC, DC, FA
Monday October 20 th	Send bond documents, POS, and refunding analysis to rating agencies.	FA
Wednesday, October 22nd	District Board of Education adopts Resolution, approves disclosure and legal documents.	All
Thursday, October 23 rd	Pre-rating and due diligence call	All
Friday, October 24 th	Credit Rating Calls with Moody's and S&P.	D, FA

Date	Activity	Responsibility
Friday, October 31st	Notice of Sale to Local Paper and Bond Buyer.	BC
Thursday, October 30 th	Target to receive ratings.	D, FA
Friday, October 31 st	Official NOS and POS posted electronically and distributed to investors. District must sign-off that POS is accurate and complete as of this date.	D, FA
Week of November 3 rd	Call underwriters for marketing efforts	FA
Tuesday, November 11 th	<i>VETERAN'S DAY (Holiday)</i>	FA, D
Wednesday, November 12th	Pre-pricing Call	D, FA
Thursday, November 13th	Bond Pricing	D, FA, BC
Friday, November 14 th	Draft OS and closing documents distributed	BC, DC
Friday, November 14 th	Distribute Notice of Redemption	BC
Wednesday, November 19 th	Comments due on final OS and closing documents	All
Thursday, November 20 th	Final Official Statement printed and distributed.	FA, P
Tuesday, November 25 th	Pre-closing; bond counsel in receipt of all signed documents.	BC
Tuesday, November 26 th	Closing – Bond proceeds are deposited in escrow fund.	All
Monday, December 15 th	Redemption Date for Prior Bonds	All

D (District)	=	Piedmont Unified School District
C (County)	=	Alameda County
FA (Financial Advisor)	=	KNN Public Finance
BC/DC (Bond/Disclosure Counsel)	=	Jones Hall
T (Paying Agent/Escrow Agent)	=	US Bank
P (Printer)	=	TBD
All	=	Working Group

PIEDMONT UNIFIED SCHOOL DISTRICT

Resolution No. 07-2014-15

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF 2014
GENERAL OBLIGATION REFUNDING BONDS IN THE AGGREGATE
PRINCIPAL AMOUNT OF NOT TO EXCEED \$11,000,000, AND
AUTHORIZING AND DIRECTING THE EXECUTION OF DOCUMENTS AND
ACTIONS RELATING THERETO**

WHEREAS, the District has previously issued the following general obligation bonds for the purpose of refinancing three prior series of general obligation bonds:

- \$18,415,000 Piedmont Unified School District (Alameda, California) 2005 Refunding General Obligation Bonds, dated January 25, 2005, currently outstanding in the aggregate principal amount of \$10,445,000 (the "Prior Bonds"); and

WHEREAS, the Prior Bonds are subject to redemption at the option of the District on any date on or after August 1, 2014 at a redemption price equal to the principal amount of bonds redeemed together with accrued interest to the date of redemption, without premium; and

WHEREAS, due to favorable interest rates available in the financial markets, the Board of Education of the District has determined that it is in the best interests of the District and its taxpayers to refund all or a portion of the Prior Bonds at this time on a current basis for the purpose of realizing debt service savings; and

WHEREAS, the Board of Education of the District is authorized to provide for the issuance and sale of general obligation bonds for the purpose of refunding the Prior Bonds under the provisions of Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, commencing with Section 53550 of said Code (the "Bond Law"); and

WHEREAS, to that end, the Board of Education wishes at this time to authorize the issuance and sale of its 2014 General Obligation Refunding Bonds (the "Refunding Bonds") under the Bond Law as provided in this Resolution, for the purpose of providing funds to refund all or some maturities of the Prior Bonds;

NOW, THEREFORE BE IT RESOLVED, that the Board of Education of the Piedmont Unified School District does hereby resolve, determine and order as follows:

ARTICLE I

DEFINITIONS; AUTHORITY

SECTION 1.01. *Definitions.* The terms defined in this Section 1.01, as used and capitalized herein, shall, for all purposes of this Resolution, have the meanings given them below, unless the context clearly requires some other meaning.

"Board" means the Board of Education of the District.

“Bond Counsel” means (a) the firm of Jones Hall, A Professional Law Corporation, or (b) any other attorney or firm of attorneys nationally recognized for expertise in rendering opinions as to the legality and tax exempt status of securities issued by public entities.

“Bond Law” means Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California, commencing with Section 53550 of said Code, as amended from time to time.

“Closing Date” means the date upon which there is a physical delivery of the Refunding Bonds in exchange for the amount representing the purchase price of the Refunding Bonds by the Purchaser.

“Continuing Disclosure Certificate” means the Continuing Disclosure Certificate which is executed and delivered pursuant to Section 5.05 hereof by a District Representative on the Closing Date.

“Costs of Issuance” means all items of expense directly or indirectly payable by or reimbursable to the District and related to the authorization, issuance, sale and delivery of the Refunding Bonds and the refunding of the Prior Bonds, including but not limited to the costs of preparation and reproduction of documents, printing expenses, filing and recording fees, initial fees and charges of the Paying Agent and its counsel, fees and charges of Bond Counsel and the Financial Advisor, fees and disbursements of other consultants and professionals, rating agency fees and any other cost, charge or fee in connection with the original issuance of the Refunding Bonds and the refunding of the Prior Bonds.

“County” means the County of Alameda, a political subdivision of the State of California, duly organized and existing under the Constitution and laws of the State of California.

“County Treasurer” means the Alameda County Treasurer-Tax Collector, or any authorized deputy thereof.

“Debt Service Fund” means the fund established and held by the County Treasurer under Section 4.02.

“Depository” means (a) initially, DTC, and (b) any other Securities Depository acting as Depository under Section 2.09.

“Depository System Participant” means any participant in the Depository’s book-entry system.

“District” means the Piedmont Unified School District, a unified school district organized under the Constitution and laws of the State of California, and any successor.

“District Representative” means the Superintendent, the Assistant Superintendent, Business Services, or the Chief Business Official of the District, or any other person authorized by resolution of the Board to act on behalf of the District with respect to this Resolution and the Refunding Bonds.

“DTC” means The Depository Trust Company, New York, New York, and its successors and assigns.

“Education Code” means the Education Code of the State of California as in effect on the date of adoption hereof and as amended hereafter.

“Escrow Agent” means U.S. Bank National Association, its successors and assigns, as escrow agent under the Refunding Instructions.

“Federal Securities” means United States Treasury notes, bonds, bills or certificates of indebtedness, or any other obligations the timely payment of which is directly or indirectly guaranteed or secured by the full faith and credit of the United States of America.

“Financial Advisor” means KNN Public Finance, A Division of Zions First National Bank, as financial advisor to the District in connection with the issuance and sale of the Refunding Bonds.

“Interest Payment Date” means February 1 and August 1 in each year, commencing February 1, 2015, or as otherwise set forth in the Official Notice of Sale.

“Official Notice of Sale” means the Official Notice of Sale approved herein, which will be provided to bidders on the Refunding Bonds and used in connection with the sale thereof.

“Outstanding,” when used as of any particular time with reference to Refunding Bonds, means all Refunding Bonds except (a) Refunding Bonds theretofore canceled by the Paying Agent or surrendered to the Paying Agent for cancellation, (b) Refunding Bonds paid or deemed to have been paid within the meaning of Section 9.02 and (c) Refunding Bonds in lieu of or in substitution for which other Refunding Bonds have been authorized, executed, issued and delivered by the District under this Resolution.

“Owner”, whenever used herein with respect to a Refunding Bond, means the person in whose name the ownership of such Refunding Bond is registered on the Registration Books.

“Paying Agent” means the Paying Agent appointed by the District and acting as paying agent, registrar and authenticating agent for the Refunding Bonds, its successors and assigns, and any other corporation or association which may at any time be substituted in its place, as provided in Section 6.01.

“Principal Office” means the office or offices of the Paying Agent for the payment of the Refunding Bonds and the administration of its duties hereunder, as such office or offices are identified in a written notice filed with the District by the Paying Agent.

“Prior Bonds” means the \$18,415,000 Piedmont Unified School District (Alameda, California) 2005 Refunding General Obligation Bonds, dated January 25, 2005, currently outstanding in the aggregate principal amount of \$10,445,000.

“Purchaser” means the original purchaser of the Refunding Bonds upon the competitive sale thereof, as identified by a District Representative pursuant to Section 3.01.

“Record Date” means the 15th calendar day of the month preceding an Interest Payment Date, whether or not such day is a business day.

“Refunding Bonds” means the not to exceed \$11,000,000 aggregate principal amount of Piedmont Unified School District (Alameda County, California) 2014 General Obligation Refunding Bonds, at any time Outstanding under this Resolution.

“Refunding Instructions” means the Irrevocable Refunding Instructions, dated as of the Closing Date, given by the District to the Escrow Agent, relating to the refunding and discharge of the outstanding Prior Bonds.

“Registration Books” means the records maintained by the Paying Agent for the registration of ownership and transfer of the Refunding Bonds under Section 2.08.

“Resolution” means this Resolution, as originally adopted by the Board and including all amendments hereto and supplements hereof which are duly adopted by the Board from time to time in accordance herewith.

“Securities Depositories” means DTC; and, in accordance with then current guidelines of the Securities and Exchange Commission, such other addresses and/or such other securities depositories as the District may designate in a Written Request of the District delivered to the Paying Agent.

“Tax Code” means the Internal Revenue Code of 1986 as in effect on the Closing Date or (except as otherwise referenced herein) as it may be amended to apply to obligations issued on the Closing Date, together with applicable proposed, temporary and final regulations promulgated, and applicable official public guidance published, under said Code.

“Written Request of the District” means an instrument in writing signed by a District Representative or by any other officer of the District duly authorized to act on behalf of the District under a written certificate of a District Representative.

SECTION 1.02. *Interpretation.*

(a) Unless the context otherwise indicates, words expressed in the singular include the plural and vice versa and the use of the neuter, masculine, or feminine gender is for convenience only and include the neuter, masculine or feminine gender, as appropriate.

(b) Headings of articles and sections herein and the table of contents hereof are solely for convenience of reference, do not constitute a part hereof and do not affect the meaning, construction or effect hereof.

(c) All references herein to “Articles,” “Sections” and other subdivisions are to the corresponding Articles, Sections or subdivisions of this Resolution; the words “herein,” “hereof,” “hereby,” “hereunder” and other words of similar import refer to this Resolution as a whole and not to any particular Article, Section or subdivision hereof.

SECTION 1.03. *Authority for this Resolution; Findings.* This Resolution is entered into under the provisions of the Bond Law. The Board hereby certifies that all of the things, conditions and acts required to exist, to have happened or to have been performed precedent to and in the issuance of the Refunding Bonds do exist, have happened or have been performed in due and regular time and manner as required by the laws of the State of California, and that the amount of the Refunding Bonds, together with all other indebtedness of the District, does not exceed any limit prescribed by any laws of the State of California.

SECTION 1.04. *Findings and Determinations.* Pursuant to Section 53552 of the Bond Law, the Board of Education hereby finds and determines that the prudent management of the fiscal affairs of the District requires that the Refunding Bonds be issued under the Bond Law and in accordance with this Resolution. The total net interest cost to maturity on the Refunding Bonds plus the principal amount of the Refunding Bonds shall not exceed the total net interest cost to maturity on the Prior Bonds plus the principal amount of the Prior Bonds.

ARTICLE II

THE REFUNDING BONDS

SECTION 2.01. *Authorization.* The Board hereby authorizes the issuance of the Refunding Bonds in the aggregate principal amount not to exceed \$11,000,000 under and subject to the terms of the Bond Law and this Resolution, for the purpose of providing funds to refund all or a portion of the outstanding Prior Bonds. This Resolution constitutes a continuing agreement between the District and the Owners of all of the Refunding Bonds issued or to be issued hereunder and then Outstanding to secure the full and final payment of principal of and interest and premium, if any, on all Refunding Bonds which may be Outstanding hereunder, subject to the covenants, agreements, provisions and conditions herein contained. The Refunding Bonds shall be designated the "Piedmont Unified School District (Alameda County, California) 2014 General Obligation Refunding Bonds", including any such additional series designation or other modification deemed advisable to sufficiently identify the Refunding Bonds.

As provided in Section 53552 of the Bond Law, the Refunding Bonds shall not be issued unless the total net interest cost to maturity on the Refunding Bonds plus the principal amount of the Refunding Bonds is less than the total net interest cost to maturity on the Prior Bonds plus the principal amount of the Prior Bonds.

SECTION 2.02. *Terms of Refunding Bonds.*

(a) Form of Bonds. The Refunding Bonds will be issued as fully registered bonds, without coupons, in the denomination of \$5,000 each or any integral multiple thereof, but in an amount not to exceed the aggregate principal amount of Refunding Bonds maturing in the year of maturity of the Refunding Bond for which the denomination is specified. Refunding Bonds will be lettered and numbered as the Paying Agent may prescribe. The Refunding Bonds will be dated as of the Closing Date.

Interest on the Refunding Bonds is payable semiannually on each Interest Payment Date. Each Refunding Bond will bear interest from the Interest Payment Date next preceding the date of registration and authentication thereof unless (i) it is authenticated as of an Interest Payment Date, in which event it will bear interest from such date, or (ii) it is authenticated prior to an Interest Payment Date and after the close of business on the Record Date preceding such Interest Payment Date, in which event it will bear interest from such Interest Payment Date, or (iii) it is authenticated prior to the first Record Date, in which event it will bear interest from the Closing Date. Notwithstanding the foregoing, if interest on any Refunding Bond is in default at the time of authentication thereof, such Refunding Bond will bear interest from the Interest Payment Date to which interest has previously been paid or made available for payment thereon.

(b) Maturities; Basis of Interest Calculation. The Refunding Bonds will mature on August 1 (unless otherwise provided in the Official Notice of Sale) in the years and in the amounts, and will bear interest at the rates, as determined upon the sale thereof as provided in the Official Notice of Sale. Interest on the Refunding Bonds will be calculated on the basis of a 360-day year comprised of twelve 30-day months. The maximum maturity of the Refunding Bonds permitted under the Bond Law is forty years from the Closing Date or the latest maturity of date of the bonds being refunded (which is August 1, 2020), whichever occurs earlier.

(c) CUSIP Identification Numbers. CUSIP identification numbers will be imprinted on the Refunding Bonds, but such numbers do not constitute a part of the contract evidenced

by the Refunding Bonds and any error or omission with respect thereto will not constitute cause for refusal of any purchaser to accept delivery of and pay for the Refunding Bonds. In addition, failure on the part of the District to use such CUSIP numbers in any notice to Owners of the Refunding Bonds will not constitute an event of default or any violation of the District's contract with such Owners and will not impair the effectiveness of any such notice.

(d) Payment. Interest on the Refunding Bonds (including the final interest payment upon maturity or redemption) is payable by check, draft or wire of the Paying Agent mailed to the Owner thereof (which will be DTC so long as the Refunding Bonds are held in the book-entry system of DTC) at such Owner's address as it appears on the Registration Books at the close of business on the preceding Record Date; except that at the written request of the Owner of at least \$1,000,000 aggregate principal amount of the Refunding Bonds, which written request is on file with the Paying Agent as of any Record Date, interest on such Refunding Bonds will be paid on the succeeding Interest Payment Date to such account as will be specified in such written request. Principal of and premium (if any) on the Refunding Bonds is payable in lawful money of the United States of America upon presentation and surrender at the Office of the Paying Agent.

(e) Provisions of Official Notice of Sale to Control. Notwithstanding the foregoing provisions of this Section and the following provisions of Section 2.03, any of the terms of the Refunding Bonds may be established or modified under the Official Notice of Sale. In the event of a conflict or inconsistency between this Resolution and the Official Notice of Sale relating to the terms of the Refunding Bonds, the provisions of the Official Notice of Sale will be controlling.

SECTION 2.03. *Redemption.*

(a) Optional Redemption Dates and Prices. The Refunding Bonds are not subject to optional redemption prior to maturity.

(b) Mandatory Sinking Fund Redemption. If the Official Notice of Sale specifies that any one or more maturities of the Refunding Bonds are term bonds which are subject to mandatory sinking fund redemption, each such maturity of Refunding Bonds will be designated as "Term Bonds" which are subject to mandatory sinking fund redemption on August 1 in each of the years and in the respective principal amounts as set forth in such bid, at a redemption price equal to 100% of the principal amount thereof to be redeemed (without premium), together with interest accrued thereon to the date fixed for redemption.

(c) Selection of Refunding Bonds for Redemption. Whenever less than all of the Outstanding Refunding Bonds of any one maturity are designated for redemption, the Paying Agent shall select the Outstanding Refunding Bonds of such maturity to be redeemed by lot in any manner deemed fair by the Paying Agent. For purposes of such selection, each Refunding Bond will be deemed to consist of individual Refunding Bonds of \$5,000 denominations each, which may be separately redeemed.

(d) Redemption Procedure. The Paying Agent will cause notice of any redemption to be mailed, by first class mail, postage prepaid, at least 30 days but not more than 60 days prior to the date fixed for redemption, to the Municipal Securities Rulemaking Board and to the respective Owners of any Refunding Bonds designated for redemption, at their addresses appearing on the Registration Books. Such mailing is not a condition precedent to such redemption and the failure to mail or to receive any such notice will not affect the validity of the proceedings for the redemption of such Refunding Bonds. In addition, the Paying Agent will give notice of redemption by telecopy or certified, registered or overnight

mail to each of the Securities Depositories at least two days prior to such mailing to the Refunding Bond Owners.

Such notice shall state the redemption date and the redemption price and, if less than all of the then Outstanding Refunding Bonds are to be called for redemption, shall designate the serial numbers of the Refunding Bonds to be redeemed by giving the individual number of each Refunding Bond or by stating that all Refunding Bonds between two stated numbers, both inclusive, or by stating that all of the Refunding Bonds of one or more maturities have been called for redemption, and shall require that such Refunding Bonds be then surrendered at the Principal Office of the Paying Agent for redemption at the said redemption price, giving notice also that further interest on such Refunding Bonds will not accrue from and after the redemption date.

Upon surrender of Refunding Bonds redeemed in part only, the District shall execute and the Paying Agent shall authenticate and deliver to the Owner, at the expense of the District, a new Refunding Bond or Bonds, of the same maturity, of authorized denominations in aggregate principal amount equal to the unredeemed portion of the Refunding Bond or Bonds.

From and after the date fixed for redemption, if notice of such redemption has been duly given and funds available for the payment of the principal of and interest (and premium, if any) on the Refunding Bonds so called for redemption have been duly provided, the Refunding Bonds called for redemption will cease to be entitled to any benefit under this Resolution other than the right to receive payment of the redemption price, and no interest will accrue thereon on or after the redemption date specified in the notice. The Paying Agent will cancel all Refunding Bonds redeemed under this Section 2.03 and will furnish a certificate of cancellation to the District.

SECTION 2.04. *Form of Refunding Bonds.* The Refunding Bonds, the form of the Paying Agent's certificate of authentication and registration and the form of assignment to appear thereon shall be substantially in the forms, respectively, with necessary or appropriate variations, omissions and insertions, as permitted or required by this Resolution, as are set forth in Appendix A attached hereto.

SECTION 2.05. *Execution of Refunding Bonds.* The Refunding Bonds shall be signed by the facsimile signature of the President of the Board and shall be attested by the facsimile signature of the Secretary of the Board, and the seal of the Board shall be reproduced thereon. No Refunding Bond is valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until the certificate of authentication printed on the Refunding Bond is signed by the Paying Agent as authenticating agent.

The Refunding Bonds shall be in substantially the form attached hereto as Appendix A and incorporated herein by this reference, allowing those officials executing the Refunding Bonds to make the insertions and deletions necessary to conform the Refunding Bonds to the provisions of this Resolution.

Only those Refunding Bonds bearing a certificate of authentication and registration in the form set forth in Appendix A attached hereto, executed and dated by the Paying Agent, are valid or obligatory for any purpose or entitled to the benefits of this Resolution, and such certificate of the Paying Agent is conclusive evidence that the Refunding Bonds so registered have been duly authenticated, registered and delivered hereunder and are entitled to the benefits of this Resolution.

SECTION 2.06. *Transfer of Refunding Bonds.* Any Refunding Bond may, in accordance with its terms, be transferred, upon the Registration Books, by the person in whose name it is registered, in person or by his duly authorized attorney, upon surrender of such Refunding Bond for cancellation at the Principal Office at the Paying Agent, accompanied by delivery of a written instrument of transfer in a form approved by the Paying Agent, duly executed. The District may charge a reasonable sum for each new Refunding Bond issued upon any transfer.

Whenever any Refunding Bond or Bonds is surrendered for transfer, the District will execute and the Paying Agent will authenticate and deliver a new Refunding Bond or Bonds, for like aggregate principal amount. No transfer of Refunding Bonds is required to be made (a) 15 days prior to the date established by the Paying Agent for selection of Refunding Bonds for redemption or (b) with respect to a Refunding Bond which has been selected for redemption.

SECTION 2.07. *Exchange of Refunding Bonds.* Refunding Bonds may be exchanged at the Principal Office of the Paying Agent for a like aggregate principal amount of Refunding Bonds of authorized denominations and of the same maturity. The District may charge a reasonable sum for each new Refunding Bond issued upon any exchange (except in the case of any exchange of temporary Refunding Bonds for definitive Refunding Bonds). No exchange of Refunding Bonds is required to be made (a) 15 days prior to the date established by the Paying Agent for selection of Refunding Bonds for redemption or (b) with respect to a Refunding Bond after it has been selected for redemption.

SECTION 2.08. *Registration Books.* The Paying Agent will keep or cause to be kept sufficient books for the registration and transfer of the Refunding Bonds, which will at all times be open to inspection by the District upon reasonable notice. Upon presentation for such purpose, the Paying Agent will, under such reasonable regulations as it may prescribe, register or transfer the ownership of the Refunding Bonds on the Registration Books.

SECTION 2.09. *Book-Entry System.* Except as provided below, DTC shall be the Owner of all of the Refunding Bonds, and the Refunding Bonds shall be registered in the name of Cede & Co. as nominee for DTC. The Refunding Bonds shall be initially executed and delivered in the form of a single fully registered Refunding Bond for each maturity date of the Refunding Bonds in the full aggregate principal amount of the Refunding Bonds maturing on such date. The Paying Agent and the District may treat DTC (or its nominee) as the sole and exclusive owner of the Refunding Bonds registered in its name for all purposes of this Resolution, and neither the Paying Agent nor the District shall be affected by any notice to the contrary. The Paying Agent and the District have no responsibility or obligation to any Depository System Participant, any person claiming a beneficial ownership interest in the Refunding Bonds under or through DTC or a Depository System Participant, or any other person which is not shown on the register of the District as being an owner, with respect to the accuracy of any records maintained by DTC or any Depository System Participant or the payment by DTC or any Depository System Participant by DTC or any Depository System Participant of any amount in respect of the principal or interest with respect to the Refunding Bonds. The District shall cause to be paid all principal and interest with respect to the Refunding Bonds only to DTC, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to the principal and interest with respect to the Refunding Bonds to the extent of the sum or sums so paid. Except under the conditions noted below, no person other than DTC shall receive a Refunding Bond. Upon delivery by DTC to the District of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the term "Cede & Co." in this Resolution shall refer to such new nominee of DTC.

If the District determines that it is in the best interest of the beneficial owners that they be able to obtain Refunding Bonds and delivers a written certificate to DTC and the District to that effect, DTC shall notify the Depository System Participants of the availability through DTC of Refunding Bonds. In such event, the District shall issue, transfer and exchange Refunding Bonds as requested by DTC and any other owners in appropriate amounts. DTC may determine to discontinue providing its services with respect to the Refunding Bonds at any time by giving notice to the District and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the District shall be obligated to deliver Refunding Bonds as described in this Resolution. Whenever DTC requests the District to do so, the District will cooperate with DTC in taking appropriate action after reasonable notice to (a) make available one or more separate Refunding Bonds evidencing the Refunding Bonds to any Depository System Participant having Refunding Bonds credited to its DTC account or (b) arrange for another securities depository to maintain custody of certificates evidencing the Refunding Bonds.

Notwithstanding any other provision of this Resolution to the contrary, so long as any Refunding Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal and interest with respect to such Refunding Bond and all notices with respect to such Refunding Bond shall be made and given, respectively, to DTC as provided as in the representation letter delivered on the date of issuance of the Refunding Bonds.

ARTICLE III

SALE OF REFUNDING BONDS; APPLICATION OF PROCEEDS

SECTION 3.01. *Sale of Refunding Bonds; Approval of Sale Documents.*

(a) Competitive Sale of the Refunding Bonds. The Board hereby authorizes the sale of the Refunding Bonds by competitive bid in accordance with the provisions of the Official Notice of Sale for the Refunding Bonds in substantially the form on file with the Clerk of the Board, together with such additions thereto and changes therein as may be approved by a District Representative, *provided that*:

- (i) the sale of Refunding Bonds will produce a net present value savings on the Prior Bonds of at least 5.0% of the principal amount of the Prior Bonds being refunded,
- (ii) the final maturity date of the Refunding Bonds shall not exceed the final maturity of the Prior Bonds being refunded, and
- (iii) in accordance with the Bond Law, the total net interest cost to maturity on the Refunding Bonds plus the principal amount of the Refunding Bonds shall not exceed the total net interest cost to maturity on the Prior Bonds plus the principal amount of the Prior Bonds.

(b) Approval of Official Notice of Sale. The terms and conditions of the offering and the sale of the Refunding Bonds shall be as specified in the Official Notice of Sale, the form of which is on file with the Clerk of the Board. The District Representative is hereby authorized to approve final changes to the Official Notice of Sale prior to distribution to potential bidders, as provided herein. Following receipt of bids, a District Representative, on behalf of the District, is hereby delegated the authority to accept the best responsible bid for the purchase of the Refunding Bonds, determined in accordance with the Official Notice of

Sale. If two or more bids setting forth identical interest rates and premium, if any, are received, a District Representative, on behalf of the District, may exercise his or her own discretion and judgment in making the award and may award the Refunding Bonds on a pro rata basis in such denominations as he or she shall determine, and may, in his or her discretion, reject any and all bids and waive any irregularity or informality in any bid. As provided in the Official Notice of Sale, the Refunding Bonds shall be awarded, or all bids shall be rejected, not later than 24 hours after the expiration of the time prescribed for the receipt of proposals unless such time of award is waived by the successful bidder.

(c) Publication of Notice of Intention. Under Government Code Section 53692, the Board hereby approves and authorizes Bond Counsel to publish of a Notice of Intention to Sell Bonds in form and substance acceptable to Bond Counsel, in *The Bond Buyer* once at least five days prior to the date fixed for receipt of bids, provided, however, if the principal amount to be sold is more than \$10,000,000, then such notice shall appear at least fifteen days prior to the date fixed for receipt of bids. In addition, pursuant to Government Code Section 53569, the Notice of Intention shall appear in a newspaper of general circulation circulated in the boundaries of the District at least ten days before the date of sale.

(d) Authority to Circulate Official Notice of Sale. KNN Public Finance, A Division of Zions National Bank, is hereby authorized and directed by the District to distribute to prospective bidders a reasonable number of copies of the Official Notice of Sale approved in (a) above, and a reasonable number of copies of the Preliminary Official Statement approved in (e) below, relating to the Refunding Bonds.

(e) Official Statement. The Board hereby approves, and hereby authorizes the Superintendent to deem nearly final as of its date within the meaning of Rule 15c2-12 of the Securities Exchange Act of 1934, the Preliminary Official Statement describing the Refunding Bonds in substantially the form on file with the Clerk of the Board. A District Representative is hereby authorized to execute an appropriate certificate stating the Board's determination that the Preliminary Official Statement has been deemed final within the meaning of such Rule. A District Representative is hereby authorized and directed to approve any changes in or additions to a final form of said Official Statement, and the execution thereof by a District Representative shall be conclusive evidence of his or her approval of any such changes and additions. Following the sale of the Refunding Bonds, the final Official Statement shall be executed in the name and on behalf of the District by a District Representative.

(f) Actions to Close Bond Issuance. Each District Representative and any and all other officers of the District are each authorized and directed in the name and on behalf of the District to execute and deliver any and all certificates, requisitions, agreements, notices, consents, warrants and other documents, which they or any of them might deem necessary or appropriate in order to consummate the lawful issuance, sale and delivery of the Refunding Bonds. Whenever in this Resolution any officer of the District is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf if such officer is absent or unavailable.

SECTION 3.02. *Application of Proceeds of Sale of Refunding Bonds.* The proceeds of the Refunding Bonds shall be paid by the Underwriter on the Closing Date in accordance with a Written Request of the District, as follows:

- (a) a portion of the proceeds of the Refunding Bonds shall be transferred to U.S. Bank National Association, as custodian under the agreement referred to in Section 3.04, to be applied to pay Costs of Issuance of the Refunding Bonds;

- (b) a portion of the proceeds of the Refunding Bonds shall be transferred to the Escrow Agent to be applied to refund and discharge all of the outstanding Prior Bonds in accordance with the Refunding Instructions; and
- (c) any proceeds of the Refunding Bonds not required for the foregoing purposes (if any) shall be transferred to the County Treasurer and deposited in the Debt Service Fund, to be applied to pay interest next coming due and payable on the Refunding Bonds.

SECTION 3.03. *Refunding of Prior Bonds; Approval of Refunding Instructions.* The Prior Bonds shall be refunded and discharged on the Closing Date in accordance with the provisions of the Refunding Instructions. The Prior Bonds will be redeemed on the first available redemption date for the Prior Bonds. The Board hereby approves the Escrow Agreement in substantially the form on file with the Clerk of the Board, together with any changes therein or modifications thereof which are approved by a District Representative, and the execution thereof by a District Representative will be conclusive evidence of the approval of any such changes or modifications. A District Representative is directed to authenticate and execute the final form of the Escrow Agreement on behalf of the District.

SECTION 3.04. *Costs of Issuance Custodian Agreement.* The Board hereby approves the Costs of Issuance Custodian Agreement between the District and U.S. Bank National Association, as custodian, in substantially the form on file with the Clerk of the Board. As provided in said agreement, amounts held thereunder shall be requisitioned by a District Representative for payment of Costs of Issuance in accordance with said agreement. Any amounts held thereunder which are not required for payment of Costs of Issuance shall be transferred to the County Treasurer and deposited into the Debt Service Fund, to be applied to pay interest next coming due and payable on the Refunding Bonds.

ARTICLE IV

SECURITY FOR THE REFUNDING BONDS; PAYMENT OF DEBT SERVICE

SECTION 4.01. *Security for the Refunding Bonds.* The Refunding Bonds are general obligations of the District, and the Board has the power to direct the County to levy *ad valorem* taxes upon all property within the District subject to taxation without limitation of rate or amount, for the payment of the Refunding Bonds and the interest and redemption premium (if any) thereon, in accordance with and subject to Sections 15250 and Section 15252 of the Education Code. The District hereby directs the County to levy on all the taxable property in the District, in addition to all other taxes, a continuing direct and *ad valorem* tax annually during the period the Refunding Bonds are Outstanding in an amount sufficient to pay the principal of and interest on the Refunding Bonds when due, including the principal of any Refunding Bonds upon the mandatory sinking fund redemption thereof under Section 2.03(b), which moneys when collected will be paid to the County Treasurer and placed in the Debt Service Fund.

The principal of and interest and redemption premium (if any) on the Refunding Bonds do not constitute a debt of the County, the State of California, or any of its political subdivisions other than the District, or any of the officers, agents or employees thereof, and neither the County, the State of California, any of its political subdivisions nor any of the officers, agents or employees thereof are liable thereon.

The District will supply the County Auditor-Controller with the necessary information regarding the scheduled debt service for the Refunding Bonds, so that the County may, on a timely basis, levy *ad valorem* taxes, as provided in Section 15250 of the Education Code, to enable the District to punctually pay, or cause to be paid, the principal of and interest on the Refunding Bonds in conformity with the terms of the Refunding Bonds and of this Resolution.

SECTION 4.02. *Establishment of Debt Service Fund.* The District hereby directs the County Treasurer to establish, hold and maintain a fund to be known as the "Piedmont Unified School District, 2014 Refunding Bonds Debt Service Fund", which the County shall maintain as a separate account, distinct from all other funds of the County and the District. All taxes levied by the County for the payment of the principal of and interest and premium (if any) on the Refunding Bonds shall be deposited in the Debt Service Fund by the County promptly upon apportionment of said levy. The Debt Service Fund is pledged for the payment of the principal of and interest on the Refunding Bonds when and as the same become due, including the principal of any term Refunding Bonds required to be paid upon the mandatory sinking fund redemption thereof. Amounts in the Debt Service Fund shall be transferred by the County to the Paying Agent to the extent required to pay the principal of and interest and redemption premium (if any) on the Refunding Bonds when due. In addition, amounts on deposit in the Debt Service Fund shall be applied to pay the fees and expenses of the Paying Agent insofar as permitted by law, including specifically by Section 15232 of the Education Code.

If, after payment in full of the Refunding Bonds, any amounts remain on deposit in the Debt Service Fund, the County shall transfer such amounts to the General Fund of the District as provided in Section 15234 of the Education Code.

SECTION 4.03. *Investments.* All moneys held in any of the funds or accounts established with the County Treasurer hereunder shall be invested in accordance with the investment policies of the County, as such policies exist at the time of investment. Obligations purchased as an investment of moneys in any fund or account shall be deemed to be part of such fund or account.

All interest or gain derived from the investment of amounts in any of the funds or accounts established hereunder shall be deposited in the fund or account from which such investment was made, and shall be expended for the purposes thereof. The District covenants that all investments of amounts deposited in any fund or account created by or under this Resolution, or otherwise containing proceeds of the Refunding Bonds, shall be acquired and disposed of at the Fair Market Value thereof. For purposes of this Section 4.03, the term "Fair Market Value" shall mean, with respect to any investment, the price at which a willing buyer would purchase such investment from a willing seller in a bona fide, arm's length transaction (determined as of the date the contract to purchase or sell the investment becomes binding) if the investment is traded on an established securities market (within the meaning of Section 1273 of the Tax Code) and, otherwise, the term "Fair Market Value" means the acquisition price in a bona fide arm's length transaction (as described above) if (i) the investment is a certificate of deposit that is acquired in accordance with applicable regulations under the Tax Code, (ii) the investment is an agreement with specifically negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate (for example, a guaranteed investment contract, a forward supply contract or other investment agreement) that is acquired in accordance with applicable regulations under the Tax Code, or (iii) the investment is a United States Treasury Security - State and Local Government Series that is acquired in accordance with applicable regulations of the United States Bureau of Public Debt.

ARTICLE V

OTHER COVENANTS OF THE DISTRICT

SECTION 5.01. *Punctual Payment.* The Board will direct the County to levy *ad valorem* taxes, as provided in Section 15250 of the Education Code, so as to enable the District to punctually pay, or cause to be paid, the principal of and interest on the Refunding Bonds, in conformity with the terms of the Refunding Bonds and of this Resolution. Nothing herein contained prevents the District from making advances of its own moneys howsoever derived to any of the uses or purposes permitted by law.

SECTION 5.02. *Books and Accounts; Financial Statement.* The District will keep, or cause to be kept, proper books of record and accounts, separate from all other records and accounts of the District in which complete and correct entries are made of all transactions relating to the expenditure of the proceeds of the Refunding Bonds. Such books of record and accounts shall at all times during business hours be subject to the inspection of the Paying Agent and the Owners of not less than 10% in aggregate principal amount of the Refunding Bonds then Outstanding, or their representatives authorized in writing.

SECTION 5.03. *Protection of Security and Rights of Refunding Bond Owners.* The District will preserve and protect the security of the Refunding Bonds and the rights of the Refunding Bond Owners, and will warrant and defend their rights against all claims and demands of all persons. Following the issuance of the Refunding Bonds by the District, the Refunding Bonds shall be incontestable by the District.

SECTION 5.04. *Tax Covenants.*

(a) Private Activity Bond Limitation. The District shall assure that the proceeds of the Refunding Bonds are not so used as to cause the Refunding Bonds to satisfy the private business tests of Section 141(b) of the Tax Code or the private loan financing test of Section 141(c) of the Tax Code.

(b) Federal Guarantee Prohibition. The District shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause any of the Refunding Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Tax Code.

(c) No Arbitrage. The District shall not take, or permit or suffer to be taken by the Paying Agent or the County or otherwise, any action with respect to the proceeds of the Refunding Bonds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the Closing Date would have caused the Refunding Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Tax Code.

(d) Maintenance of Tax-Exemption. The District shall take all actions necessary to assure the exclusion of interest on the Refunding Bonds from the gross income of the Owners of the Refunding Bonds to the same extent as such interest is permitted to be excluded from gross income under the Tax Code as in effect on the Closing Date.

(e) Rebate of Excess Investment Earnings to United States. The District shall calculate or cause to be calculated excess investment earnings with respect to the Refunding Bonds which are required to be rebated to the United States of America under Section 148(f) of the Tax Code, and shall pay the full amount of such excess investment earnings to the United States of America in such amounts, at such times and in such manner as may be required under the Tax Code, if and to the extent such Section 148(f) is applicable to the

Refunding Bonds. Such payments shall be made by the District from any source of legally available funds of the District. The District shall keep or cause to be kept, and retain or cause to be retained for a period of six years following the retirement of the Refunding Bonds, records of the determinations made under this subsection (e). In order to provide for the administration of this subsection (e), the District may provide for the employment of independent attorneys, accountants and consultants compensated on such reasonable basis as the District deems appropriate.

SECTION 5.05. *Continuing Disclosure.* The District hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, which shall be executed by a District Representative and delivered on the Closing Date. Notwithstanding any other provision of this Resolution, failure of the District to comply with the Continuing Disclosure Certificate does not constitute a default by the District hereunder or under the Refunding Bonds; however, any Participating Underwriter (as that term is defined in the Continuing Disclosure Certificate) or any holder or beneficial owner of the Refunding Bonds may take such actions as may be necessary and appropriate to compel performance, including seeking mandate or specific performance by court order.

SECTION 5.06. *Further Assurances.* The District will adopt, make, execute and deliver any and all such further resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention or to facilitate the performance of this Resolution, and for the better assuring and confirming unto the Owners of the Refunding Bonds of the rights and benefits provided in this Resolution.

ARTICLE VI

THE PAYING AGENT

SECTION 6.01. *Appointment of Paying Agent.* U.S. Bank National Association is hereby appointed to act as Paying Agent for the Refunding Bonds and, in such capacity, shall also act as registration agent and authentication agent for the Refunding Bonds. The Paying Agent undertakes to perform such duties, and only such duties, as are specifically set forth in this Resolution, and even during the continuance of an event of default with respect to the Refunding Bonds, no implied covenants or obligations shall be read into this Resolution against the Paying Agent. The Board hereby approves the execution and delivery of a Paying Agent Agreement between the District and the Paying Agent. A District Representative is hereby authorized and directed to execute the final form of Paying Agent Agreement on behalf of the District.

The District may remove the Paying Agent initially appointed, and any successor thereto, and may appoint a successor or successors thereto, but any such successor shall be a bank or trust company doing business and having an office in the State of California, having a combined capital (exclusive of borrowed capital) and surplus of at least \$50,000,000, and subject to supervision or examination by federal or state authority. If such bank or trust company publishes a report of condition at least annually, under law or to the requirements of any supervising or examining authority above referred to, then for the purposes of this Section 6.01 the combined capital and surplus of such bank or trust company shall be deemed to be its combined capital and surplus as set forth in its most recent report of condition so published.

The Paying Agent may at any time resign by giving written notice to the District and the Refunding Bond Owners of such resignation. Upon receiving notice of such resignation, the District shall promptly appoint a successor Paying Agent by an instrument in writing. Any

resignation or removal of the Paying Agent and appointment of a successor Paying Agent will become effective upon acceptance of appointment by the successor Paying Agent.

SECTION 6.02. *Paying Agent May Hold Refunding Bonds.* The Paying Agent may become the owner of any of the Refunding Bonds in its own or any other capacity with the same rights it would have if it were not Paying Agent.

SECTION 6.03. *Liability of Agents.* The recitals of facts, covenants and agreements in this Resolution and in the Refunding Bonds constitute statements, covenants and agreements of the District, and the Paying Agent assumes no responsibility for the correctness of the same, nor makes any representations as to the validity or sufficiency of this Resolution or of the Refunding Bonds, nor shall incur any responsibility in respect thereof, other than as set forth in this Resolution. The Paying Agent is not liable in connection with the performance of its duties hereunder, except for its own negligence or willful default.

In the absence of bad faith, the Paying Agent may conclusively rely, as to the truth of the statements and the correctness of the opinions expressed therein, upon certificates or opinions furnished to the Paying Agent and conforming to the requirements of this Resolution.

The Paying Agent is not liable for any error of judgment made in good faith by a responsible officer in the absence of the negligence of the Paying Agent.

No provision of this Resolution requires the Paying Agent to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it has reasonable grounds for believing that repayment of such funds or adequate indemnity against such risk or liability is not reasonably assured to it.

The Paying Agent may execute any of the powers hereunder or perform any duties hereunder either directly or by or through agents or attorneys and the Paying Agent is not responsible for any misconduct or negligence on the part of any agent or attorney appointed with due care by it hereunder.

SECTION 6.04. *Notice to Paying Agent.* The Paying Agent may rely and is protected in acting or refraining from acting upon any notice, resolution, request, consent, order, certificate, report, warrant, bond or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or proper parties. The Paying Agent may consult with counsel, who may be counsel to the District, with regard to legal questions, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it hereunder in good faith and in accordance therewith.

Whenever in the administration of its duties under this Resolution the Paying Agent deems it necessary or desirable that a matter be proved or established prior to taking or suffering any action hereunder, such matter (unless other evidence in respect thereof is specifically prescribed in this Resolution) may, in the absence of bad faith on the part of the Paying Agent, be deemed to be conclusively proved and established by a certificate of the District, and such certificate shall be full warrant to the Paying Agent for any action taken or suffered under the provisions of this Resolution upon the faith thereof, but in its discretion the Paying Agent may, in lieu thereof, accept other evidence of such matter or may require such additional evidence as to it may seem reasonable.

SECTION 6.05. *Compensation; Indemnification.* The District shall pay to the Paying Agent from time to time reasonable compensation for all services rendered under this Resolution,

and also all reasonable expenses, charges, counsel fees and other disbursements, including those of their attorneys, agents and employees, incurred in and about the performance of their powers and duties under Resolution. The District further agrees to indemnify the Paying Agent against any liabilities which it may incur in the exercise and performance of its powers and duties hereunder which are not due to its negligence or bad faith.

ARTICLE VII

REMEDIES OF REFUNDING BOND OWNERS

SECTION 7.01. *Remedies of Refunding Bond Owners.* Any Refunding Bond Owner has the right, for the equal benefit and protection of all Refunding Bond Owners similarly situated:

- (a) by mandamus, suit, action or proceeding, to compel the District and its members, officers, agents or employees to perform each and every term, provision and covenant contained in this Resolution and in the Refunding Bonds, and to require the carrying out of any or all such covenants and agreements of the District and the fulfillment of all duties imposed upon it;
- (b) by suit, action or proceeding in equity, to enjoin any acts or things which are unlawful, or the violation of any of the Refunding Bond Owners' rights; or
- (c) upon the happening and continuation of any default by the District hereunder or under the Refunding Bonds, by suit, action or proceeding in any court of competent jurisdiction, to require the District and its members and employees to account as if it and they were the trustees of an express trust.

SECTION 7.02. *Remedies Not Exclusive.* No remedy herein conferred upon the Owners of Refunding Bonds is exclusive of any other remedy. Each and every remedy is cumulative and may be exercised in addition to every other remedy given hereunder or thereafter conferred on the Refunding Bond Owners.

SECTION 7.02. *Non-Waiver.* Nothing in this Article VII or in any other provision of this Resolution or in the Refunding Bonds, affects or impairs the obligation of the District, which is absolute and unconditional, to pay the principal of and interest on the Refunding Bonds to the respective Owners of the Refunding Bonds at the respective dates of maturity, as herein provided, or affects or impairs the right of action against the District, which is also absolute and unconditional, of such Owners to institute suit against the District to enforce such payment by virtue of the contract embodied in the Refunding Bonds.

A waiver of any default by any Refunding Bond Owner shall not affect any subsequent default or impair any rights or remedies on the subsequent default. No delay or omission of any Owner of any of the Refunding Bonds to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or an acquiescence therein, and every power and remedy conferred upon the Refunding Bond Owners by this Article VII may be enforced and exercised from time to time and as often as shall be deemed expedient by the Owners of the Refunding Bonds.

If a suit, action or proceeding to enforce any right or exercise any remedy be abandoned or determined adversely to the Refunding Bond Owners, the District and the Refunding Bond

Owners shall be restored to their former positions, rights and remedies as if such suit, action or proceeding had not been brought or taken.

ARTICLE VIII

AMENDMENT OF THIS RESOLUTION

SECTION 8.01. *Amendments Effective Without Consent of the Owners.* The Board may amend this Resolution from time to time, without the consent of the Owners of the Refunding Bonds, for any one or more of the following purposes:

- (a) To add to the covenants and agreements of the District in this Resolution, other covenants and agreements to be observed by the District which are not contrary to or inconsistent with this Resolution as theretofore in effect;
- (b) To confirm, as further assurance, any pledge under, and to subject to any lien or pledge created or to be created by, this Resolution, of any moneys, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;
- (c) To cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in this Resolution, in a manner which does not materially adversely affect the interests of the Refunding Bond Owners in the opinion of Bond Counsel filed with the District; or
- (d) To make such additions, deletions or modifications as may be necessary or desirable to assure exemption from federal income taxation of interest on the Refunding Bonds.

SECTION 8.02. *Amendments Effective With Consent of the Owners.* The Board may amend this Resolution from time to time for any purpose not set forth in Section 8.01, with the written consent of the Owners of a majority in aggregate principal amount of the Refunding Bonds Outstanding at the time such consent is given.

Any of the following amendments of this Resolution may be made only with the prior written consent of the Owners of all Outstanding Bonds: (a) a change in the terms of maturity of the principal of any Outstanding Refunding Bonds or of any interest payable thereon or a reduction in the principal amount thereof or in the rate of interest thereon, (b) a reduction of the percentage of Refunding Bonds the consent of the Owners of which is required to effect any such modification or amendment, (c) a change in the provisions of Section 7.01 relating to Events of Default, or (d) a reduction in the amount of moneys pledged for the repayment of the Refunding Bonds. No amendment may be made to the rights or obligations of any Paying Agent without its written consent.

ARTICLE IX

MISCELLANEOUS

SECTION 9.01. *Benefits of Resolution Limited to Parties.* Nothing in this Resolution, expressed or implied, gives any person other than the District, the County, the Paying Agent and the Owners of the Refunding Bonds, any right, remedy, claim under or by reason of this Resolution. The covenants, stipulations, promises or agreements in this Resolution are for the sole and exclusive benefit of the Owners of the Refunding Bonds.

SECTION 9.02. *Defeasance of Refunding Bonds.*

(a) Discharge of Resolution. Refunding Bonds may be paid by the District in any of the following ways, provided that the District also pays or causes to be paid any other sums payable hereunder by the District:

- (i) by paying or causing to be paid the principal or redemption price of and interest on such Refunding Bonds, as and when the same become due and payable;
- (ii) by irrevocably depositing, in trust, at or before maturity, money or securities in the necessary amount (as provided in Section 9.02(c) hereof) to pay or redeem such Refunding Bonds; or
- (iii) by delivering such Refunding Bonds to the Paying Agent for cancellation by it.

If the District pays all Outstanding Refunding Bonds and also pays or causes to be paid all other sums payable hereunder by the District, then and in that case, at the election of the District (evidenced by a certificate of a District Representative filed with the Paying Agent, signifying the intention of the District to discharge all such indebtedness and this Resolution), and notwithstanding that any Refunding Bonds have not been surrendered for payment, this Resolution and other assets made under this Resolution and all covenants, agreements and other obligations of the District under this Resolution shall cease, terminate, become void and be completely discharged and satisfied, except only as provided in Section 9.02(b). In that event, upon request of the District, the Paying Agent shall cause an accounting for such period or periods as may be requested by the District to be prepared and filed with the District and shall execute and deliver to the District all such instruments as may be necessary to evidence such discharge and satisfaction, and the Paying Agent shall pay over, transfer, assign or deliver to the District all moneys or securities or other property held by it under this Resolution which are not required for the payment or redemption of Refunding Bonds not theretofore surrendered for such payment or redemption.

(b) Discharge of Liability on Refunding Bonds. Upon the deposit, in trust, at or before maturity, of money or securities in the necessary amount (as provided in Section 9.02(c) hereof) to pay or redeem any Outstanding Refunding Bond (whether upon or prior to its maturity or the redemption date of such Refunding Bond), provided that, if such Refunding Bond is to be redeemed prior to maturity, notice of such redemption has been given as provided in Section 2.03 or provision satisfactory to the Paying Agent has been made for the giving of such notice, then all liability of the District in respect of such Refunding Bond shall cease and be completely discharged, except only that thereafter the Owner thereof shall be entitled only to payment of the principal of and interest on such Refunding Bond by the District, and the District shall remain liable for such payment, but only out of such money or

securities deposited with the Paying Agent as aforesaid for such payment, provided further, however, that the provisions of Section 9.02(d) shall apply in all events.

The District may at any time surrender to the Paying Agent for cancellation by it any Refunding Bonds previously issued and delivered, which the District may have acquired in any manner whatsoever, and such Refunding Bonds, upon such surrender and cancellation, shall be deemed to be paid and retired.

(c) Deposit of Money or Securities with Paying Agent. Whenever in this Resolution it is provided or permitted that there be deposited with or held in trust by the Paying Agent money or securities in the necessary amount to pay or redeem any Refunding Bonds, the money or securities so to be deposited or held may include money or securities held by the Paying Agent in the funds and accounts established under this Resolution and shall be:

- (i) lawful money of the United States of America in an amount equal to the principal amount of such Refunding Bonds and all unpaid interest thereon to maturity, except that, in the case of Refunding Bonds which are to be redeemed prior to maturity and in respect of which notice of such redemption has been given as provided in Section 2.03 or provision satisfactory to the Paying Agent has been made for the giving of such notice, the amount to be deposited or held shall be the principal amount or redemption price of such Refunding Bonds and all unpaid interest thereon to the redemption date; or
- (ii) Federal Securities (not callable by the issuer thereof prior to maturity) the principal of and interest on which when due, in the opinion of a certified public accountant delivered to the District, will provide money sufficient to pay the principal or redemption price of and all unpaid interest to maturity, or to the redemption date, as the case may be, on the Refunding Bonds to be paid or redeemed, as such principal or redemption price and interest become due, provided that, in the case of Refunding Bonds which are to be redeemed prior to the maturity thereof, notice of such redemption has been given as provided in Section 2.03 or provision satisfactory to the Paying Agent has been made for the giving of such notice.

(d) Payment of Refunding Bonds After Discharge of Resolution. Notwithstanding any provisions of this Resolution, any moneys held by the Paying Agent in trust for the payment of the principal or redemption price of, or interest on, any Refunding Bonds and remaining unclaimed for two years after the principal of all of the Refunding Bonds has become due and payable (whether at maturity or upon call for redemption or by acceleration as provided in this Resolution), if such moneys were so held at such date, or two years after the date of deposit of such moneys if deposited after said date when all of the Refunding Bonds became due and payable, shall, upon request of the District, be repaid to the District free from the trusts created by this Resolution, and all liability of the Paying Agent with respect to such moneys shall thereupon cease; *provided, however,* that before the repayment of such moneys to the District as aforesaid, the Paying Agent may (at the cost of the District) first mail to the Owners of all Refunding Bonds which have not been paid at the addresses shown on the Registration Books a notice in such form as may be deemed appropriate by the Paying Agent, with respect to the Refunding Bonds so payable and not presented and with respect to the provisions relating to the repayment to the District of the moneys held for the payment thereof.

SECTION 9.03. *Execution of Documents and Proof of Ownership by Refunding Bond Owners.* Any request, declaration or other instrument which this Resolution may require or permit to be executed by Refunding Bond Owners may be in one or more instruments of similar tenor, and shall be executed by Refunding Bond Owners in person or by their attorneys appointed in writing.

Except as otherwise herein expressly provided, the fact and date of the execution by any Refunding Bond Owner or his attorney of such request, declaration or other instrument, or of such writing appointing such attorney, may be proved by the certificate of any notary public or other officer authorized to take acknowledgments of deeds to be recorded in the state in which he purports to act, that the person signing such request, declaration or other instrument or writing acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before such notary public or other officer.

Except as otherwise herein expressly provided, the ownership of registered Refunding Bonds and the amount, maturity, number and date of holding the same shall be proved by the Registration Books.

Any request, declaration or other instrument or writing of the Owner of any Refunding Bond shall bind all future Owners of such Refunding Bond in respect of anything done or suffered to be done by the District or the Paying Agent in good faith and in accordance therewith.

SECTION 9.04. *Waiver of Personal Liability.* No Board member, officer, agent or employee of the District shall be individually or personally liable for the payment of the principal or interest on the Refunding Bonds; but nothing herein contained shall relieve any such Board member, officer, agent or employee from the performance of any official duty provided by law.

SECTION 9.05. *Non-Liability of County; Indemnification.* Notwithstanding anything stated to the contrary in this Resolution, the Refunding Bonds are not a debt of the County, including its Board of Supervisors, officers, officials, agents and employees, and the County, including its Board of Supervisors, officers, officials, agents and employees, has no obligation to repay the Refunding Bonds. Neither the County, nor its Board of Supervisors, nor any officer, official, agent or employee of the County, shall have any obligation or liability hereunder or in connection with the transactions contemplated hereby other than as specified in the Education Code. The Refunding Bonds, including the interest thereon, are payable solely from taxes levied under Section 15250 of the Education Code. The County has no responsibility and assumes no liability whatsoever arising from the expenditure of the proceeds of the Refunding Bonds by the District.

The County (including its officers, agents and employees) shall undertake only those duties of the County under this Resolution which are specifically set forth in this Resolution, and even during the continuance of an event of default with respect to the Refunding Bonds, no implied covenants or obligations shall be read into this Resolution against the County (including its officers, agents and employees).

The District further agrees to indemnify, defend and save the County (including its officers, agents and employees) harmless against any and all liabilities, costs, expenses, damages and claims which it may incur in the exercise and performance of its powers and duties hereunder which are not due to its negligence or bad faith.

SECTION 9.06. *Destruction of Canceled Refunding Bonds.* Whenever in this Resolution provision is made for the surrender to the District of any Refunding Bonds which have been paid or canceled under the provisions of this Resolution, a certificate of destruction duly

executed by the Paying Agent shall be deemed to be the equivalent of the surrender of such canceled Refunding Bonds and the District shall be entitled to rely upon any statement of fact contained in any certificate with respect to the destruction of any such Refunding Bonds therein referred to.

SECTION 9.07. *Partial Invalidity.* If any section, paragraph, sentence, clause or phrase of this Resolution shall for any reason be held illegal or unenforceable, such holding shall not affect the validity of the remaining portions of this Resolution. The District hereby declares that it would have adopted this Resolution and each and every other section, paragraph, sentence, clause or phrase hereof and authorized the issue of the Refunding Bonds pursuant thereto irrespective of the fact that any one or more sections, paragraphs, sentences, clauses, or phrases of this Resolution may be held illegal, invalid or unenforceable.

SECTION 9.08. *Execution of Documents.* Each District Representative and any and all other officers of the District are each authorized and directed in the name and on behalf of the District to execute and deliver any and all certificates, requisitions, agreements, notices, consents, warrants and other documents, which they or any of them might deem necessary or appropriate in order to consummate the lawful issuance, sale and delivery of the Refunding Bonds. Whenever in this Resolution any officer of the District is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf if such officer is absent or unavailable.

SECTION 9.09. *Effective Date of Resolution.* This Resolution shall take effect from and after the date of its passage and adoption.

PASSED AND ADOPTED by the following called vote of the Piedmont Unified School District Board of Education this 22nd day of October 2014:

I certify that the above Resolution was adopted and passed by the Board of Education on the date indicated above.

Passed and Adopted by the following called votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

By _____
Constance Hubbard
Secretary to the Board of Education
Piedmont Unified School District
Alameda County, State of California

APPENDIX A

FORM OF REFUNDING BOND

REGISTERED BOND NO. _____

*****\$** _____ *******

PIEDMONT UNIFIED SCHOOL DISTRICT
(Alameda County, California)
2014 GENERAL OBLIGATION REFUNDING BOND

**INTEREST RATE
PER ANNUM:**

MATURITY DATE:

DATED DATE:

CUSIP:

REGISTERED OWNER:

PRINCIPAL AMOUNT: *** _____ **DOLLARS*****

The Piedmont Unified School District (the "District"), located in the County of Alameda (the "County"), for value received, hereby promises to pay to the Registered Owner named above, or registered assigns, the principal amount on the Maturity Date, each as stated above, and interest thereon, calculated on a 30/360 day basis, until the principal amount is paid or provided for, at the Interest Rate stated above, such interest to be paid on February 1 and August 1 of each year, commencing February 1, 2015 (the "Interest Payment Dates"). This Bond will bear interest from the Interest Payment Date next preceding the date of authentication hereof, unless (a) it is authenticated as of a business day following the 15th day of the month immediately preceding any Interest Payment Date and on or before such Interest Payment Date, in which event it shall bear interest from such Interest Payment Date, or (b) it is authenticated on or before January 15, 2014, in which event it shall bear interest from the Dated Date referred to above. Principal hereof is payable at the corporate trust office of the paying agent for the Bonds (the "Paying Agent"), initially being U.S. Bank National Association, in San Francisco, California. Interest hereon (including the final interest payment upon maturity) is payable by check or draft of the Paying Agent mailed by first-class mail to the Owner at the Owner's address as it appears on the registration books maintained by the Paying Agent as of the close of business on the 15th day of the month next preceding such Interest Payment Date (the "Record Date"), or at such other address as the Owner may have filed with the Paying Agent for that purpose.

Principal hereof is payable at the corporate trust office of the Paying Agent. Interest hereon (including the final interest payment upon maturity) is payable by check or draft of the Paying Agent mailed by first-class mail to the Owner at the Owner's address as it appears on the registration books maintained by the Paying Agent as of the close of business on the 15th day of the month next preceding such Interest Payment Date (the "Record Date"), or at such other address as the Owner may have filed with the Paying Agent for that purpose.

This Bond is one of a duly authorized issue of Bonds of the District designated as "Piedmont Unified School District (Alameda County, California) 2014 General Obligation Refunding Bonds" (the "Bonds"), in an aggregate principal amount of \$_____, all of like tenor and date (except for such variation, if any, as may be required to designate varying numbers, maturities, interest rates or redemption and other provisions) and all issued under the provisions of Articles 9 and 11 of Chapter 3 of Part 1 of Division 2 of Title 5 of the California Government Code, commencing with Section 53550 of said Code (the "Bond Law"), and under a Resolution of the Governing Board of the District adopted on June 12, 2013 (the "Resolution"), authorizing the issuance of the Bonds. The Bonds are being issued to refund general obligation bonds previously issued by the District pursuant to voter authorization received with respect thereto.

All capitalized terms herein and not otherwise defined have the meaning given them in the Resolution. Reference is hereby made to the Resolution (copies of which are on file at the office of the Paying Agent) and the Bond Law for a description of the terms on which the Bonds are issued and the rights thereunder of the owners of the Bonds and the rights, duties and immunities of the Paying Agent and the rights and obligations of the District thereunder, to all of the provisions of which Resolution the Owner of this Bond, by acceptance hereof, assents and agrees.

The principal of and interest and redemption premium, if any, on this Bond does not constitute a debt of the County, the State of California, or any of its political subdivisions other than the District, or any of the officers, agents and employees thereof, and neither the County, the State of California, any of its political subdivisions, nor any of the officers, agents and employees thereof shall be liable hereon. In no event shall the principal of and interest and redemption premium, if any, on this Bond be payable out of any funds or properties of the District other than *ad valorem* taxes levied upon all taxable property in the District.

The Bonds of this issue are issuable only as fully registered Bonds in the denominations of \$5,000 or any integral multiple thereof. This Bond is exchangeable and transferable for Bonds of other authorized denominations at the principal corporate trust office of the Paying Agent, by the Registered Owner or by a person legally empowered to do so, upon presentation and surrender hereof to the Paying Agent, together with a request for exchange or an assignment signed by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Paying Agent, all subject to the terms, limitations and conditions provided in the Bond Resolution. Any tax or governmental charges shall be paid by the transferor. The District and the Paying Agent may deem and treat the Registered Owner as the absolute owner of this Bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Paying Agent shall be affected by any notice to the contrary.

The Bonds are not subject to optional redemption prior to their respective stated maturities.

[*If applicable:*] The Bonds maturing on August 1, 20__ (the "Term Bonds") are also subject to mandatory sinking fund redemption on or before August 1 in the years, and in the amounts, as set forth in the following table, at a redemption price equal to 100% of the principal amount thereof to be redeemed (without premium), together with interest accrued thereon to the date fixed for redemption; *provided, however*, that if some but not all of the Term Bonds have been redeemed under the preceding paragraph, the aggregate principal amount of Term Bonds to be redeemed under this paragraph shall be reduced on a pro rata basis in integral multiples

of \$5,000, or on such other basis as designated pursuant to written notice filed by the District with the Paying Agent.

Sinking Fund
Redemption Date
(August 1)

Principal
Amount To Be
Redeemed

The Paying Agent shall give notice of the redemption of the Bonds at the expense of the District. Such notice shall specify: (a) that the Bonds or a designated portion thereof are to be redeemed, (b) the numbers and CUSIP numbers of the Bonds to be redeemed, (c) the date of notice and the date of redemption, (d) the place or places where the redemption will be made, and (e) descriptive information regarding the Bonds including the dated date, interest rate and stated maturity date. Such notice shall further state that on the specified date there shall become due and payable upon each Bond to be redeemed, the portion of the principal amount of such Bond to be redeemed, together with interest accrued to said date, the redemption premium, if any, and that from and after such date interest with respect thereto shall cease to accrue and be payable. Such notice may be conditional and subject to rescission as described in the Resolution.

Notice of redemption shall be by registered or otherwise secured mail or delivery service, postage prepaid, to the registered owner of the Bonds, to a municipal registered securities depository and to a national information service that disseminates securities redemption notices and, by first class mail, postage prepaid, to the District and the respective Owners of any Bonds designated for redemption at their addresses appearing on the Bond registration books, in every case at least 30 days, but not more than 60 days, prior to the redemption date; provided that neither failure to receive such notice nor any defect in any notice so mailed shall affect the sufficiency of the proceedings for the redemption of such Bonds.

Neither the District nor the Paying Agent will be required: (a) to issue or transfer any Bond during a period beginning with the opening of business on the 15th calendar day next preceding either any Interest Payment Date or any date of selection of any Bond to be redeemed and ending with the close of business on the Interest Payment Date or a day on which the applicable notice of redemption is given, or (b) to transfer any Bond which has been selected or called for redemption in whole or in part.

Reference is made to the Bond Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the Bonds of this series, the rights, duties and obligations of the District, the Paying Agent and the Registered Owners, and the terms and conditions upon which the Bonds are issued and secured. The owner of this Bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified, recited and declared that all acts and conditions required by the Constitution and laws of the State of California to exist, to be performed or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that payment in full for the Bonds has been received; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the Bonds;

and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due, and for levying and collecting such taxes the full faith and credit of the District are hereby pledged.

This Bond shall be not be valid or obligatory for any purpose and is not entitled to any security or benefit under the Bond Resolution (described on the reverse hereof) until the Certificate of Authentication below has been manually signed by the Paying Agent.

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the Paying Agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest in this Bond.

IN WITNESS WHEREOF, the Piedmont Unified School District has caused this Bond to be executed by the facsimile signature of its President and attested by the facsimile signature of the Clerk of its Governing Board, all as of the date stated above.

PIEDMONT UNIFIED SCHOOL DISTRICT

By _____
President

Attest:

Secretary of the Board

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds described in the within-mentioned Resolution.

Authentication Date:

U.S. BANK NATIONAL ASSOCIATION, as Paying Agent

Authorized Signatory

FORM OF ASSIGNMENT

For value received, the undersigned do(es) hereby sell, assign and transfer unto

(Name, Address and Tax Identification or Social Security Number of Assignee)

the within Bond and do(es) hereby irrevocably constitute and appoint _____
_____, attorney, to transfer the same on the registration books of the Bond Registrar, with full
power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Note: Signature(s) must be guaranteed by a an
eligible guarantor institution.

Note: The signature(s) on this Assignment must
correspond with the name(s) as written on the face
of the within Bond in every particular without
alteration or enlargement or any change
whatsoever.

TO: Board of Education

FROM: Constance Hubbard, Superintendent
Randall Booker, Assistant Superintendent, Educational Services
Joan Edelstein, DrPH, RN, District Nurse

SUBJECT: **FIRST READING: NEW BOARD POLICY 5141.31 IMMUNIZATIONS
REVISED ADMINISTRATIVE REGULATION 5141.31**

I. **SUPPORT INFORMATION**

Piedmont Unified School District currently does not have a Board Policy on student immunizations. The proposed Immunization Policy 5141.31 focuses on curtailing the spread of infectious diseases and ensuring complete immunization records for all students.

The current Immunization Administrative Regulation 5141.31 must be updated to reflect current law. Specifically, language must be included to address Tdap immunizations for 7th grade students and procedures for families that wish to exempt their student from immunization. Administrative Regulations are not required to be approved by the Board and are routinely updated per new regulations and/or best practices as required. It is included for information in the context of adding a new Policy.

The Board is requested to review the Policy and Administrative Regulations as part of a first reading this evening. Unless otherwise directed, the Policy will be presented as a second reading with approval as part of the Consent Calendar at the next Board meeting on November 12, 2014.

II. **RECOMMENDATION: ACTION**

The Board is requested to conduct the first reading of new Board Policy 5141.31

**PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy**

Students

BP 5141.31

IMMUNIZATIONS

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Board of Education wishes to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Infectious Disease Prevention)

Students entering a district school or child-care and development program, or transferring between school campuses, shall present an immunization record which shows at least the month and year of each immunization in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)
(cf. 5112.2 - Exclusions from Attendance)
(cf. 5148 - Child Care and Development)

Each transfer student shall present his/her immunization record certifying that he/she has received all required immunizations currently due before he/she is admitted to school. The Superintendent or designee may arrange for qualified medical personnel to administer immunizations at school to any student whose parent/guardian has consented in writing.

(Education Code 49403)
(cf. 5141.3 - Health Examinations)
(cf. 5141.6 - Student Health and Social Services)
(cf. 5145.6 - Parental Notifications)

The District shall encourage parents/guardians and students to follow the Immunization Guidelines of the American Academy of Pediatrics, the Centers for Disease Control, and the American Academy of Family Physicians.

Legal Reference:
EDUCATION CODE
46010 Total days of attendance
48216 Immunization
48980 Required notification of rights
49403 Cooperation in control of communicable disease and immunizations

HEALTH AND SAFETY CODE
120325-120380 Immunization against communicable disease especially:
120335 Immunization requirement for admission
120440 Disclosure of immunization information

CODE OF REGULATIONS, TITLE 17
6000-6075 School attendance immunization requirements

Management Resources:

DEPARTMENT OF HEALTH SERVICES

Documentation Requirement for Personal Belief Exemptions, January 2014

WEB SITES

American Academy of Family Physicians: <http://www.aafp.org/patient-care/immunizations/schedules.html>

American Academy of Pediatrics Recommended Immunization Schedules: <http://www2.aap.org/immunization/izschedule.html>

CA Code of Regulations, Title 17, Division 1, Chapter 4: <http://eziz.org/assets/docs/IMM-1080.pdf>

CDE: <http://www.cde.ca.gov>

California Department of Public Health, Immunization Branch:

<http://cdph.ca.gov/programs/immunize>

CDPH Shots for School: <http://www.shotsforschool.org/>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

National Vaccine Information Center: <http://www.nvic.org/Vaccine-Laws/state-vaccine-requirements/california.aspx>

PIEDMONT UNIFIED SCHOOL DISTRICT

Administrative Regulation

Students

AR 5141.31

IMMUNIZATIONS

Upon enrollment, students must present evidence of full immunization according to the immunization requirements of the Health Department including diphtheria, pertussis (whooping cough), tetanus (Td), poliomyelitis, measles, mumps and rubella (MMR), and chickenpox as documented by a physician, nurse or clinic in the manner prescribed by the State Department of Health Services. ~~Students seven years old or older shall not be required to be immunized against pertussis or mumps.~~ (Health and Safety Code 120335)

Upon enrollment, children entering school shall also present evidence of immunization against hepatitis B. (Health and Safety Code 120335)

Upon enrollment on or after July 1, 1999, children entering, advancing, transferring or repeating 7th grade shall present evidence of hepatitis B and a second measles containing vaccine immunization. (Health and Safety Code 120335)

All students entering, advancing or transferring into 7th grade need proof of an adolescent whooping cough booster immunization (Tdap). (Health and Safety Code 120325,120335)

Any student without the required evidence of immunization shall be excluded from school until the immunization is obtained or until the student presents a letter or affidavit of exemption from his/her parent/guardian or physician. ~~Exemption is allowed when the parent/guardian states in writing that immunization is contrary to his/her beliefs.~~ Exemption is also allowed to the extent indicated by a physician's written statement describing the medical condition of the child and the probable duration of the medical condition or circumstances which contraindicate immunization. (Health and Safety Code 120365, 120370, 120375)

Exemption from immunization requirements is also allowed when the student's parents/guardians who want to exempt their Child(ren) from one or more required immunizations because of their personal beliefs provide to the school a one page form developed by the California Department of Public Health entitled Personal Beliefs Exemption to Required Immunization which contains an affidavit or letter requesting an exemption that states that the required immunization(s) are contrary to their beliefs, and a statement signed and dated by a health care practitioner and parent indicating that the practitioner has provided, and the parent has received, information about the benefits and risks of immunizations and the risks of vaccine-preventable diseases. Effective January 1, 2014 this form shall be required for students at the time of admission to school and 7th grade as well as for any student transferring into the district from out of state. This statement shall be signed not more than six months prior to the date when the person first becomes subject to the immunization requirements as a condition of admittance. The following shall be

accepted in lieu of the original form: A photocopy of the signed form or a letter signed by a health care practitioner that includes all information and attestations included on the form. (Health and Safety Code 120365, 120370, 120375; 17 CCR 6051)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

The district may conditionally admit a child with documentation from a physician that: (Health and Safety Code 120340; 17 CCR 6000)

1. He/she has received some but not all required immunizations and is not due for any vaccine dose at the time of admission

2. He/she has a temporary exemption from immunization for medical reasons

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all of the required immunizations. (17 CCR 6070)

In accordance with law, the Superintendent or designee shall notify parents/guardians of the rights of students and parents/guardians relating to immunizations. (Education Code 48216, 48980)

An already admitted pupil who is subsequently discovered not to have received all the immunizations which were required before admission or who is subsequently discovered not to have complied with the requirements for conditional admission specified in Section 6035 shall continue in attendance only if he or she receives all vaccine doses for which he or she is currently due and provides documentation of having received such doses no later than 10 school days after he or she or the parent or guardian is notified. The school, shall notify the pupil or the parent or guardian of the time period (no longer than 10 school days) within which the doses must be received
(17 CCR 6040)

(cf. 5145.6 - Parental Notifications)

When admission has been denied because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days in which to supply evidence of proper immunization or an appropriate letter of exemption. This notice shall refer the parent/guardian to the child's usual source of medical care. (Education Code 48216; 17 CCR 6040)

The Superintendent or designee shall annually file a report with the state and local health departments on the immunization status of new entrants or when needed to determine immunization status. (Health and Safety Code 120375; 17 CCR 6075)

Approved: July 5, 2000

Revised: June 12, 2002

TO: Board of Education

FROM: Constance Hubbard, Superintendent
Randall Booker, Assistant Superintendent, Educational Services
Joan Edelstein, DrPH, RN, District Nurse

SUBJECT: **CONDUCT FIRST READING OF REVISED BOARD POLICY 5141.33
REVIEW REVISED ADMINISTRATIVE REGULATION 5141.33**

I. **SUPPORT INFORMATION**

The Piedmont Unified School District's Policy 5141.33 on Head Lice was adopted July 5, 2000. Currently, this policy requires that when a student has lice or untreated nits, the student must be sent home as soon as possible. The student may return to school when:

- the parent provides a note indicating that the lice or nits have been treated; and
- the District nurse or designee examines the student and confirms that all lice and nits have been removed.

Also, the current policy states that "if more than two students in any one classroom have lice or nits, all students in the classroom must be examined by the District nurse or designee."

Since these policies and practices were adopted in 2000, scientific evidence concerning the transmission and treatment of head lice has prompted leading health organizations to recommend a different approach. The Centers for Disease Control, the American Academy of Pediatrics, the National Association of School Nurses, the California School Nurses Association, and the Harvard School of Public Health now recommend that students with lice or nits need not be sent home or excluded from school. This recommendation is based in part on the finding that head lice do not spread disease or pose a threat to public health, and current practices interfere with instructional class time and cause needless and disruptive absences from school.

Furthermore, evidence suggests that school-based screening for head lice does not decrease the incidence of head lice, and misdiagnosis (and the potential for related anxiety and stigma) is common when the screening is conducted by non-medical staff.

The current policy is not medically justifiable, causes students to be excluded unnecessarily from school due to head lice, requires burdensome and disruptive classroom or school-wide screening, violates student confidentiality, and often leads to unnecessary treatment with potentially toxic products.

Additional Background

An infestation of head lice is generally a minor and temporary annoyance to the child. Head lice are not caused by or associated with poor hygiene or parental neglect. Head lice are rarely a medical problem, and they do not pose a public health threat. They are not known to spread any disease agents. The greatest danger directly attributable to head lice is from secondary infection due to scratching the skin with dirty fingernails.

Head lice cling to hair. They cannot jump from one person to another. Head lice are most readily transmitted by direct head to head contact (and not by shared hair accessories). Schools are not a common source of the spread of head lice. Head to head contact should be discouraged.

According to the American Academy of Pediatrics, head lice infestation in the U.S. is common among children 3-12 years of age. The AAP national guidelines state that no child should miss school due to head lice (for more info: <http://goo.gl/74iZlu>).

Head lice cause unnecessary absence from school and work, millions of dollars misspent on remedies, and unnecessary treatment of misdiagnosed infestations.

Studies demonstrate that screening for head lice in schools does not decrease the incidence of head lice and is not cost effective. Results of studies suggest that education of parents in identifying and managing head lice is more effective and that class-wide or school-wide screening should be discouraged. Students identified as having nits or lice are at increased risk of bullying.

The American Academy of Pediatrics, the National Association of School Nurses, the Centers for Disease Control, the California School Nurses Organization, and the Harvard School of Public Health have all recommended that students with nits and/or head lice infestations not be excluded from school. The burden of unnecessary absenteeism to the students, families and communities far outweighs the risks associated with head lice. Misdiagnosis of nits is very common during nit checks conducted by nonmedical personnel.

The revised policy has been reviewed with the Administrative Team and with parent groups. The revised Policy 5141.33 and Administrative Regulations are presented this evening for a first reading. Administrative Regulations do not require Board approval and are presented as information with the Policy.

Staff will bring the Policy for a second reading in anticipation of approval at the November 12, 2014 Board Meeting.

II. RECOMMENDATION: ACTION

The Board is requested to conduct the first reading of Board Policy 5141.33 and provide direction to staff in anticipation of approval at the November 12, 2014 Board Meeting.

PIEDMONT UNIFIED SCHOOL DISTRICT

Board Policy

Students

BP 5141.33

HEAD LICE

~~Because head lice are not uncommon and are easily spread, the Superintendent or designee shall send information about the treatment and control of head lice to parents/guardians as needed to prevent the spread of infestations. As part of the health curriculum, teachers shall stress the importance of preventive measures.~~

~~The Board of Education recognizes that responsibility for the treatment of head lice rests with the home. When lice or untreated nits are found, the student shall be sent home as soon as possible with proper parental notification.~~

The Board of Education desires to maximize students' academic performance and physical wellbeing in a healthy and safe environment. The district recognizes that head lice infestations do not pose a health hazard, are not a sign of uncleanliness and are not responsible for the spread of any disease. Misinformation about head lice causes anxiety for parents and school staff and increases the risk of bullying for students identified as having nits or lice. Archaic policies cause many unnecessary absences from school with potential negative effects on academic performance. School-based head lice screening programs have not had a significant effect on the incidence of head lice in schools and are not cost-effective.

The district defines a healthy and safe environment as one in which adults work together to provide the following environmental factors established by evidence based practice as necessary for the health and wellbeing of students with head lice:

* Educating staff, students, and parents/guardians about head lice.

* Establishing evidence based management for students with head lice.

The goals of providing a healthy and safe environment for students with head lice are to:

* Maximize academic performance and minimize absence due to unnecessary exclusion of students with head lice.

(cf. 5141.3 - Health Examinations)

(cf. [5141.6](#) - Student Health and Social Services)

(cf. ~~5112.2 - Exclusions from Attendance~~)

~~Staff shall make every effort to maintain the privacy of students identified as having head lice and excluded for treatment.~~

Legal Reference:

EDUCATION CODE

[33308.5 Program Guidelines](#)

48210-48214 Persons excluded

[48320-48325 School attendance review boards](#)

49451 Physical examinations: parent's refusal to consent

[51890 Comprehensive Health Education Program](#)

[51920 In service training](#)

Management Resources:

AMERICAN ACADEMY OF PEDIATRICS

Head Lice, Official Journal of the American Academy of Pediatrics July 26, 2010

<http://pediatrics.aappublications.org/content/126/2/392.long>

Lice, Nits, and School Policy, Official Journal of the American Academy of Pediatrics, May 2004

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Guidelines on Head Lice Prevention and Control for School Districts and Child Care Facilities, 2009-2012

CALIFORNIA SCHOOL NURSES ORGANIZATION

Position Statement: Pediculosis Management, 2005-2011

IDENTIFY US

Lice Management Chart for Schools

<https://identify.us.com/idmybug/head-lice/head-lice-documents/lice-mgmt-chart-school.pdf>

WEB SITES

California Department of Public Health: <http://www.cdph.ca.gov>

California School Nurses Organization: <http://www.scno.org> <http://csno.org>

Centers for Disease Control and Prevention, Parasitic Disease Information, Head

Lice: <http://www.cdc.gov/ncidod/dpd/parasites/lice>

<http://www.cdc.gov/parasites/lice/head/>

Adopted: July 5, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT

Administrative Regulation

Students

AR 5141.33

HEAD LICE

~~School employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse or designee shall examine the student and any siblings of affected students or members of the same household. If nits or lice are found, the student shall be excluded and parents/guardians informed about recommended treatment procedures, ways to check the hair, and sources of further information.~~

~~The principal shall send home the notification required by law for excluded students. (Education Code 48213)~~

~~If there are more than two students affected in any one classroom, all students in the class shall be examined and information about head lice shall be sent home to all parents/guardians in the class.~~

~~Excluded students may return to school when they bring a note from the parent/guardian indicating the treatment used and when reexamination by the nurse or designee shows that all pests and nits have been removed.~~

A student suspected or confirmed to have head lice or nits shall remain in school and not be isolated or otherwise be subjected to restrictions to his/her activities. The parent/guardian of any such student shall be informed that their child is suspected of being infested by head lice and offered information and guidance on the biology and management of this condition.

(cf,5141.3-Health Examination)

Procedures for ~~Control~~ Management of Pediculosis (Head Lice) and Nits (Eggs)

~~1. Routine Prior Procedures~~

- a. 1. Review and implement Piedmont Unified School District's (PUSD) school policies and procedures regarding communicable disease.

Piedmont Unified School District operates on a no exclusion evidence-based policy supported by the American Academy of Pediatrics, the Centers for Disease Control, the National Association of School Nurses, the California School Nurses Organization, the Harvard School of Public Health, and the Alameda County Public Health Department. ~~a nit-free policy based on data supported by the Alameda County Health Department and research that treatment with pediculicides is not 100% effective. In spite of any medication~~

~~used on the hair, the nits are not totally destroyed unless they are removed from the hair shaft (hair at the base of the skull).~~

~~b. 2. Sustain a positive attitude towards containment of pediculosis/nits. Discourage head to head contact between students and maintain strict confidentiality.~~

~~Nuisance disorders such as pediculosis (head lice)/nits (eggs) can cause considerable amount of embarrassment and hostility, and be time consuming for school personnel, parents, and students. Therefore, it is imperative to identify the problem accurately and to be tactful and sensitive to the needs of the student and family.~~

~~c. Identify designated person for the implementation of these products.~~

~~d. Maintain ongoing inservice and supervision of designated person as appropriate.~~

~~2. Procedures Regarding Identification, Referral, and Re-Entry.~~

~~a. Upon suspected notice of pediculosis/nits, the nurse or designated person who has had inservice will be notified.~~

~~b. The nurse/designated person shall screen the student and if pediculosis/nits are found, the parent/guardian of the student will be notified immediately that the student's condition warrants the student to be removed from school and sent home immediately. The student may not attend school until all pediculosis/nits are removed from the hair shaft. (The nits can be removed in one day.) Siblings and contacts also should be checked, as appropriate.~~

~~c. The methods of communication are:~~

~~(1). The parent/guardian of the student is notified via telephone and asked to pick up the child and seek care. The "Dear Parent Letter" and "Head Lice Cure," published by Alameda County, is given to the parent/guardian; or~~

~~(2) If the parent/guardian is unable to be reached via telephone, send a "Dear Parent Letter" and "Head Lice Cure" with the child to the parent/guardian requesting them to seek care. Keep student isolated until time to go home; or~~

~~(3) When the parent/guardian is unable to pick up the child, the usual method of transporting the student may be utilized; or~~

~~(4) When there is a reported case in the classroom, preventative measures for recurrence should be used, such as avoiding use of personal items by others (comb, hairbrush, towels, hats, etc.), and jackets should be hung on the back of individual chairs, not grouped together.~~

~~d. Upon returning to school, the student is checked for pediculosis/nits by the nurse/designated person. If there are not nits, the student is readmitted. If any nits are present, the student is referred back to the parent/guardian for rectifying the problem.~~

~~e. The school office will keep a record of lice infestation, rechecking, and readmittance.~~

~~f. The classroom teacher is kept apprised and requested to observe and refer other suspected cases to the nurse/designated person.~~

~~g. When one or more students are identified with pediculosis/nits, the nurse/designated person will check other students in the classroom, and also other students who are close contacts. If appropriate, the nurse/designated person will screen other classrooms.~~

~~Parent's/guardian's permission is not required to inspect hair unless the parent/guardian has a current notice on file with the school district that denies permission for Piedmont Unified School District to perform physical examinations of their child (Education Code 49451).~~

~~h. When one or more students are identified, a general notice to all parents/guardians in the classroom should be sent out.~~

~~i. In the event a parent/guardian refuses consent to a physical examination of his child by the school, the child will be sent home until evidence is shown that head lice does not exist.~~

3. To prevent misdiagnosis and overtreatment of head lice, when it is confirmed by the school nurse or designee that two or more students in a class or school have an active infestation, the principal or designee may, at his/her discretion, notify parents/guardians of students in that class or school and provide them with information about the detection and treatment of head lice.

The principal and school nurse shall work with the parents/guardians of any student who has been determined to have a chronic infestation of head lice. This is done through advocating for the education of staff, students, and parents/guardians about head lice and establishing evidence based management for students with head lice.

Confidentiality of any student suspected or confirmed to have head lice or nits shall be maintained.

(cf. 4131-Staff Development)

(cf 4231-Staff Development)

(cf.1020-Youth Services)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Guidelines on Head Lice Prevention and Control For School Districts and Child Care Facilities, March 2012
A Parent's Guide to Head Lice 2008

CALIFORNIA SCHOOL NURSES ORGANIZATION
Pediculosis Management, Position Statement, 2011

WEB SITES

American Academy of Pediatrics: <http://www.aap.org>

California Department of Public Health: <http://www.cdph.ca.gov>

California School Nurses Organization: <http://www.csno.org>

Centers for Disease control and Prevention, Parasitic Disease Information, Head Lice: <http://www.cdc.gov/parasites/lice/head> 2012

Identify Us <https://identify.us.com/idmybug/head-lice/head-lice-documents/lice-mgmt-chart-school.pdf>

Adopted: July 5, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT

Council Chambers, City Hall

120 Vista Avenue

Piedmont, California 94611

MINUTES OF

Regular Meeting of the Governing Board

October 8, 2014

CALL TO ORDER	President Andrea Swenson called the meeting of the Board of Education to order at 6:03 p.m.
ESTABLISHMENT OF QUORUM	President Andrea Swenson, Vice President Sarah Pearson and Board Members Amal Smith, Doug Ireland and Rick Raushenbush were present.
Adjourn to Closed Session	The Board adjourned to Closed Session at 6:04 p.m. to discuss: Public Employee Performance Evaluation: Superintendent (Government Code Section 54957))
Others Present in Closed Session	Superintendent Hubbard joined the session at 6:14 p.m.
Reconvene to Regular Session	President Swenson called the Regular Session of the Board of Education to order at 7:02 p.m. and led the Board and audience in the Pledge of Allegiance.
Others Present at Regular Session	Superintendent Constance Hubbard Michael Brady, Assistant Superintendent, Business Services Randall Booker, Assistant Superintendent, Educational Services
Report of Action Taken in Closed Session	The Board met in closed session and no action was taken.
Agenda Adjustments	None
COMMUNICATIONS/ANNOUNCEMENTS	
Association of Piedmont Teachers (APT)	None
CSEA	None
Parent Clubs	Katie Korotzer, President of the PHS Parents' Club and APCP, reported the following: <u>PHS Parents' Club:</u> <ul style="list-style-type: none">• Chromebooks have been received for 9th and 11th graders and Parent Club representatives are helping with distribution• Parents appreciated working with Assistant Principal Ginna Myers to develop the Safe Driving Assembly It Can Wait!• The Wellness Center distributed alcohol poisoning awareness cards after the school assemblies• They have received 13 grant requests from PHS teachers and will meet to review them <u>Associated Parents' Clubs of Piedmont:</u> <ul style="list-style-type: none">• Representatives attended the New Parent Party hosted by the Giving Campaign• Work is in progress to review the Summer Enrichment program and plan classes for summer of 2015, and they will send a survey to parents regarding possible classes• Parent Club Presidents are hearing that parents would like some

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education on Common Core Math so they can help with homework

- Parent Club Presidents are talking with Mr. Booker and the District Nurse about the proposed lice policy.
- Tri-School clubs are working on the 2015 Spring Fling
- The Education Speakers Series began with a presentation on technology on Sept. 30; the next presentation will be October 21.
- The Harvest Festival went well and raised a lot of money
- Wildwood held a successful Book Fair preceded by a Dad's BBQ.

Student Representative to Board

Sean Dickson, MHS student representative and ASB Vice President, reported the following:

- Friday night the Football team is playing in Hayward and the game will be televised.
- Students are developing a new tradition of elaborate ways to ask someone to the Homecoming Dance
- Both school assemblies went well. A new aspect of the Consent assembly was that he and another male student spoke about what guys can do to prevent date rape.
- Students like the old Western-style sign saying Bagpipers that was recently installed at the entrance to Food Services

Persons Requesting to Speak on Items Not on the Agenda

Dr. Steve Sidney, Piedmont resident, spoke about the smoking ordinance under consideration by the City Council. He would like to see the school community get involved in the discussion and wondered if the District has a policy. He would like to encourage a no-smoking zone of 500-1000 foot radius around schools and for e-cigarettes to be included in the policy.

President Swenson said she has sent a letter to the City Council on this issue and will attend the City Council meeting on Oct. 20th for its discussion. The District is considering adding e-cigarettes to the smoking policy.

Mr. Rick Schiller, Piedmont resident, commented that the Brown Act (Gov. Code 54950-54963), which governs meetings of publicly elected entities, does not prevent Board members from commenting on items not included on the agenda. The act states, "no action or discussion shall be taken on any item not appearing on the posted agenda" but allows members to briefly respond to statements or answer questions.

Superintendent Announcements

None

President Announcements

EDUCATIONAL SERVICES REPORT:
SPOTLIGHT ON STUDENT LEARNING
PHS/MHS Social & Development
Assemblies

On Tuesday, October 7th, PHS/MHS hosted two assemblies to continue to support the social and emotional development of students. The tenth annual **Consent Assembly**, designed to bring awareness of the issues of consent and acquaintance rape, was presented to freshmen and seniors. Under the direction of PHS drama teacher Kim Taylor, this dramatic presentation (written and performed by PHS students) examines the realities of consent and teen acquaintance rape from the perspective of a high school student and a parent. PHS/MHS also held a related Parent Education Night on Monday, October 6, for families to preview this assembly. Senior Sophie Nadler spoke about the relevance of the topic. She said students were touched by the content; she has two friends who

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experienced tricky situations and were able to come forward because of the assembly. She is proud that her school takes this issue seriously and presents an assembly on such a powerful and timely topic.

PHS/MHS, in collaboration with the PHS Parents Club, designed the **It Can Wait! Assembly** on safe driving for tenth and eleventh grade students. Rikki Goede, Piedmont Police Chief, and Sharon Connors Filler, a registered nurse working in a hospital neurological trauma unit, focused on the serious implications of distracted driving. PHS Assistant Principal Ginna Myers reported that the school is conducting pre- and post-assembly surveys to determine if the program affected student behavior. Prior to the assembly, 300 students responded to the questionnaire, which showed that students are wise to the dangers of texting while driving. Principal Brent Daniels said there will be a debriefing on the assemblies and examination of survey results next week.

REVIEW AND ACTION ITEMS

Adopt Resolution 04-2014-15, Authorizing "Temporary Borrowing from the Alameda County Treasury per Education Code 42620"

The Board was asked to approve a Resolution to allow the District to borrow from the Alameda County Treasury on an as-needed basis in order to meet cash flow needs throughout the year. Assistant Superintendent Brady explained that this has nothing to do with fiscal vulnerability and is necessitated by the State's deferral of apportionments to schools. The funds are borrowed on a temporary basis and no loan amount crosses fiscal years. Borrowing between District funds and the County Treasurer allows the District to meet monthly financial obligations and temporarily borrow money at a very low interest rate. The money will be paid back in April, when the District receives some of money from taxes. Borrowing from the County represents a cost savings to the alternative of issuing a Tax Revenue Anticipation Note (TRAN).

Mr. Raushenbush moved to Adopt Resolution 04-2014-15, Authorizing "Temporary Borrowing from the Alameda County Treasury per Education Code 42620." Ms. Smith seconded the motion.

The motion passed as follows:

AYES: Swenson, Pearson, Smith, Ireland, Raushenbush
NOES: None
ABSENT: None
ABSTAIN: None"

Conduct Public Hearing and Adopt Resolution 05-2014-15, "Resolution on Sufficiency of Textbooks and Instructional Materials"

Education Code Section 60119 requires school districts to conduct a public hearing annually to determine whether textbooks and instructional materials, including lab equipment for science lab classes, are sufficient for all classrooms. The District has conducted an assessment of textbooks, supplies, and lab materials and confirms that each site has a sufficiency of instructional materials.

The Board conducted a public hearing and there were no public comments.

Ms. Pearson moved to Adopt Resolution 05-2014-15 "Resolution on Sufficiency of Textbooks and Instructional Materials." Mr. Raushenbush seconded the motion.

The motion passed as follows:

AYES: Swenson, Pearson, Smith, Ireland, Raushenbush
NOES: None
ABSENT: None
ABSTAIN: None"

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Presentation by Blake Boehm, Vice President of Kelling, Northcross, & Nobriga, Financial Advisors to the District, Regarding Options for the Refunding of 2005 General Obligation Bonds for the Purpose of Realizing Savings to Taxpayers in Piedmont

Mr. Blake Boehm, Vice President of Kelling, Northcross & Nobriga (KNN), presented information about the District's bond programs, including a debt program summary, a current market summary and projected savings from refunding 2005 G.O. bonds. Four separate bond measures have been passed in the last 20 years with a total amount of \$84,200,000. The statutory limit for taxes rates is a maximum of \$160 per \$100k of assessed value (AV), and the current tax rate is \$146.80 per \$100k of A.V.

Factors that make the refunding viable are the high credit rating of the school district and the growth in assessed value, which has averaged 5% a year over the last 10 years. Currently callable bonds issued in 2005 can be refinanced at a lower interest rate, similar to refinancing a home mortgage. The savings in interest payments are expected to be about \$835k with an annual savings of \$119,416 through the life of the bonds. This refunding will not pay down the principle or change the maturity date.

KNN recommends a competitive sale, which will result in the lowest true interest cost and suggests timing the sale to take place before the holidays. This would require the Board to adopt a resolution to authorize refunding at the October 22 meeting and for bond pricing to be determined on November 6, and the Official statement distributed on November 13 with bond sales closing on November 18. A report on the bond sale would be made at the December Board meeting.

Superintendent Hubbard requested that the Board authorize the District to move forward on the refunding to maintain the timeline suggested by KNN.

Mr. Raushenbush moved and Mr. Ireland seconded a motion to Direct the Superintendent to Pursue rRefunding of 2005 General Obligation Bonds for the Purpose of Realizing Savings to Taxpayers. The motion was approved 5-0.

REVIEW AND DISCUSSION

Superintendent Hubbard reported enrollment numbers based on attendance on Student Census Day, the first Wednesday in October. Enrollment grew slightly this year from last year's census of 2,644 to 2,700 this year. There was a blip in secondary enrollment but as grades move forward, the cohort numbers have remained stable.

Ms. Swenson noted that we only get money from the State when a student is in school. We budget for 96% attendance and aspire for an even higher rate of attendance.

ANNOUNCEMENTS

None

CORRESPONDENCE

Ms. Smith received an email from Mr. William Blackwell commenting on the *Borikas* decision.

Ms. Swenson received an email from Mr. Blackwell with the suggestion of someone who might be able to help with the facility plan.

Ms. Pearson received an email from someone who had been vocal in the Alan Harvey Theater discussion. This email included a 30-minute interview and the person asked if it might be of interest to the Board. Ms. Pearson suggested that the sender edit it down before sending it to the Board. She also received quite a few calls and emails on the proposed lice policy and some feedback on the high school schedule.

Mr. Raushenbush received an email from Mr. Blackwell on the parcel tax.

Mr. Ireland had a discussion reviewing the new high school schedule.

BOARD REPORTS

Mr. Raushenbush attended the Consent Assembly for parents and the Beach Parents Organization, which is working toward consensus on the issue of shade.

Mr. Ireland attended the Consent Assembly and though having seniors participate was a smart idea as this is a big issue at colleges. He attended the Havens Parents' Club where there was the same discussion on parents wanting to understand the changes in math. He and Ms. Smith attended the Tri-School Site Council, which is working on the Single Plan for Student Achievement.

Ms. Smith attended the MHS Site council and was impressed by their approach of personalized learning plans for each student. She also attended the Dartmouth Forum on Education at Stanford where they talking about developing more individualized learning plans, which makes her think Millennium is on the cutting edge. She attended the MHS Parent Club potluck meeting, the Wildwood Parent Club meeting and the Tri-School Site Council.

Ms. Pearson attended the Challenge Success Education Forum at Stanford along with the PHS team of teachers, students and parents, who met with their advisor She and Ms. Swenson attended the Educate Our State meeting that included a debate between State School Superintendent candidates. She also attended the first Education Speaker Series event on Technology, the New Parent party, the Math Task Force, and the **It Can Wait** assembly. She attended a presentation at PMS 8th graders that brought in math rappers from L.A. She recommended an article in *Wired* magazine on wrong theory, which is when you do something wrong it can have great benefits and movement forward; this supported the ideas promoted in "living in beta" and how beneficial it can be to try ideas that may be wrong.

Ms. Swenson attended the meeting of Educate Our State, the New Parent party, the Math Task Force, the Public Safety Committee. She and Mr. Raushenbush were judges at the Harvest Festival. She attended the Parent Education Speaker Series presentation on technology, which was spectacular. She was pleased see some longtime middle school teachers jazzed about using chromebooks and excitement about the use of technology among the parents of elementary students.

Mr. Booker noted that the District is trying to measure the level of engagement of students through chromebooks.

CONSENT CALENDAR

Ms. Swenson thanked Project Sport for their donation of \$500 to the Cross-Country Team.

Ms. Smith moved and Mr. Ireland seconded a motion to approve the consent calendar. The motion passed 5-0.

- A. Adopt Regular Board Meeting Minutes of September 23, 2014 Board Meeting
- B. Approve Monthly Financial Report for September, 2014
- C. Approve Personnel Action Report
- D. *Approve Williams Report for the period of July – September, 2014
- E. *Approve Donation from Project Sport, LLC to the PHS ASB/Cross Country Team in the amount of \$500
- F. *Approve Assignment Under Education Code 44258.2 and

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44258.3 Authorization for Assignment Out of Credentialed Area Education Code allows assignment of existing staff to areas outside teaching area under specific criteria. This must be approved on an

- G. *Adopt Resolution 06-2014-15 "Authorization for Assignment Out of Credentialed Area"
Education Code 44256(b) allows assignment of existing staff to areas outside of their credentialed teaching area under specific criteria. This must be approved on an annual basis.
- H. *Approve Memorandum of Understanding with the Contra Costa County Office of Education for the Regional Occupational/Career Technical Education Program for the 2014-15 school year.
- I. Approve one reimbursement to parents of one student, for non public services, effective July 1, 2014 through October 1, 2014, at a total cost not to exceed \$779.30. Funding: Special Education
- J. Approve two Independent Service Agreements with Starfish Therapies, to provide nonpublic services for two students, effective September 1, 2014 through June 30, 2015, at a total cost not to exceed \$5,407.50. Funding: Special Education
- K. Approve one Independent Service Agreement with Heritage School, to provide nonpublic services for one student, effective October 6, 2014 through December 31, 2014, at a total cost not to exceed \$30,120.00. Funding: Special Education

FUTURE BOARD AGENDA ITEMS

Ms. Swenson would like the Board to review and update Board Policies in the Spring. Mr. Booker and Ms. Edelstein, District Nurse, have been working on policies related to health and have developed a calendar for reviewing and revising these policies. Superintendent Hubbard explained that Board policy revisions always go through two readings to provide an opportunity for public comment. Ms. Swenson will attend the City Council meeting discussion on smoking policy.

Ms. Pearson asked if there could be follow up on the parent request for more information on math homework. Mr. Booker responded that elementary site councils are holding a continuing conversation on the topic of homework.

Mr. Raushenbush requested that Facility Fee Structure and revisions to the Facility Handbook could be done at the same time and if this could take place before x expires.

- Board Workshop on Facilities/Master Planning (Oct.)
- Facilities Use – Fee Structure (Oct./Nov.)
- Board Workshop on Special Education (Nov.)
- Review Facilities Standards/ Green Policy (TBD)
- Review Facilities Handbook (TBD)
- Review Recommendations of Math Task Force for 2015-16 (Jan.)

ADJOURNMENT

The meeting was adjourned at 8:37 p.m.

ANDREA SWENSON
Board President, Piedmont Unified School District
Board of Education

CONSTANCE HUBBARD
Secretary, Piedmont Unified School District
Board of Education

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PIEDMONT UNIFIED SCHOOL DISTRICT
Piedmont, California
October 22, 2014

TO: Members of the Board of Education
FROM: Constance Hubbard, Superintendent
SUBJECT: Personnel Action

SUBJECT TO BOARD APPROVAL

Employment: Classified

Karen Sullivan	Para Educator	Beach
Effective 10/13/2014	.67 FTE	

Alicia Martinez	Special Ed Para I	Beach
Effective 10/13/2014	1.0 FTE	

Extra Compensation: Fall Coaches

Kelsey Garcia	Cheer	PHS
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William McKenzie	Football	PHS
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Richard Carter	Football	PHS
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Julia Diskin	Water Polo	PHS
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