

**CONCEPTS AND ROLES**

The Board of Trustees desires to represent the community and provide leadership in addressing community issues related to education. In order to identify community concerns and enlist support for the schools, the Board shall establish effective two-way communication systems between schools and the community.

Schools, parents/guardians, community members and local organizations must continually collaborate as partners. The Board and the Superintendent or designee shall work together with city and county agencies and organizations to promote and facilitate coordinated services for children, and shall seek to develop partnerships with local businesses.

*(cf. 1020 - Youth Services)*

*(cf. 1700 - Relations between Private Industry and the Schools)*

The Board recognizes that schools are an important community resource and encourages community members to make appropriate use of school facilities. Community members are also encouraged to attend Board meetings, participate in school activities, and take an active interest in issues that affect the schools. The Board and Superintendent or designee shall keep community members well informed about district needs and accomplishments and shall ensure that they have opportunities to share in developing educational policies, programs and evaluation processes.

*(cf. 0420.5 - School-Based Decision Making)*

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1312 - Complaints Concerning the Schools)*

*(cf. 1330 - Use of School Facilities)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6141 - Curriculum Development and Evaluation)*

*(cf. 9323 - Meeting Conduct)*

The Board recognizes that its ability to fulfill the community's expectations for a high-quality educational program depends on the level of support provided by the state and federal government as well as the community. The Board therefore shall study legislative processes and issues, establish ongoing relationships with state and local leaders and the media, adopt positions on key issues, set priorities for advocacy, and collaborate with other organizations and coalitions in legislative and legal advocacy efforts.

*(cf. 1112 - Media Relations)*

*(cf. 1160 - Political Processes)*

*(cf. 9000 - Role of the Board)*

*Legal Reference: (see next page)*

**CONCEPTS AND ROLES** (continued)

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

*35172 Promotional activities*

# Board Policy

## Community Relations

BP 1020(a)

### YOUTH SERVICES

The Governing Board desires to help all district students achieve to their highest potential regardless of their social, health, or economic circumstances and recognizes that schools alone cannot meet all the complex needs of children. The district shall provide support services for children and families to the extent possible and shall work with other local governments, businesses, foundations, and community-based organizations, as appropriate, to improve the health, safety, and well-being of the community's youth.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5136 - Gangs)*  
*(cf. 5141.32 - Health Screening for School Entry)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 5141.52 - Suicide Prevention)*  
*(cf. 5141.6 - Student Health and Social Services)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*  
*(cf. 5148 - Child Care and Development)*  
*(cf. 5148.2 - Before/After School Programs)*  
*(cf. 5149 - At-Risk Students)*  
*(cf. 6164.2 - Guidance/Counseling Services)*  
*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.1 - Education for Foster Youth)*  
*(cf. 6300 - Preschool/Early Childhood Education)*

The Board shall initiate or participate in collaborative relationships with city and county elected officials to design and coordinate multi-agency programs that respond to the needs of children and families and provide more efficient use of district and community resources.

The Board may establish or participate in formal structures for governance teams to regularly meet and discuss issues of mutual concern.

*(cf. 0200 - Goals for the School District)*  
*(cf. 9140 - Board Representatives)*

The Superintendent and appropriate staff shall cooperate with public and private entities in the planning and implementation of joint projects or activities within the community. The Superintendent or designee may designate a coordinator to ensure effective implementation of the district's responsibilities in any such collaborative project.

## **YOUTH SERVICES** (continued)

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 1700 - Relations Between Private Industry and the Schools)*

In order to identify priorities for youth services, the Board shall encourage a periodic assessment of children's needs within the community, which may include, but not be limited to, needs based on poverty, child abuse and neglect, poor physical or mental health, homelessness, placement in foster care, lack of access to child care, substance abuse, or violence. The needs assessment also should examine the extent to which those needs are being met through existing services in the district and in the community, the costs of providing those services, and any gaps, delay, or duplication of services.

The Board shall approve the services to be offered by the district, the resources that will be allocated to support collaboration, any use of school facilities for services, and any development or joint use of facilities with other jurisdictions.

*(cf. 1330 - Use of School Facilities)*

*(cf. 3100 - Budget)*

All agreements with other agencies to coordinate services or share resources shall be in writing. The Board may establish joint powers agreements or memorandums of understanding, when feasible, to formalize the responsibilities and liabilities of all parties in a collaborative activity.

The Superintendent or designee shall work with interagency partners to explore funding opportunities available through each agency, state and national grant programs, and/or private foundations for youth service coordination and delivery.

Note: Education Code 49075 authorizes districts to permit access to student records to any person for whom a parent/guardian has provided written consent; see BP/AR 5125 - Student Records.
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In order to facilitate service delivery or determination of eligibility for services, the district may share information with other appropriate agencies with parent/guardian consent and in accordance with laws pertaining to confidentiality and privacy.

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 5125 - Student Records)*

The Board shall receive regular reports of progress toward the identified goals of the collaborative effort. The reports may include, but not be limited to, feedback from staff and families regarding service delivery, numbers of children and families served, specific indicators of conditions of children, and indicators of system efficiency and cost effectiveness.

**YOUTH SERVICES** (continued)

*(cf. 0500 - Accountability)*

The Board shall communicate with the community about the district's collaborative efforts and the conditions of children within the schools. The Board may advocate for local, state, and national policies, programs, and initiatives designed to improve the conditions of children and youth.

*(cf. 1100 - Communication with the Public)*

*(cf. 1160 - Political Processes)*

*(cf. 9000 - Role of the Board)*

*Legal Reference:*

EDUCATION CODE

8800-8807 *Healthy Start support services for children*

49073 *Privacy of student records*

49075 *Parent/guardian permission for release of student records*

49557.2 *Sharing of information for MediCal eligibility*

HEALTH AND SAFETY CODE

120440 *Immunization records; release to local health departments*

130100-130155 *Early childhood development; First 5 Commission*

WELFARE AND INSTITUTIONS CODE

5850-5883 *Mental Health Services Act*

18961.5 *Computerized database; families at risk for child abuse; sharing of information*

18980-18983.8 *Child Abuse Prevention Coordinating Council*

18986-18986.30 *Interagency Children's Services Act*

18986.40-18986.46 *Multidisciplinary services teams*

18986.50-18986.53 *Integrated day care program*

18987.6-18987.62 *Family-based services*

*Management Resources: (see next page)*

## **YOUTH SERVICES (continued)**

### *Management Resources:*

#### CSBA PUBLICATIONS

*Expanding Access to High-Quality Preschool Programs: A Resource Guide for School Leaders, rev. April 2008*

*Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008*

*Mental Health Services Act (Proposition 63): Collaborative Opportunity to Address Mental Health, Policy Advisory, October 2007*

*Maximizing School Board Governance: Community Leadership, 1996*

#### CHILDREN NOW PUBLICATIONS

*California Report Card: The State of the State's Children, 2008*

#### CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

*Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006*

*Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006*

#### YOUTH LAW CENTER PUBLICATIONS

*Model Form for Consent to Exchange Confidential Information among the Members of an Interagency Collaborative, 1995*

#### WEB SITES

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

California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>

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

California Department of Social Services: <http://www.dss.cahwnet.gov>

California State Association of Counties: <http://www.csac.counties.org>

Children Now: <http://www.childrennow.org>

Cities, Counties and Schools Partnership: <http://www.ccspartnership.org>

First 5 California: <http://www.ccfc.ca.gov>

League of California Cities: <http://www.cacities.org>

Youth Law Center: <http://www.ylc.org>

**COMMUNICATION WITH THE PUBLIC**

The Board of Trustees appreciates the importance of community involvement and therefore shall strive to keep the community informed of developments within the school system in timely and understandable ways.

The Superintendent or designee shall use all available means of communication to keep the public aware of the goals, programs, achievements and needs of our schools. Members of the community shall have opportunities to become involved in the schools and to express their interests and concerns.

The district shall seek to communicate in ways that accommodate the needs of all members of the public, including the visually or hearing impaired, those who do not understand English and those who do not read.

*(cf. 1340 - Access to District Records)*  
*(cf. 5145.6 - Parental Notifications)*  
*(cf. 9321- Closed Session Purposes and Agendas)*

**Mass Mailings or Distributions**

The Board recognizes that state law prohibits mass mailings or distributions at public expense which aggrandize elected officers. The name, signature or photograph of an elected district officer may be included in such materials only as permitted by 2 CCR 18901.

In order to promote open communication between Board members and the public, district newsletters and other mass mailings shall include a roster of all Board members' names in accordance with law.

*Legal Reference:*  
EDUCATION CODE  
*35172 Promotional activities*  
GOVERNMENT CODE  
*82041.5 Mass mailing*  
*89001 Newsletter or mass mailing*  
CODE OF REGULATIONS, TITLE 2  
*18901 Mass mailings sent at public expense*

**COMMUNICATION WITH THE PUBLIC**

The Governing Board recognizes the district's responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the schools and district and to be responsive to the concerns and interests expressed by members of the community.

*(cf. 1000 - Concepts and Roles)*

The Superintendent or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies.

*(cf. 9000 - Role of the Board)*

The Superintendent or designee shall utilize a variety of communications methods in order to provide the public with adequate access to information. Such methods may include, but not be limited to, district and school newsletters, mailings, the district and school web sites, direct email communications, recorded telephone messages for parent/guardian information, school accountability report cards, community forums and public events, notices sent home with students, and news releases and meetings with editorial boards.

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1113 - District and School Web Sites)*

*(cf. 5145.6 - Parental Notifications)*

In developing communications strategies, the Superintendent or designee shall take into account the needs of all members of the public, including those whose primary language is not English and those who are visually or hearing impaired or have other special needs.

The Superintendent or designee shall ensure that staff are responsive to requests by parents/guardians or members of the public for information or assistance and may provide staff with professional development in their "customer service" role as needed.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The Superintendent or designee shall provide multiple opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, use the district's complaint procedures as appropriate, and become involved in school activities.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1230 - School-Connected Organizations)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1260 - Educational Foundation)*



## **COMMUNICATION WITH THE PUBLIC (continued)**

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*  
*(cf. 6020 - Parent Involvement)*  
*(cf. 9322 - Agenda/Meeting Materials)*  
*(cf. 9323 - Meeting Conduct)*

### **Prohibition Against Mass Mailings at Public Expense**

No newsletter or other mass mailing, as defined in Government Code 82041.5 and 2 CCR 18901, shall be sent by the district at public expense if such material aggrandizes one or more Board members. The name, signature, or photograph of a Board member may be included in such materials only as permitted by 2 CCR 18901. (Government Code 82041.5, 89001; 2 CCR 18901)

### **Comprehensive Communications Plan**

The Superintendent or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for district programs and issues. The plan shall also incorporate strategies for effective communications during an emergency or other situation that may arise.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 1160 - Political Processes)*  
*(cf. 1330 - Use of School Facilities)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

The plan shall identify specific communications goals aligned with the district's vision and goals for student learning. For each communications goal, the plan shall identify key messages, individuals or groups that can help the district achieve its goal, strategies tailored for communicating with each target audience, timelines, persons responsible for each activity, and budget implications.

*(cf. 0000 - Vision)*  
*(cf. 0200 - Goals for the School District)*

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary institutions, health care professionals, child care providers, senior citizens, community leaders, state or federal legislators or agencies, and/or other segments of the public.

*(cf. 1020 - Youth Services)*  
*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*  
*(cf. 1700 - Relations Between Private Industry and the Schools)*

**COMMUNICATION WITH THE PUBLIC** (continued)

The Superintendent or designee shall annually evaluate the implementation and effectiveness of the district's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

(0500 - Accountability)

*Legal Reference:*

EDUCATION CODE

35145.5 Board meetings, public participation

35172 Promotional activities

38130-38138 Civic Center Act

GOVERNMENT CODE

54957.5 Meeting agendas and materials

82041.5 Mass mailing

89001 Newsletter or mass mailing

CODE OF REGULATIONS, TITLE 2

18901 Mass mailings sent at public expense

*Management Resources:*

CSBA PUBLICATIONS

Mass Mailings at Public Expense, Legal Advisory, January 2007

911: A Manual for Schools and the Media During a Campus Crisis, 2001

Political Activities of School Districts: Legal Issues, rev. 2001

Maximizing School Board Governance: Community Leadership, 1996

WEB SITES

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

California School Public Relations Association: <http://www.calspra.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

**MEDIA RELATIONS**

The Board of Trustees respects the public's right to information and recognizes that the media significantly influence the community's understanding of school programs. In order to develop and maintain positive media relations, the Board and the Superintendent desire to reasonably accommodate media requests for information and to provide accurate, reliable and timely information.

Media representatives are welcome at all Board meetings and shall receive meeting agendas upon request in accordance with Board policy.

*(cf. 9322 - Agenda/Meeting Materials)*

Media representatives, like all other visitors, shall register immediately upon entering any school building or grounds when school is in session.

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 3515.2 - Disruptions)*

Staff may provide the media with student directory information, including, but not limited to, the name of a student, school of attendance, grade level, honors, and activities, unless the student's parent/guardian has submitted a written request that such information not be disclosed. The district shall not release information that is private or confidential as required by law, Board policy or administrative regulation. No other access to student records or personally identifiable student information may be provided without written parent/guardian permission.

*(cf. 1340 - Access to District Records)*

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

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 9010 - Public Statements)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

**Interviewing and Photographing Students**

The district shall not impose restraints on students' right to speak freely with media representatives at those times which do not disrupt a student's educational program. However, interviews of students may not create substantial disorder or impinge on the rights of others. Therefore, in order to minimize possible disruption, media representatives who wish to interview students at school are strongly encouraged to make prior arrangements with the principal. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.

*(cf. 5145.2 - Freedom of Speech/Expression)*

## **MEDIA RELATIONS** (continued)

In order to protect the privacy and safety of students, a media representative who wishes to photograph students on school grounds should first make arrangements with the principal or designee.

When interviewing or photographing a special education student, he/she shall not be identified as a special education student without prior, written parent/guardian permission.

### **Media Communications Plan**

In order to help develop strong relations with the media, the Superintendent or designee shall develop a proactive media communications plan. This plan may include, but not be limited to, information related to district programs and needs, student awards, school accomplishments and events of special interest.

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1100 - Communication with the Public)*

*(cf. 1160 - Political Processes)*

The plan shall specify the district's and/or site's primary media contact to whom all media inquiries shall be routed. Spokespersons designated to speak to the media on behalf of the district include the Board president, Superintendent and public information officer. Other Board members and staff may be asked by the Superintendent or designee to speak to the media on a case-by-case basis, depending on their expertise on an issue.

The Superintendent or designee shall provide training on effective media relations to all designated spokespersons.

*(cf. 9240 - Board Development)*

### **Crisis Communications Plan**

During a disturbance or crisis situation, the first priority of school staff is to assure the safety of students and staff. However, the Board recognizes the need to provide timely and accurate information to parents/guardians and the community during a crisis. The Board also recognizes that the media have an important role to play in relaying this information to the public. In order to help ensure that the media and district work together effectively, the Superintendent or designee shall develop a crisis communications plan to identify communication strategies to be taken in the event of a crisis.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3516 - Emergency and Disaster Preparedness Plan)*

**MEDIA RELATIONS** (continued)

The crisis communications plan may include but not be limited to identification of a media center location, development of both internal and external notification systems, and strategies for press conference logistics.

The Superintendent or designee shall include local law enforcement and media representatives in the crisis planning process.

*Legal Reference:*

EDUCATION CODE

32210-32212 *Willful disturbance of public school or meeting*

35144 *Special meetings*

35145 *Public meetings*

35160 *Authority of governing boards*

35172 *Promotional activities*

EVIDENCE CODE

1070 *Refusal to disclose news source*

PENAL CODE

627-627.10 *Access to school premises*

COURT DECISIONS

*Lopez v. Tulare Joint Union High School District, (1995) 34 Cal.App.4th 1302*

ATTORNEY GENERAL OPINIONS

95 *Ops.Cal.Atty.Gen. 509 (1996)*

*Management Resources:*

CSBA PUBLICATIONS

911: *A Manual for Schools and the Media During a Campus Crisis, 2001*

WEB SITES

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

# Board Policy

## Community Relations

BP 1113(a)

### DISTRICT AND SCHOOL WEB SITES

Note: The following **optional** policy is for use by districts that maintain their own web site(s) and may be revised to reflect district practice. District strategies for effective use of web sites may be incorporated into the district's comprehensive communications plan; see BP 1100 - Communication with the Public.

To enhance communication with students, parents/guardians, staff, and community members, the Governing Board encourages the Superintendent or designee to develop and maintain district and school web sites. The use of district and school web sites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

*(cf. 0000 - Vision)*

*(cf. 0440 - District Technology Plan)*

*(cf. 1100 - Communication with the Public)*

*(cf. 1112 - Media Relations)*

*(cf. 1114 - District-Sponsored Social Media)*

*(cf. 6020 - Parent Involvement)*

### Design Standards

The Superintendent or designee shall establish design standards for district and school web sites in order to maintain a consistent identity, professional appearance, and ease of use.

The district's design standards shall address the accessibility of district-sponsored web sites to individuals with disabilities, including compatibility with commonly used assistive technologies.

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

### Guidelines for Content

The Superintendent or designee shall develop content guidelines for district and school web sites and shall assign staff to review and approve content prior to posting.

Note: The district may determine whether or not to post advertising of a commercial nature on district and school web sites. The following **optional** paragraph provides that the district will apply the same policy it has established for advertising in school-sponsored publications (see BP 1325 - Advertising and Promotion) and may be revised to reflect district practice.

Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school web sites.

*(cf. 1325 - Advertising and Promotion)*

## **DISTRICT AND SCHOOL WEB SITES** (continued)

### **Privacy Rights**

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school web sites.

*(cf. 1340 - Access to District Records)*  
*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5022 - Student and Family Privacy Rights)*  
*(cf. 5125 - Student Records)*

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school web sites.

*(cf. 5125.1 - Release of Directory Information)*

Photographs of individual students may be published, together with their names, except when their parent/guardian has notified the district in writing to not release the student's photograph without prior written consent in accordance with BP/AR 5125.1 - Release of Directory Information.

Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.

Staff members' home addresses or telephone numbers shall not be posted on district or school web sites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school web sites without the prior written permission of that individual. (Government Code 3307.5, 6254.21, 6254.24)

No public safety official shall be required to consent to the posting on the Internet of his/her photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or his/her family. (Government Code 3307.5)

*(cf. 3515.3 - District Police/Security Department)*

**DISTRICT AND SCHOOL WEB SITES (continued)**

*Legal Reference:*

EDUCATION CODE

35182.5 *Contracts for advertising*  
35258 *Internet access to school accountability report cards*  
48907 *Exercise of free expression; rules and regulations*  
48950 *Speech and other communication*  
49061 *Definitions, directory information*  
49073 *Release of directory information*  
60048 *Commercial brand names, contracts or logos*

GOVERNMENT CODE

3307.5 *Publishing identity of public safety officers*  
6254.21 *Publishing addresses and telephone numbers of officials*  
6254.24 *Definition of public safety official*  
11135 *Nondiscrimination; accessibility to state web sites*

PENAL CODE

14029.5 *Prohibition against publishing personal information of person in witness protection program*

UNITED STATES CODE, TITLE 17

101-1101 *Federal copyright law*

UNITED STATES CODE, TITLE 20

1232g *Federal Family Educational Rights and Privacy Act*

UNITED STATES CODE, TITLE 29

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

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 *Children's Online Privacy*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*

COURT DECISIONS

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

*Management Resources:*

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

*Accessibility of State and Local Government Websites to People with Disabilities, June 2003*

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

*Web Content Accessibility Guidelines, December 2008*

WEB SITES

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

California Department of Education, *Web Accessibility Standards:*

<http://www.cde.ca.gov/re/di/ws/webaccessstds.asp>

California School Public Relations Association: <http://www.calspra.org>

U.S. Department of Justice, *Americans with Disabilities Act:* <http://www.ada.gov>

World Wide Web Consortium, *Web Accessibility Initiative:* <http://www.w3.org/wai>



# **Administrative Regulation**

**Community Relations**

AR 1113(a)

## **DISTRICT AND SCHOOL WEB SITES**

### **Guidelines for Content**

District and school web sites shall provide current information regarding district/school programs, activities, and operations. Such information shall be appropriate for both internal and external audiences and may include district mission and goals, district or school news, agendas and minutes of Governing Board meetings, School Accountability Report Cards, school calendars, and links to educational resources.

*(cf. 0440 - District Technology Plan)*

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1100 - Communication with the Public)*

*(cf. 1112 - Media Relations)*

*(cf. 6020 - Parent Involvement)*

With approval of the principal, individual teachers may create web pages linked to the district or school web site to provide information pertaining to class assignments, expectations, and activities.

Student work may be published on district or school web sites provided that both the student and his/her parent/guardian provide written permission or the work is part of an existing publication such as a school newspaper.

The Superintendent or designee shall ensure that copyright laws are not violated in the use of materials on district and school web sites. If any copyrighted material is posted, a notice shall be included crediting the original producer of the material and noting how and when permission to reprint the material was granted.

*(cf. 4132/4232/4332 - Publication or Creation of Materials)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

Whenever a district or school web site includes links to external web sites, it shall include a disclaimer that the district is not responsible for the content of external web sites.

### **Roles and Responsibilities**

Any employee assigned as a district or school webmaster shall be responsible for the uploading of material to the web site(s) upon approval of the Superintendent or designee. He/she shall ensure consistency of the material with district standards, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed.

**DISTRICT AND SCHOOL WEB SITES** (continued)

The Superintendent or designee may assign additional staff members to conduct an editorial review of all materials submitted for publication on district or school web sites and to make corrections as needed in spelling, grammar, or accuracy of content.

The Superintendent or designee shall provide staff development opportunities related to district content guidelines, design standards, and accessibility laws and standards to district communications and technology staff, district and school webmasters, and/or other appropriate staff.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**Security**

The Superintendent or designee shall establish security procedures for the district's computer network to prevent unauthorized access and changes to district and school web sites. To the extent possible, the host computer(s) shall be in a lockable room with restricted access.

# Board Policy

## Community Relations

BP 1114(a)

### DISTRICT-SPONSORED SOCIAL MEDIA

Note: The following **optional** policy is for use by districts that have created an official district (i.e., district-sponsored) social media platform. "Social media" is defined in the accompanying administrative regulation as an online platform for collaboration, interaction, and active participation, including social networking sites such as Facebook, Twitter, YouTube, LinkedIn, or blogs. Districts that have not created such platforms should **delete** this policy and regulation.

District strategies for effective use of online social media may be incorporated into the district's comprehensive communications plan; see BP 1100 - Communication with the Public.

The Governing Board recognizes the value of technology such as social media platforms in promoting community involvement and collaboration. The purpose of any official district social media platform shall be to further the district's vision and mission, support student learning and staff professional development, and enhance communication with students, parents/guardians, staff, and community members.

*(cf. 0000 - Vision)*

*(cf. 0440 - District Technology Plan)*

*(cf. 1100 - Communication with the Public)*

*(cf. 1112 - Media Relations)*

*(cf. 1113 - District and School Web Sites)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6145.5 - Student Organizations and Equal Access)*

Note: To minimize liability to the district, it is important that the district's social media policy clearly define the official social media platforms over which it has control and to specify the standards, guidelines, and protocols for their use. An "official district social media platform" is defined in the accompanying administrative regulation. District policy and guidelines do not apply to personal social media platforms that may be created by students, staff members, or other individuals which may sometimes include discussion of district-related issues but are not sponsored by the district.

The Superintendent or designee shall develop content guidelines and protocols for official district social media platforms to ensure the appropriate and responsible use of these resources and compliance with law, Board policy, and regulation.

### Guidelines for Content

Note: Because of the open accessibility of social media, content will be posted by members of the public on the district's official platform without prior approval by district staff. By allowing the public to post comments, some legal analysts have opined that a "limited public forum" is created which grants individuals certain freedom of speech rights and limits the district's ability to remove comments or posts. In order to protect against possible constitutional challenges, any removal of content by the district should be based on viewpoint-neutral considerations, such as prohibitions of posts that violate laws against discrimination or harassment or that are unrelated to the purpose of the site. In addition, in order to help maintain the district's

**DISTRICT-SPONSORED SOCIAL MEDIA** (continued)

ability to remove content, users should be informed of the purpose of the site and the limited nature of the discussion and district staff should regularly monitor sites so that materials are removed in an even-handed and consistent manner. See the accompanying administrative regulation for language regarding removal of posts and monitoring of sites. It is recommended that the district consult legal counsel prior to adopting this policy and regulation to ensure that any provisions related to removal of posts or discipline of students or staff are consistent with law.

Official district social media platforms shall be used only for their stated purposes and in a manner consistent with this policy and administrative regulation. By creating these official sites and allowing for public comment, the Board does not intend to create a limited public forum or otherwise guarantee an individual's right to free speech.

*(cf. 5145.2 - Freedom of Speech/Expression)*  
*(cf. 6145.5 - Student Organizations and Equal Access)*

The Superintendent or designee shall ensure that the limited purpose of the official district social media platforms is clearly communicated to users. Each site shall contain a statement that specifies the site's purposes along with a statement that users are expected to use the site only for those purposes. Each site shall also contain a statement that users are personally responsible for the content of their posts.

Official district social media platforms may not contain content that is obscene, libelous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation.

*(cf. 5131 - Conduct)*

Note: Staff and students who post prohibited content on official district social media platforms are subject to discipline in accordance with district policies and regulations. Pursuant to Education Code 48900(r), a student may be subject to suspension or expulsion if he/she engages in an act of bullying by means of an electronic act as defined in Education Code 32261; see AR 5144.1 - Suspension and Expulsion/Due Process. AB 746 (Ch. 72, Statutes of 2011) broadened the definition of "electronic act" in Education Code 32261 to include posts on a social networking site.

When staff and students misuse the district's technological resources, they also may be subject to cancellation of user privileges in accordance with the district's Acceptable Use Agreement; see BP/AR 4040 - Employee Use of Technology and BP/AR 6163.4 - Student Use of Technology.

Staff or students who post prohibited content shall be subject to discipline in accordance with district policies and administrative regulations.

*(cf. 4040 - Employee Use of Technology)*  
*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 5144 - Discipline)*

## **DISTRICT-SPONSORED SOCIAL MEDIA** (continued)

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 6163.4 - Student Use of Technology)*

Note: Communication on social media platforms may raise legal issues for users regarding public records laws. In addition, individual Governing Board members using social media platforms must be careful not to violate the Brown Act. Pursuant to Government Code 54952.2, a prohibited serial meeting may result from a series of communications involving a majority of the Board to discuss, deliberate, or take action on any item of district business outside of an authorized meeting. See BB 9012 - Board Member Electronic Communications. In addition, information posted may be considered a record subject to the Public Records Act (Government Code 6250-6270).

Users of official district social media platforms should be aware of the public nature and accessibility of social media and that information posted may be considered a public record subject to disclosure under the Public Records Act. The Board expects users to conduct themselves in a respectful, courteous, and professional manner.

*(cf. 1340 - Access to District Records)*

*(cf. 9012 - Board Member Electronic Communications)*

### **Privacy**

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on official district social media platforms.

Board policy pertaining to the posting of student photographs and the privacy of telephone numbers, home addresses, and email addresses, as specified in BP 1113 - District and School Web Sites, shall also apply to official district social media platforms.

*(cf. 5125.1 - Release of Directory Information)*

Social media and networking sites and other online platforms shall not be used by district employees to transmit confidential information about students, employees, or district operations.

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

*(cf. 5022 - Student and Family Privacy Rights)*

*(cf. 5125 - Student Records)*

*Legal Reference: (see next page)*

**DISTRICT-SPONSORED SOCIAL MEDIA (continued)**

*Legal Reference:*

EDUCATION CODE

32261 *School safety, definitions of bullying and electronic act*

35182.5 *Contracts for advertising*

48900 *Grounds for suspension and expulsion*

48907 *Exercise of free expression; rules and regulations*

48950 *Speech and other communication*

49061 *Definitions, directory information*

49073 *Release of directory information*

60048 *Commercial brand names, contracts or logos*

GOVERNMENT CODE

3307.5 *Publishing identity of public safety officers*

6250-6270 *Public Records Act, especially:*

6254.21 *Publishing addresses and phone numbers of officials*

6254.24 *Definition of public safety official*

54952.2 *Brown Act, definition of meeting*

UNITED STATES CODE, TITLE 17

101-1101 *Federal copyright law*

UNITED STATES CODE, TITLE 20

1232g *Federal Family Educational Rights and Privacy Act*

UNITED STATES CODE, TITLE 29

157 *Employee rights to engage in concerted, protected activity*

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*

COURT DECISIONS

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

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

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

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

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

NATIONAL LABOR RELATIONS BOARD DECISIONS

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

*Management Resources:*

FACEBOOK PUBLICATIONS

*Facebook for Educators Guide*, 2011

WEB SITES

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

California School Public Relations Association: <http://www.calspra.org>

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

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

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

# Administrative Regulation

Community Relations

AR 1114(a)

## DISTRICT-SPONSORED SOCIAL MEDIA

### Definitions

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

Note: To minimize liability to the district, it is important that the district clearly define the official social media platforms over which it has control and to specify the standards, guidelines, and protocols for their use. The following definition may be revised to reflect district practice. District policy and guidelines do not apply to personal social media platforms that may be created by students, staff members, or other individuals which may sometimes include discussion of district-related issues but are not sponsored by the district.

*Official district social media platform* is a site authorized by the Superintendent or designee. Sites that have not been authorized by the Superintendent or designee but that contain content related to the district or comments on district operations, such as a site created by a parent-teacher organization, booster club, or other school-connected organization or a student's or employee's personal site, are not considered official district social media platforms.

*(cf. 1230 - School-Connected Organizations)*

*(cf. 1260 - Educational Foundations)*

### Authorization for Official District Social Media Platforms

The Superintendent or designee shall authorize the development of any official district social media platform. Teachers and coaches shall obtain approval from the principal before creating an official classroom or team social media platform.

### Guidelines for Content

The Superintendent or designee shall ensure that official district social media platforms provide current information regarding district programs, activities, and operations, consistent with the goals and purposes of this policy and regulation. Official district social media platforms shall contain content that is appropriate for all audiences.

*(cf. 0440 - District Technology Plan)*

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1100 - Communication with the Public)*

*(cf. 1112 - Media Relations)*

*(cf. 1113 - District and School Web Sites)*

*(cf. 6020 - Parent Involvement)*

*(cf. 6145.5 - Student Organization and Equal Access)*

**DISTRICT-SPONSORED SOCIAL MEDIA** (continued)

Note: Federal copyright law (17 USC 107) and the courts have generally provided that teachers, students, and schools are allowed to make "fair use" of materials for instructional purposes in situations which are not likely to deprive a publisher or an author of income; see BP/AR 6162.6 - Use of Copyrighted Materials. Unless there is a clear statement that text, art, or photos are in the "public domain" and available for free use, such material should not be replicated without prior permission of the owner of the copyright.

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on official district social media platforms.

*(cf. 4132/4232/4332 - Publication or Creation of Materials)*

*(cf. 6162.6 - Use of Copyrighted Materials)*

Note: Because of the open accessibility of social media, content will be posted by members of the public on the district's official platform without prior approval by district staff. By allowing the public to post comments, some legal analysts have opined that a "limited public forum" is created which grants individuals certain freedom of speech rights and limits the district's ability to remove comments or posts.

Decisions by the National Labor Relations Board (NLRB) (e.g., Sears Holdings) point to the need to be cautious in establishing policy related to employee use of electronic communications so as to not interfere with an employee's right to engage in protected, concerted activity granted by 29 USC 157. The NLRB has held that social media policies can prohibit the disclosure of confidential information and address legitimate concerns for managing the workplace, but cannot expressly or by implication prohibit employees from talking with each other about wages, hours, and other terms and conditions of employment.

In addition, Education Code 48907 grants students the right to freedom of speech except for speech which is obscene, libelous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of lawful school regulations, or substantial disruption of the orderly operation of the school. Also see BP/AR 5145.2 - Freedom of Speech/Expression and BP/AR 6145.5 - Student Organizations and Equal Access.

Furthermore, if the district chooses to post advertising of a commercial nature on official district social media platforms, then the ability to remove comments of a commercial nature posted by others may be limited. Districts should also be cautious about the use of district resources, such as its official district social media platforms, for political purposes; see BP 1160 - Political Processes.

In order to protect against possible constitutional challenges, any removal of content by the district should be based on viewpoint-neutral considerations, such as preventing the violation of laws against discrimination or harassment or the posting of materials that are unrelated to the purpose of the site. The district should consult legal counsel to ensure that its guidelines for removal of posts are consistent with law. Also see the accompanying Board policy.

The Superintendent or designee shall ensure that official district social media platforms are regularly monitored. Staff members responsible for monitoring content may remove posts based on viewpoint-neutral considerations, such as lack of relation to the site's purpose or violation of the district's policy, regulation, or content guidelines.



**DISTRICT-SPONSORED SOCIAL MEDIA** (continued)

Each official district social media platform shall prominently display:

1. The purpose of the site along with a statement that users are expected to use the site only for those intended purposes.
2. Information on how to use the security settings of the social media platform.
3. A statement that the site is regularly monitored and that any inappropriate post will be promptly removed. Inappropriate posts include those that:
  - a. Are obscene, libelous, or so incite students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation
  - b. Are not related to the stated purpose of the site, including, but not limited to, comments of a commercial nature, political activity, and comments that constitute discrimination or harassment

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

*(cf. 1160 - Political Processes)*

*(cf. 1325 - Advertising and Promotion)*

4. Protocols for users, including expectations that users will communicate in a respectful, courteous, and professional manner.
5. A statement that users are personally responsible for the content of their posts and that the district is not responsible for the content of external online platforms.
6. A disclaimer that the views and comments expressed on the site are those of the users and do not necessarily reflect the views of the district.
7. A disclaimer that any user's reference to a specific commercial product or service does not imply endorsement or recommendation of that product or service by the district.
8. The individual(s) to contact regarding violation of district guidelines on the use of official district social media platforms.

**DISTRICT-SPONSORED SOCIAL MEDIA** (continued)

**Appropriate Use by District Employees**

Note: For policy language regarding appropriate employee communications and relationships with students, see BP 4119.21/4219.21/4319.21 - Professional Standards and BP 4040 - Employee Use of Technology.
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District employees who participate in official district social media platforms shall adhere to all applicable district policies and procedures, including, but not limited to, professional standards related to interactions with students.

*(cf. 4040 - Employee Use of Technology)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

When appropriate, employees using official district social media platforms shall identify themselves by name and district title and include a disclaimer stating that the views and opinions expressed in their post are theirs alone and do not necessarily represent those of the district or school.

All staff shall receive information about appropriate use of the official district social media platforms.

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

# Board Policy

## Community Relations COMMENDATIONS AND AWARDS

BP 1150

To encourage community involvement in district programs and activities, the Governing Board may publicly recognize and commend parents/guardians, community members, businesses, and organizations that make outstanding contributions or provide longstanding service to the district or district students.

*(cf. 1000 - Concepts and Roles)*  
*(cf. 1020 - Youth Services)*  
*(cf. 1240 - Volunteer Assistance)*  
*(cf. 1700 - Relations Between Private Industry and the Schools)*  
*(cf. 3290 - Gifts, Grants and Bequests)*

Any Board member, employee, parent/guardian, student, or community member may recommend an individual or organization for Board recognition. He/she shall submit to the Superintendent or designee the name of the individual or organization and a description of the outstanding contribution or service.

At the Board's discretion, the Board may present a letter of recognition, Board resolution, plaque, or other award at a public Board meeting or may hold a reception or informal recognition activity. The Board also may designate a day, week, or month for special recognition of volunteers.

The Board encourages similar forms of recognition for achievement or services as part of school-level commendation programs.

*(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)*  
*(cf. 5126 - Awards for Achievement)*

### *Legal Reference:*

EDUCATION CODE  
*35160 Authority of governing boards*  
*35160.1 Broad authority of school districts*  
*44015 Awards to employees and students*  
CALIFORNIA CONSTITUTION  
*Article 16, Section 6 Gifts of public funds*

Policy  
adopted: January 22, 2013

**SAUGUS UNION SCHOOL DISTRICT**  
Santa Clarita, California

**COMMENDATIONS AND AWARDS**

Any Board of Trustees member, employee, parent/guardian, student or community member may submit the name of an individual or organization to the Superintendent or designee for Board recognition.

Persons proposing the recognition of an individual or organization shall also indicate a suggested type of recognition which may include, but is not limited to, the following:

1. **Plaques or awards** to be presented at a Board meeting, for providing the district or community with special, unusual or long-term assistance.
2. **Board Resolution** to be read at a Board meeting, for distinguished service to children and youth.
3. **Letter of Recognition** to be prepared by the Superintendent or designee on behalf of the Board, for significant achievement and/or service by groups such as the basketball team, choir, band, and parent/guardian/community organizations.
4. **Receptions and other informal recognition activities.**

**Appropriate**

Official ceremonies or dedications

Staff/Students/Parents:

(Addressed in your approved single school plan or approved by School Site Council (SSC) recorded in minutes)

- Refreshments and food for workshops, staff development sessions, or regularly scheduled leadership committee meetings.
- School-wide student recognitions, positive reinforcement, classroom projects requiring food products, or student body meetings.
- Parent/guardian volunteer recognitions, such as end of the year luncheons, ongoing SSC meetings, or special functions/meetings.

**Inappropriate**

- Staff:  
Expenses incurred taking people to lunch, refreshments, and food at weekly staff meetings, regular committee meetings or lunch for ongoing staff recognition outside official ceremonies.

**COMMENDATIONS AND AWARDS** (continued)

- Students:  
Food for classroom rewards, or any food purchases not addressed in the school plan under a school-wide category.
- Parents/Guardians/Other:  
Reimbursement for purchases made by parents/guardians or taking parents/guardians to lunch.

# Board Policy

## Community Relations

BP 1160(a)

### POLITICAL PROCESSES

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. The Board shall be proactive in defining the district's advocacy agenda based on the district's vision and goals and the needs of the district and community. The Board's advocacy efforts shall be conducted in accordance with legal requirements.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)*

*(cf. 9000 - Role of the Board)*

*(cf. 9010 - Public Statements)*

### Ballot Measures/Candidates

No district funds, services, supplies, or equipment shall be used to urge the support or defeat of any ballot measure or candidate, including any candidate for election to the Board. (Education Code 7054)

Note: Whether an activity is an appropriate use of public funds or an impermissible campaign activity is a complicated analysis. In Vargas v. City of Salinas, the California Supreme Court created three categories of activities: (1) permissible informational activities, such as resolutions and providing objective analysis; (2) impermissible campaign activities, such as producing or distributing literature that urges a voter to act a certain way; or (3) unclear activities which do not fall into either group and must be analyzed looking at the "style, tenor, and timing" of the activity. The following two paragraphs reflect the court's analysis of permissible activities. District legal counsel should be consulted when there is a question as to whether an activity is permissible.

The Board may discuss and study the potential effect of proposed or qualified ballot measures on the district's schools at an open and agendaed Board meeting. The Board's discussion of the effect of such measures shall include an opportunity for staff and members of the public to speak on all sides of the issue. At that meeting, the Board may adopt a position or resolution in support of or in opposition to a ballot measure. The language in any resolution adopted by the Board shall not urge the public to take any action regarding the measure.

*(cf. 9320 - Meetings and Notices)*

The Board's position on a ballot measure, including any resolution, shall be publicized only through normal district procedures and consistent with regular district practice for reporting Board actions. Such publicity shall be for informational purposes and shall not attempt to influence voters.

**POLITICAL PROCESSES** (continued)

Note: When it is unclear whether a campaign activity is permissible, the court will analyze the activity based on its "style, tenor and timing" to determine whether it involves an appropriate expenditure of public funds. Examples of things that a court might look for include how the material was distributed (i.e., special edition or regular publication), the language used in the publication (i.e., inflammatory or informational), and whether the distribution was consistent with regular district practice (i.e., regular circulation or special mailing). Districts should be cautious and ensure that any such informational material is an appropriate use of district funds.

The Superintendent or designee may use district resources to provide students, parents/guardians, and community members with fair and impartial information related to ballot measures, including information about the impact of ballot measures on the district. (Education Code 7054)

*(cf. 1100 - Communication with the Public)*

In preparing or distributing such informational material, the Superintendent or designee shall analyze the material to help ensure that it is an appropriate informational activity, provides a fair analysis of the issues, and does not advocate passage or defeat of a measure or candidate.

Note: In Vargas v. City of Salinas, the court offered examples of activities which would be impermissible campaign activities, as reflected in the following paragraph. In addition, 2 CCR 18901.1 prohibits the use of public funds for a newsletter or "mass mailing" which expressly advocates the election or defeat of a ballot measure or candidate or, when taken in context, urges a particular result. Because violation of this regulation could result in enforcement action by the Fair Political Practices Commission (FPPC), districts should proceed with caution and consult with legal counsel, as appropriate.

District resources, including email or computer systems, shall not be used to disseminate campaign literature. In addition, district resources shall not be used to purchase advertisements, bumper stickers, posters, or similar promotional items that advocate an election result or urge voters to take any action in support of or in opposition to a measure.

*(cf. 1325 - Advertising and Promotion)*

Note: Both the courts (Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments) and the Attorney General (88 Ops.Cal.Atty.Gen. 46 (2005)) have provided guidance as to the appropriate use of district funds when the district is preparing to submit a bond proposal to the voters for approval. The key distinction is whether the action is taken before or after the measure has been placed on the ballot and whether the activity is directed at swaying voters. Permissible expenditures include researching the need for the measure, formulating and drafting the proposal, and conducting polling and focus groups to assess the feasibility of the measure. Impermissible activities include recruiting and organizing supporters for a campaign, raising funds for the campaign, or hiring a consultant to develop a strategy for building support for the measure.

## **POLITICAL PROCESSES** (continued)

Political activity related to district bond measures shall, in addition to the above, be subject to the following conditions:

1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.
2. Upon request, Board members and district administrators may appear at any time before a citizens' group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

If the presentation occurs during working hours, the employee representing the district shall not urge a citizens' group to vote for or against the bond measure.

3. The Board or any individual Board member may file a written argument for the ballot that is either for or against any school measure. (Elections Code 9501)

## **Legislation**

<p>Note: Pursuant to Government Code 53060.5, the district may engage in legislative activities and lobbying, either directly or through a representative, and the cost of this activity is an appropriate use of district funds. Lobbying activities are regulated by the FPPC (2 CCR 18600-18640) and governed by the Political Reform Act (Government Code 81000-91015).</p>
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The Board's responsibility as an advocate for the district may include lobbying and outreach at the state, national, and local levels. The Board and Superintendent or designee shall work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate district positions and concerns.

*(cf. 1020 - Youth Services)*

*(cf. 1112 - Media Relations)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 7131 - Relations with Local Agencies)*

The Board and Superintendent shall develop an advocacy action plan to define expectations and responsibilities. This plan may include, but is not limited to, legislative priorities, strategies for outreach to the media and community, development of key messages and talking points, and adoption of positions on specific legislation, regulations, or budget proposals.

In order to strengthen legislative advocacy efforts, the district may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members in accordance with Government Code 53060.5.



## **POLITICAL PROCESSES** (continued)

Note: Although the district has the authority to lobby the legislature, it cannot use district resources to urge the public to lobby the legislature on its behalf. In Miller v. Miller the court concluded that urging the public was impermissible election campaigning because the activity was directed to the public and not the legislature.

The district may provide fair and impartial information about legislative issues affecting schools and children and shall inform the community about its advocacy activities. However, informational materials about legislation shall not urge the public to lobby the legislature, Governor, or state agencies on behalf of the district.

Note: An appellate court held in League of Women Voters v. Countywide Criminal Justice Coordination Committee that the drafting of legislative proposals was a permissible use of public funds since it was more similar to the exercise of a local agency's governing authority than a campaign activity.

As necessary, the Board may direct the Superintendent or designee to draft legislative or regulatory proposals which serve the district's interests.

### **Legal Advocacy**

Note: When an issue requires resolution in the courts rather than through legislation, it is permissible for districts to use public funds to initiate or participate in legal advocacy. Toward these ends, districts may choose to join with other districts in a group, such as CSBA's Education Legal Alliance which funds and supports litigation in cases of statewide significance to its members.

The Board recognizes that some issues are more appropriately addressed judicially rather than legislatively. When a legal issue is likely to set a state or national precedent, the district may join with other districts or parties in order to resolve the issue through litigation or other appropriate means.

*(cf. 9124 - Attorney)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

### **Political Forums**

Forums on political issues may be held in district facilities as long as the forum is made available to all sides of the issue on an equitable basis. (Education Code 7058)

*(cf. 1330 - Use of School Facilities)*

*Legal Reference: (see next page)*

**POLITICAL PROCESSES (continued)**

*Legal Reference:*

EDUCATION CODE

7050-7058 *Political activities of school officers and employees, including:*

7054 *Use of district property*

7054.1 *Requested appearance*

7056 *Soliciting or receiving political funds*

35160 *Authority of governing boards*

35172 *Promotional activities*

ELECTIONS CODE

9501 *School district elections, arguments for or against a measure*

GOVERNMENT CODE

8314 *Unlawful use of state resources*

53060.5 *Attendance at legislative body; expenses*

54953.5 *Right to record proceedings*

54953.6 *Broadcasts of proceedings*

81000-91015 *Political Reform Act, including:*

82031 *Definition of independent expenditure*

CODE OF REGULATIONS, TITLE 2

18600-18640 *Lobbyists*

18901.1 *Campaign related mailings sent at public expense*

COURT DECISIONS

Vargas v. City of Salinas, (2009) 46 Cal. 4th 1

Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association of Governments, (2008) 167 Cal.App.4th 1229

Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620

Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529

Miller v. Miller, (1978) 87 Cal.App.3d 762

Stanson v. Mott, (1976) 17 Cal. 3d 206

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 46 (2005)

73 Ops.Cal.Atty.Gen. 255 (1990)

*Management Resources:*

CSBA PUBLICATIONS

Legal Guidelines: Use of Public Resources for Ballot Measures and Candidates, Fact Sheet, February 2011

Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010

WEB SITES

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>

**CITIZEN ADVISORY COMMITTEES**

The Governing Board recognizes that citizen advisory committees enable the Board to better understand the interests and concerns of the community.

The Board shall establish citizen advisory committees when required by law, to strengthen the effectiveness of district and school operations, or to enhance student learning. The purpose of any such committees shall be clearly defined and aligned to the district's vision, mission, and goals. The Board may dissolve any advisory committee not required by law when the committee has fulfilled its duties or at any time the Board deems it necessary.

- (cf. 0000 - Vision)*
- (cf. 0200 - Goals for the School District)*
- (cf. 0420 - School Plans/Site Councils)*
- (cf. 0420.1 - School-Based Program Coordination)*
- (cf. 0430 - Comprehensive Local Plan for Special Education)*
- (cf. 2230 - Representative and Deliberative Groups)*
- (cf. 3280 - Sale, Lease, Rental of District-Owned Real Property)*
- (cf. 5030 - Student Wellness)*
- (cf. 6020 - Parent Involvement)*
- (cf. 6174 - Education for English Language Learners)*
- (cf. 6175 - Migrant Education Program)*
- (cf. 6178 - Vocational Education)*
- (cf. 9130 - Board Committees)*

The Superintendent or designee may establish advisory committees which shall report to him/her in accordance with law, Board policy, and administrative regulation.

Citizen advisory committees shall serve in an advisory capacity; they may make recommendations, but their actions shall not be binding on the Board or Superintendent.

The membership of citizen advisory committees should reflect the diversity of the community and represent a diversity of viewpoints.

The Superintendent or designee shall provide training and information, as necessary, to enable committee members to understand the goals of the committee and to fulfill their role as committee members.

Within budget allocations, the Superintendent or designee may approve requests for committee travel and may reimburse committee members for expenses at the same rates and under the same conditions as those provided for district employees.

- (cf. 3350 - Travel Expenses)*

*Legal Reference: (see next page)*

**CITIZEN ADVISORY COMMITTEES (continued)**

*Legal Reference:*

EDUCATION CODE

8070 Career technical education advisory committee  
11503 Parent involvement program  
15278-15282 Citizens' oversight committee  
15359.3 School facilities improvement districts  
17387-17391 Advisory committees for use of excess school facilities  
35147 School site councils and advisory committees  
41505-41508 Pupil Retention Block Grant  
41570-41573 School and Library Improvement Block Grant  
44032 Travel expense payment  
52176 Advisory committees, limited-English proficient students program  
52852 Site council, school-based program coordination  
54425 Advisory committees, compensatory education  
54444.1-54444.2 Parent advisory councils, services to migrant children  
56190-56194 Community advisory committee, special education  
62002.5 Continuing parent advisory committees

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

52012 School site council

GOVERNMENT CODE

810.2 Tort claims act, definition employee  
810.4 Tort claims act, definition employment  
815.2 Injuries by employees within scope of employment  
820.9 Members of local public boards not vicariously liable  
6250-6270 California Public Records Act  
54950-54963 Brown Act

UNITED STATES CODE, TITLE 42

1751 Note Local wellness policy

COURT DECISIONS

Frazer v. Dixon Unified School District, (1993) 18 Cal.App.4th 781

*Management Resources:*

CSBA PUBLICATIONS

Maximizing School Board Leadership: Community Leadership, 1996

WEB SITES

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

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

**CITIZEN ADVISORY COMMITTEES**

**Committee Charge**

When committees are appointed, committee members shall receive written information including, but not limited to:

1. The committee members' names
2. The procedure to be used in the selection of the committee chairperson and other committee officers
3. The name(s) and contact information of staff member(s) assigned to support the work of the committee
4. The goals and specific charge(s) of the committee, including its topic(s) for study
5. The specific period of time that the committee is expected to serve
6. Legal requirements regarding meeting conduct and public notifications
7. Resources available to help the committee perform its tasks
8. Timelines for progress reports and/or final report
9. Relevant Board policies and administrative regulations

Members of advisory committees are not vicariously liable for injuries caused by the act or omission of the district or a committee and are not liable for injuries caused by an act or omission of a committee member acting within the scope of his/her role as a member of the committee. However, a member may be liable for injury caused by his/her own wrongful conduct. (Government Code 815.2, 820.9)

*(cf. 3530 - Risk Management/Insurance)*

**Committees Subject to Brown Act Requirements**

The following committees shall comply with Brown Act requirements pertaining to open meetings, notices, and public participation, pursuant to Government Code 54950-54963:

1. Advisory committees established pursuant to Education Code 56190-56194 related to special education

*(cf. 0430 - Comprehensive Local Plan for Special Education)*

**CITIZEN ADVISORY COMMITTEES** (continued)

2. Advisory committees established pursuant to Education Code 8070 related to career technical education

*(cf. 6178 - Vocational Education)*

3. Committees established to assist in development of a student wellness policy pursuant to 42 USC 1751 Note

*(cf. 5030 - Student Wellness)*

4. Committees established pursuant to Education Code 17387-17391 related to the use or disposition of excess real property

*(cf. 3280 - Sale, Lease, Rental of District-Owned Real Property)*

5. Citizens' oversight committees established to examine the expenditure of general obligation bond or schools facilities improvement bond revenues passed with a 55 percent majority of the voters pursuant to Education Code 15278 and 15359.3

*(cf. 7213 - School Facilities Improvement Districts)*

*(cf. 7214 - General Obligation Bonds)*

6. Other committees created by formal Governing Board action

*(cf. 9130 - Board Committees)*

*(cf. 9320 - Meetings and Notices)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9321.1 - Closed Session Actions and Reports)*

*(cf. 9323 - Meeting Conduct)*

**Committees Not Subject to Brown Act Requirements**

The following committees are exempt from the Brown Act but must conform with procedural meeting requirements established in Education Code 35147:

1. School site councils established pursuant to Education Code 41507, 41572, or 52852 related to student retention, school or library improvement, or school-based program coordination

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0420.1 - School-Based Program Coordination)*

2. District or school advisory committees established pursuant to Education Code 52176 related to programs for students of limited English proficiency

*(cf. 6174 - Education for English Language Learners)*

**CITIZEN ADVISORY COMMITTEES** (continued)

3. School advisory committees established pursuant to Education Code 54425(b) related to compensatory education

*(cf. 6171 - Title I Programs)*

4. Any district advisory committee established pursuant to Education Code 54444.2 related to migrant education programs

*(cf. 6175 - Migrant Education Program)*

5. School site councils established pursuant to Education Code 62002.5 related to economic impact aid and bilingual education

6. School committees established pursuant to Education Code 11503 related to parent involvement

*(cf. 6020 - Parent Involvement)*

Meetings of the above councils or committees shall be open to the public. Any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate accessible location at least 72 hours before the meeting, specifying the date, time, and location of the meeting and containing an agenda that describes each item of business to be discussed or acted upon. (Education Code 35147)

The above councils or committees shall not take action on any item not listed on the agenda unless all members present unanimously find that there is a need to take immediate action and that this need came to the council's or committee's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee, or public may ask questions or make brief statements that do not have a significant effect on district students or employees or that can be resolved solely by providing information. (Education Code 35147)

Councils or committees violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, first allowing for public input on the item. (Education Code 35147)

Any materials provided to a school site council shall be made available to any member of the public upon request pursuant to the California Public Records Act. (Education Code 35147; Government Code 6250-6270)

*(cf. 1340 - Access to District Records)*

**CITIZEN ADVISORY COMMITTEES** (continued)

Committees created by the Superintendent or designee to advise the administration and which do not report to the Board are not subject to the requirements of the Brown Act or Education Code 35147.

*(cf. 2230 - Representative and Deliberative Groups)*



**SCHOOL-CONNECTED ORGANIZATIONS**

The Governing Board recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting district and extracurricular programs, such as athletic teams, debate teams, or musical groups. The Board appreciates the contributions made by such organizations and encourages their interest and participation in supporting district activities and helping to achieve the district's vision for student learning.

*(cf. 0200 - Goals for the School District)*

*(cf. 6020 - Parent Involvement)*

The Board recognizes that school-connected organizations are separate legal entities, independent of the district. However, in order to help the Board fulfill its legal and fiduciary responsibility to manage district operations, any school-connected organization that desires to raise money to benefit any district student shall submit a request for authorization to the Board, in accordance with Board policy and administrative regulation. In addition, the Superintendent or designee shall establish appropriate internal controls for the relationship between school-connected organizations and the district.

*(cf. 1321 - Solicitation of Funds from and by Students)*

*(cf. 1330 - Use of School Facilities)*

*(cf. 3452 - Student Activity Funds)*

The Board encourages school-connected organizations to consider the impact of fund-raising activities on the overall school and district program. School-connected organizations may consult with the principal to determine school needs and priorities. Activities by school-connected organizations shall not conflict with law, Board policies, administrative regulations, or any rules of the sponsoring school.

*(cf. 3290 - Gifts, Grants and Bequests)*

*(cf. 3554 - Other Food Sales)*

*(cf. 5030 - Student Wellness)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

*Legal Reference: (see next page)*

**SCHOOL-CONNECTED ORGANIZATIONS (continued)**

*Legal Reference:*

EDUCATION CODE

- [200-262.4](#) Prohibition of discrimination on the basis of sex  
35160 Authority of governing boards  
[38130-38138](#) Civic Center Act, use of school property for public purposes  
48931 Authorization for sale of food by student organization  
48932 Authorization for fund-raising activities by student organization  
49431 Sale of food to elementary students during the school day  
49431.2 Sale of food to middle, junior, or high school students  
49431.5 Sale of beverages at elementary, middle, or junior high schools  
51520 Prohibited solicitation on school premises  
51521 Fund-raising project

BUSINESS AND PROFESSIONS CODE

- 17510-17510.95 Solicitations for charitable purposes  
[25608](#) Alcohol on school property; use in connection with instruction

GOVERNMENT CODE

- 12580-12599.7 Fundraisers for Charitable Purposes Act

PENAL CODE

- 319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

- [4900-4965](#) Nondiscrimination in elementary and secondary education programs  
15500 Food sales in elementary schools  
15501 Food sales in high schools and junior high schools

CODE OF REGULATIONS, TITLE 11

- 300-312.1 Fundraising for charitable purposes

UNITED STATES CODE, TITLE 20

- [1681-1688](#) Discrimination based on sex or blindness, Title IX

COURT DECISIONS

- Serrano v. Priest, (1976) 18 Cal. 3d 728

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

- 1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

WEB SITES

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

California Office of the Attorney General, charitable trust registry: <http://caag.state.ca.us/charities>

California State PTA: <http://www.capta.org>

# Administrative Regulation

Community Relations

AR 1230(a)

## SCHOOL-CONNECTED ORGANIZATIONS

Persons proposing to establish a school-connected organization shall submit a request to the Governing Board for authorization to operate at the school. The request for authorization shall contain:

1. The name and purpose of the organization
2. The date of application
3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination
4. The names, addresses, and phone numbers of all officers
5. A list of specific objectives
6. An agreement to grant the district the right to audit the group's financial records at any time, either by district personnel or a certified public accountant
7. The name of the bank where the organization's account will be located and the names of those authorized to withdraw funds
8. The signature of the principal of the supporting school
9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future

Note: Education Code 38134 requires school-connected organizations to insure against any liability resulting from the organization's negligence during an organization-sponsored event on school facilities. See BP/AR 1330 - Use of School Facilities.
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10. An agreement to provide evidence of liability insurance as required by law

*(cf. 1330 - Use of School Facilities)*

Upon consent of the Superintendent or designee, school-connected organizations may use the school's name, school team's name, or any logo attributable to the school or district.

**SCHOOL-CONNECTED ORGANIZATIONS** (continued)

School-connected organizations are prohibited from hiring or directly paying district employees. Organizations may make donations to the district to cover the costs of additional employees, but only if such positions are approved in advance by the Board. At their discretion, employees may volunteer to perform activities for school-connected organizations during non-working hours.

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*

**VOLUNTEER ASSISTANCE**

The Governing Board recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the schools' relationships with the community. The Board encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students. The Board also encourages community members to serve as mentors providing support and motivation to students.

- (cf. 1000 - Concepts and Roles)*
- (cf. 1700 - Relations Between Private Industry and the Schools)*
- (cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*
- (cf. 4222 - Teacher Aides/Paraprofessionals)*
- (cf. 5020 - Parent Rights and Responsibilities)*
- (cf. 5148 - Child Care and Development)*
- (cf. 5148.2 - Before/After School Programs)*
- (cf. 6020 - Parent Involvement)*
- (cf. 6171 - Title I Programs)*

The Superintendent or designee shall develop and implement a plan for recruiting, screening, and placing volunteers, including strategies for reaching underrepresented groups of parents/guardians and community members. He/she may also recruit community members to serve as mentors and/or make appropriate referrals to community organizations.

- (cf. 1020 - Youth Services)*
- (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

The Superintendent or designee shall establish procedures for determining whether volunteers possess the qualifications, if any, required by law and administrative regulation for the types of duties they will perform.

As appropriate, the Superintendent or designee shall provide volunteers with information about school goals, programs, and practices and an orientation or other training related to their specific responsibilities. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that utilize their skills and expertise and maximize their contribution to the educational program.

Volunteer maintenance work shall be limited to those projects that do not replace the normal maintenance duties of classified staff. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school, do not significantly increase maintenance workloads, and comply with employee negotiated agreements.

**VOLUNTEER ASSISTANCE** (continued)

Volunteer aides shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021)

Volunteers shall act in accordance with district policies, regulations, and school rules. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 3515.2 - Disruptions)*

The Board encourages principals to develop a means for recognizing the contributions of each school's volunteers.

*(cf. 1150 - Commendations and Awards)*

The Superintendent or designee shall periodically report to the Board regarding the district's volunteer assistance program.

*Legal Reference: (see next page)*

## **VOLUNTEER ASSISTANCE (continued)**

### *Legal Reference:*

#### EDUCATION CODE

8482-8484.6 *After School Education and Safety program*

8484.7-8484.9 *21st Century Community Learning Center program*

35021 *Volunteer aides*

35021.1 *Automated records check*

35021.3 *Registry of volunteers for before/after school programs*

44010 *Sex offense; definition*

44227.5 *Classroom participation by college methodology faculty*

44814-44815 *Supervision of students during lunch and other nutrition periods*

45125 *Fingerprinting requirements*

45340-45349 *Instructional aides*

45360-45367 *Teacher aides*

49024 *Activity Supervisor Clearance Certificate*

49406 *Examination for tuberculosis*

#### GOVERNMENT CODE

3543.5 *Prohibited interference with employees' rights*

#### HEALTH AND SAFETY CODE

1596.871 *Fingerprints of individuals in contact with child day care facility clients*

#### LABOR CODE

1720.4 *Public works; exclusion of volunteers from prevailing wage law*

3364.5 *Persons performing voluntary services for school districts*

#### PENAL CODE

290 *Registration of sex offenders*

290.4 *Information re: sex offenders*

290.95 *Disclosure by person required to register as sex offender*

#### CODE OF REGULATIONS, TITLE 22

101170 *Criminal record clearance*

101216 *Health screening, volunteers in child care centers*

#### UNITED STATES CODE, TITLE 20

6319 *Qualifications and duties of paraprofessionals, Title I programs*

#### ATTORNEY GENERAL OPINIONS

62 *Ops. Cal. Atty. Gen. 325 (1979)*

#### COURT DECISIONS

*Whisman Elementary School District, (1991) PERB Decision No. 868*

### *Management Resources:*

#### WEB SITES

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

California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ls/pf>

California Department of Justice, Megan's Law: <http://www.meganslaw.ca.gov>

California Parent Teacher Association: <http://www.capta.org>

National Coalition for Parent Involvement in Education: <http://www.ncpie.org>

National Parent Teacher Association: <http://www.pta.org>

**VOLUNTEER ASSISTANCE**

**Duties of Volunteers**

Volunteers may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks which, in the judgment of the certificated personnel to which the volunteer is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45343, 45344, 45349)

*(cf. 4222 - Teacher Aides/Paraprofessionals)*  
*(cf. 5148 - Child Care and Development)*  
*(cf. 5148.2 - Before/After School Programs)*

Volunteers may supervise students during lunch, breakfast, or other nutritional periods or may serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021, 44814, 44815)

Volunteers may work on short-term facilities projects pursuant to Board policy and the section below entitled "Volunteer Facilities Projects."

**Qualifications of Volunteers**

Volunteers providing supervision or instruction of students pursuant to Education Code 45349 shall give evidence of basic skills proficiency. (Education Code 45344.5, 45349)

*(cf. 4212 - Appointment and Conditions of Employment)*

Beginning July 1, 2010, any volunteer who supervises, directs, or coaches a student activity program shall be required to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. This requirement shall not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021. (Education Code 49024)

*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*



**VOLUNTEER ASSISTANCE** (continued)

The Superintendent or designee shall not assign any person required to register as a sex offender pursuant to Penal Code 290 as a volunteer who assists certificated personnel in the performance of their duties; supervises students during lunch, breakfast, or other nutritional period; or serves as a nonteaching aide to perform noninstructional tasks. In addition, a person who is required to register as a sex offender because of a conviction for a crime where the victim was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors. (Education Code 35021, 45349; Penal Code 290.95)

*(cf. 3515.5 - Sex Offender Notification)*

The Superintendent or designee may require all volunteers to disclose their status as a registered sex offender and/or provide the district with sufficient information in order to allow verification of this status on the Department of Justice's Megan's Law web site.

No volunteer shall be assigned to supervise or instruct students unless he/she has submitted evidence of an examination within the past 60 days to determine that he/she is free of active tuberculosis. Volunteers who test negative shall thereafter be required to take a tuberculosis test every four years in accordance with Education Code 49406. (Education Code 45106, 45347, 45349, 49406)

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

The Superintendent or designee may exempt from tuberculosis testing requirements those volunteers who serve less than a school year and whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

**Volunteer Facilities Projects**

All volunteer facilities projects shall have approximate start and completion dates and shall be approved by the principal in advance.

Projects approved by the principal shall also be approved in advance by the Superintendent or designee if they involve the following types of work:

1. Alterations, additions, or repairs to buildings and grounds
2. Construction involving wall or roof penetration, drilling, or nailing
3. Structural modifications
4. Electrical, electronic, plumbing, or heating and cooling work

**VOLUNTEER ASSISTANCE** (continued)

5. Painting
6. Installation of carpet
7. Installation of playground equipment and benches
8. Installation of sprinkler systems
9. Paving
10. Installation of marquees and signs
11. Tree planting, pruning, or removal

The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise appropriate to the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. The district shall provide on-site assistance and supervision for such projects as necessary. Projects shall be inspected upon completion to ensure that the work was done satisfactorily.

*(cf. 3514 - Environmental Safety)*  
*(cf. 3514.1 - Hazardous Substances)*  
*(cf. 7111 - Evaluating Existing Buildings)*  
*(cf. 7140 - Architectural and Engineering Services)*

Regulation  
approved: December 7, 2010

**SAUGUS UNION SCHOOL DISTRICT**  
Santa Clarita, California

# Board Policy

## Community Relations

BP 1250(a)

### VISITORS/OUTSIDERS

The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting district schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6020 - Parent Involvement)*

Note: In Reeves v. Rocklin Unified School District, a California Court of Appeal affirmed districts' authority to establish reasonable regulations for student safety and protection against disruptions on school campuses.

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

*(cf. 6116 - Classroom Interruptions)*

Note: Penal Code 627.2 requires "outsiders" to register upon entering school grounds during school hours, and Penal Code 627.1 lists individuals who are not "outsiders" for this purpose; see the accompanying administrative regulation. Education Code 32212 authorizes the Governing Board to adopt policy to control classroom interruptions consistent with local circumstances (see AR 6116 - Classroom Interruptions) and Education Code 35160 authorizes the Board to act in any manner not inconsistent with law. Therefore, it appears that a district has the authority to require all visitors, including parents/guardians as well as those not defined as "outsiders" in Penal Code 627.1, to register upon entering school campus and to comply with other reasonable requirements.

Pursuant to Penal Code 627.1, media representatives are not "outsiders." However, the Attorney General has opined (95 Ops.Cal.Atty.Gen. 509 (1996)) that the Board may restrict media representatives' access in the same manner as access by the general public may be limited (e.g., registration or accompaniment by a staff member when on school grounds). Therefore, if a district has developed a policy requiring all visitors or outsiders to register upon entering school grounds, then media may be subject to the same requirements; see BP 1112 - Media Relations.

The following options may be revised to reflect district practice. Option 1 requires anyone who is not a student or staff member to register. Option 2 requires registration only for individuals who are not listed in Penal Code 627.1 (i.e., individuals who are "outsiders").

## **VISITORS/OUTSIDERS** (continued)

All outsiders, as defined in law and administrative regulation, shall register immediately upon entering any school building or grounds when school is in session. (Penal Code 627.2)

*(cf. 1112 - Media Relations)*

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and principal's permission. (Education Code 51512)

Note: Pursuant to Education Code 35160, the Board is responsible for maintaining order in schools under its jurisdiction. Therefore, in accordance with law, the district may authorize school administrators to direct disruptive individuals to leave school grounds; see AR 3515.2 - Disruptions. Penal Code 626.7 provides that a person who is directed to leave the campus and fails to leave, or later reenters without following the school's posted registration requirements, may be guilty of a misdemeanor.

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3515.2 - Disruptions)*

## **Presence of Sex Offender on Campus**

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a district student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

*Legal Reference: (see next page)*

**VISITORS/OUTSIDERS** (continued)

*Legal Reference:*

EDUCATION CODE

32210 *Willful disturbance of public school or meeting*

32211 *Threatened disruption or interference with classes; misdemeanor*

32212 *Classroom interruptions*

35160 *Authority of governing boards*

35292 *Visits to schools (board members)*

49091.10 *Parental right to inspect instructional materials and observe school activities*

51101 *Parent Rights Act of 2002*

51512 *Prohibited use of electronic listening or recording device*

EVIDENCE CODE

1070 *Refusal to disclose news source*

LABOR CODE

230.8 *Discharge or discrimination for taking time off to participate in child's educational activities*

PENAL CODE

290 *Sex offenders*

626-626.10 *Schools*

626.81 *Misdemeanor for registered sex offender to come onto school grounds*

627-627.10 *Access to school premises, especially:*

627.1 *Definitions*

627.2 *Necessity of registration by outsider*

627.7 *Misdemeanors; punishment*

COURT DECISIONS

*Reeves v. Rocklin Unified School District*, (2003) 109 Cal.App.4th 652

ATTORNEY GENERAL OPINIONS

95 *Ops. Cal. Atty. Gen.* 509 (1996)

# **Administrative Regulation**

**Community Relations**

AR 1250(a)

## **VISITORS/OUTSIDERS**

The Superintendent or designee shall post at every entrance to each school and school grounds a notice describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Education Code 32211; Penal Code 627.6)

### **Outsider Registration**

Outsiders shall register upon entering school premises during school hours. Any person other than the following is considered an outsider: (Evidence Code 1070; Penal Code 627.1, 627.2)

1. A student of the school, unless currently under suspension
2. A parent/guardian of a student of the school
3. A Governing Board member or district employee
4. A public employee whose employment requires being on school grounds, or any person who is on school grounds at the school's request
5. A representative of a school employee organization who is engaged in activities related to the representation of school employees
6. An elected public official
7. A publisher, editor, reporter, or other person connected with or employed by a newspaper, magazine, other periodical publication, press association or wire service, radio station, or television station

*(cf. 1112 - Media Relations)*

### **Registration Procedure**

In order to register, an outsider shall, upon request, furnish the principal or designee with the following information: (Penal Code 627.3)

1. His/her name, address, and occupation
2. His/her age, if less than 21

**VISITORS/OUTSIDERS** (continued)

3. His/her purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

**Principal's Registration Authority**

The principal or designee may refuse to register any outsider if he/she reasonably concludes that the individual's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee or school security officer may revoke any outsider's registration if he/she has a reasonable basis for concluding that the individual's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students, or staff. (Penal Code 627.4)

*(cf. 3515.2 - Disruptions)*

*(cf. 3515.3 - District Police/Security Department)*

When an outsider fails to register, or when the principal or designee denies or revokes an outsider's registration privileges, the principal or designee may request that the individual promptly leave school grounds. When an outsider is directed to leave, the principal or designee shall inform him/her that if he/she reenters the school within seven days he/she may be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

**Appeal Procedure**

Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or principal by submitting, within five days after the person's departure from school, a written request for a hearing. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or principal shall be held within seven days after receipt of the request. (Penal Code 627.5)

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

**EDUCATIONAL FOUNDATION**

The Governing Board recognizes the importance of community support of district programs, including voluntary financial contributions, to assist the district in achieving its goals for student learning.

*(cf. 0200 - Goals for the School District)*  
*(cf. 1230 - School-Connected Organizations)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 6020 - Parent Involvement)*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.2 - Athletic Competition)*

The Board desires to work cooperatively with the educational foundation in determining the purposes for which funds may be used to meet the changing needs of the district and its students.

*(cf. 3290 - Gifts, Grants and Bequests)*  
*(cf. 9140 - Board Representatives)*

The Board supports foundation allocations that serve all district schools equitably.

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

*Legal Reference:*

EDUCATION CODE

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

BUSINESS AND PROFESSIONS CODE

*12580-12599.7 Fundraisers for Charitable Purposes Act*

*17510-17510.95 Solicitations for charitable purposes*

25608 *Alcohol on school property; use in connection with instruction*

PENAL CODE

*319-329 Lottery, raffle*

CODE OF REGULATIONS, TITLE 11

*300-312.1 Fundraising for charitable purposes*

COURT DECISIONS

*Serrano v. Priest, (1976) 18 Cal. 3d 728*

*Management Resources:*

WEB SITES

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

*California Consortium of Education Foundations: <http://www.cceflink.org>*

*California Office of the Attorney General, charitable trust registry: <http://caag.state.ca.us/charities>*



**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

The Board of Trustees accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3515.2 - Disruptions)*

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The district will not investigate anonymous complaints unless it so desires.

Note: Education Code 44811 makes it a misdemeanor for a parent/guardian or other person to materially disrupt classwork or extracurricular activities or cause substantial disorder in a place where a school employee is required to be in the course of his/her duties. This misdemeanor is punishable by a fine, imprisonment or both.

*Legal Reference:*

EDUCATION CODE

*33308.1 Guidelines on procedure for filing child abuse complaints*

*35146 Closed sessions*

*44031 Personnel file contents and inspection*

*44811 Disruption of public school activities*

*44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)*

*48987 Child abuse guidelines*

GOVERNMENT CODE

*54957 Closed session; complaints re employees*

*54957.6 Closed session; salaries or fringe benefits*

PENAL CODE

*273 Cruelty or unjustifiable punishment of child*

*11164-11174.3 Child Abuse and Neglect Reporting Act*

WELFARE AND INSTITUTIONS CODE

*300 Minors subject to jurisdiction of juvenile court*

*Management Resources:*

CDE LEGAL ADVISORIES

*0910.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)*

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 4144/4244/4344 - Complaints)*

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

## COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
  - c. A copy of the signed original complaint
  - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9323 - Meeting Conduct)*

12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

*(cf. 5141.4 - Child Abuse Reporting Procedures)*

# Board Policy

## Community Relations

BP 1312.2(a)

### COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

The Governing Board uses a comprehensive process to adopt district instructional materials that is based on selection criteria established by law and Board policy and includes opportunities for the involvement of parents/guardians and community members. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

*(cf. 6161.11 - Supplementary Instructional Materials)*

*(cf. 6163.1 - Library Media Centers)*

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their child's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed using the process specified in the administrative regulation.

The district shall accept complaints concerning instructional materials only from staff, district residents, or the parents/guardians of children enrolled in a district school.

When deliberating upon challenged materials, the Superintendent and/or review committee shall consider the educational philosophy of the district, the professional opinions of teachers of the subject and of other competent authorities, reviews of the materials by reputable bodies, the teacher's stated objectives in using the materials, community standards, and the objections of the complainant.

Complainants are encouraged to accept the Superintendent's or review committee's decision. However, if the complainant finds that decision unsatisfactory, he/she may appeal the decision to the Board.

*(cf. 9322 - Agenda/Meeting Materials)*

The district's decision shall be based on educational suitability of the materials and the criteria established in Board policy and administrative regulation.

*(cf. 6144 - Controversial Issues)*

*(cf. 9000 - Role of the Board)*

*(cf. 9005 - Governance Standards)*

When any challenged instructional material is reviewed by the district, it shall not be subject to further reconsideration for 12 months, unless the Superintendent determines that reconsideration is warranted.

## **COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS** (continued)

Complaints related to sufficiency of textbooks or instructional materials shall be resolved pursuant to the district's Williams uniform complaint procedure at AR 1312.4.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

### *Legal Reference:*

#### EDUCATION CODE

*18111 Exclusion of books by governing board*

*35010 Control of district; prescription and enforcement of rules*

*35186 Williams Uniform Complaint Procedures*

*44805 Enforcement of course of studies; use of textbooks, rules and regulations*

*51501 Subject matter reflecting on race, color, etc.*

*60000-60005 Instructional materials, legislative intent*

*60040-60048 Instructional requirements and materials*

*60119 Public hearing on sufficiency of materials*

*60200-60206 Elementary school materials*

*60226 Requirements for publishers and manufacturers*

*60400-60411 High school textbooks*

*60510-60511 Donation of sale of obsolete instructional materials*

### *Management Resources:*

#### CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

*1002.90 Selection of Instructional Materials, CIL: 90/91-02*

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Standards for Evaluation of Instructional Materials with Respect to Social Content, 1986 edition, revised 2001*

#### WEB SITES

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

*California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>*

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

Complaints concerning instructional materials will be accepted only from staff, district residents, or the parents/guardians of children enrolled in a district school.

Complaints must be presented in writing to the principal. Complaints regarding printed material must name the author, title and publisher, and identify the objection by page and item numbers. In the case of nonprinted material, written information specifying the precise nature of the objection shall be given. The statement must be signed and identified in such a way that a proper reply will be possible.

Individual students may be excused from using challenged materials after the parent/guardian has presented a written complaint. The teacher will then assign the student alternate materials of equal merit. Use of the materials by a class, school or the district, however, shall not be restricted until so directed by the Superintendent or designee.

Upon receiving a complaint, the principal will acknowledge its receipt and answer any questions regarding procedure. The principal will then notify the Superintendent or designee and the teacher(s) involved of the complaint. The Superintendent or designee will determine whether the complaint should be considered on an individual basis or whether a review committee should be convened.

The use of challenged materials by class, school or district shall not be restricted until final disposition has been made by the appropriate review committee.

A review committee may be formed under the direction of the Superintendent or designee. It shall be composed of the principal and five or more staff members selected by the Superintendent or designee from relevant administrative and instructional areas.

In deliberating challenged materials, the review committee shall consider the educational philosophy of the district; the professional opinions of other teachers of the subject and of other competent authorities; reviews of the materials by reputable bodies; the teacher's stated objectives in using the materials; and the objections of the complainant.

The review committee shall determine the extent to which the challenged material supports the curriculum, the educational appropriateness of the material, and its suitability for the age level of the student.

Within 30 days of being convened, the review committee shall summarize its findings in a written report and submit it to the Superintendent or designee for final action. The Superintendent or designee shall notify the complainant of his/her decision no later than 60 days after the complaint was filed.

The report of the review committee together with the Superintendent or designee's recommendation may be brought to the Board of Trustees for consideration and final decision.

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS** (continued)

When any challenged instructional material is reviewed by the district, it shall not be subject to any additional reconsideration for 12 months.

**County or State-Adopted Material**

If the challenged material has been adopted by the County Board of Education, the Superintendent or designee may forward the complaint, without action, to the office of the County Superintendent of Schools for reevaluation and decision.

If the questioned material has been adopted by the State of California, the Superintendent or designee may forward the complaint, without action, to the California Department of Education for reevaluation and decision.

**CITIZEN'S REQUEST FOR RECONSIDERATION  
OF INSTRUCTIONAL MATERIALS**

Date: \_\_\_\_\_

TITLE: \_\_\_\_\_

AUTHOR: \_\_\_\_\_

PUBLISHER: \_\_\_\_\_ DATE OF EDITION: \_\_\_\_\_

Request received by: \_\_\_\_\_ Title: \_\_\_\_\_

Citizen's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Citizen Represents: Himself/Herself: \_\_\_\_\_ Organization or Group: \_\_\_\_\_

1. To what do you object? (Please be specific: cite pages, tape sequence, video frame, and words)
2. What do you feel would be the result of reading/viewing this material?
3. For what age group would you recommend this material?
4. Did you read/view the entire selection?
5. If not, what percentage did you read/view, or what parts?
6. Is there anything good about this material?
7. What would you like the school to do about this material?
  - Do not assign it to my child.
  - Withdraw it from all students.
  - Re-evaluate it.
8. Are you aware of how this work has been assessed by literary critics?
9. What do you believe is the thesis of this work?
10. In its place, what work would you recommend?

\_\_\_\_\_  
Signature of citizen

Action taken: \_\_\_\_\_ Date: \_\_\_\_\_



# Board Policy

## Community Relations

BP 1312.3(a)

### UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes the district's responsibility to comply with applicable state and federal laws and regulations governing educational programs. The district shall investigate any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination in district programs and activities based on actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

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

*(cf. 4031 - Complaints Concerning Discrimination in Employment)*

Note: 5 CCR 4610 specifies programs and activities for which state and/or federal funding is provided to districts and for which districts are required to establish a uniform system of complaint processing. In addition, Education Code 32289 authorizes an individual to file a complaint if he/she believes that the district has not complied with the school safety planning requirements of the No Child Left Behind Act, 20 USC 7114(d)(7). The CDE has interpreted this to mean that complaints as to the development and adoption of the school safety plan may be considered under this procedure.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, and the development and adoption of the school safety plan.

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5148 - Child Care and Development)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

*(cf. 6175 - Migrant Education Program)*

*(cf. 6178 - Career Technical Education)*

*(cf. 6178.1 - Work-Based Learning)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

*(cf. 6200 - Adult Education)*

## UNIFORM COMPLAINT PROCEDURES (continued)

Note: 5 CCR 4621 **mandates** that the district's policy ensure that complainants are protected from retaliation.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

Note: 5 CCR 4631 authorizes the district to utilize alternative dispute resolution methods, including mediation, to resolve complaints before initiating a formal investigation. The following **optional** paragraph provides for a neutral mediator and should be revised to reflect district practice.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Note: The following paragraph is **mandated** pursuant to 5 CCR 4621. Appropriate disclosure will vary in each case depending on the facts and circumstances.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

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

*(cf. 5125 - Student Records)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

Note: Education Code 35186 requires the district to use uniform complaint procedures, with modifications, to investigate and resolve complaints related to items #1-4 below (i.e., "Williams complaints"). However, because Education Code 35186 sets forth different timelines for investigation and resolution of these kinds of complaints than the timelines specified in law for other uniform complaints, the CDE has created a separate uniform complaint process for the Williams complaints. See AR 1312.4 - Williams Uniform Complaint Procedures for the separate procedure.

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff

**UNIFORM COMPLAINT PROCEDURES** (continued)

3. Teacher vacancies and misassignments

Note: Districts that do not receive funding for California High School Exit Examination intensive instruction and services pursuant to Education Code 37254 should delete item #4 below.
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4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 6162.52 - High School Exit Examination)*

*(cf. 6179 - Supplemental Instruction)*

*Legal Reference: (see next page)*

## **UNIFORM COMPLAINT PROCEDURES (continued)**

*Legal Reference:*

EDUCATION CODE

200-262.4 *Prohibition of discrimination*  
8200-8498 *Child care and development programs*  
8500-8538 *Adult basic education*  
18100-18203 *School libraries*  
32289 *School safety plan, uniform complaint procedures*  
35186 *Williams uniform complaint procedures*  
37254 *Intensive instruction and services for students who have not passed exit exam*  
41500-41513 *Categorical education block grants*  
48985 *Notices in language other than English*  
49060-49079 *Student records*  
49490-49590 *Child nutrition programs*  
52160-52178 *Bilingual education programs*  
52300-52490 *Career technical education*  
52500-52616.24 *Adult schools*  
52800-52870 *School-based program coordination*  
54000-54028 *Economic impact aid programs*  
54100-54145 *Miller-Unruh Basic Reading Act*  
54400-54425 *Compensatory education programs*  
54440-54445 *Migrant education*  
54460-54529 *Compensatory education programs*  
56000-56867 *Special education programs*  
59000-59300 *Special schools and centers*  
64000-64001 *Consolidated application process*

GOVERNMENT CODE

11135 *Nondiscrimination in programs or activities funded by state*  
12900-12996 *Fair Employment and Housing Act*

PENAL CODE

422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 5

3080 *Application of section*  
4600-4687 *Uniform complaint procedures*  
4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

6301-6577 *Title I basic programs*  
6601-6777 *Title II preparing and recruiting high quality teachers and principals*  
6801-6871 *Title III language instruction for limited English proficient and immigrant students*  
7101-7184 *Safe and Drug-Free Schools and Communities Act*  
7201-7283g *Title V promoting informed parental choice and innovative programs*  
7301-7372 *Title V rural and low-income school programs*

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy  
adopted: June 19, 2012

**SAUGUS UNION SCHOOL DISTRICT**  
Santa Clarita, California

# Administrative Regulation

Community Relations

AR 1312.3(a)

## UNIFORM COMPLAINT PROCEDURES

### Compliance Officers

Note: 5 CCR 4621 **mandates** the district to identify in its policies and procedures the person(s), position(s), or unit(s) responsible for ensuring compliance with state and federal law and for receiving and investigating complaints alleging noncompliance or discrimination. During its Federal Program Monitoring (FPM) process (formerly Categorical Program Monitoring), California Department of Education (CDE) staff will check to ensure that the district's policy lists the specific title(s) of the employee(s) responsible for investigating complaints. Districts should identify the specific title(s) of the compliance officer(s) in the space provided below.

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law:

**Assistant Superintendent, Personnel Services**  
**24930 Avenue Stanford, Santa Clarita, CA 91355**  
**661-294-5300**

Note: 5 CCR 4621 **mandates** that the district's policy provide that employees responsible for compliance and/or investigation of complaints are knowledgeable about the laws and programs they are assigned to investigate. The second sentence below may be modified to reflect district practice.

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

*(cf. 9124 - Attorney)*

### Notifications

Note: During the FPM process, CDE staff will check to ensure that the district's policy contains a statement ensuring annual dissemination of notice of the district's uniform complaint procedures. A sample of the annual notice is available through the CDE web site. 5 CCR 4622 requires that the notice be provided to private school representatives and others specified below.

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

**UNIFORM COMPLAINT PROCEDURES** (continued)

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

*(cf. 5145.6 - Parental Notifications)*

Note: During the FPM process, CDE staff will check the notice to ensure that it contains a summary of the complaint procedures as specified in items #1-4 below.
--

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The district is primarily responsible for compliance with state and federal laws and regulations.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination.
  - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision.
  - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

## UNIFORM COMPLAINT PROCEDURES (continued)

Note: To ensure that the public is made aware of districts' obligation to provide the uniform complaint procedures free of charge pursuant to 5 CCR 4622, CDE staff review the notice during the FPM process.

- f. Copies of the district's uniform complaint procedures are available free of charge.

### Procedures

Note: 5 CCR 4621 **mandates** that district's uniform complaint procedures be consistent with the procedures of 5 CCR 4600-4687. 5 CCR 4631 requires that all complaints be investigated and completely resolved within 60 days of the receipt of the complaint. **The sample timelines in Steps #1-3 below are designed to ensure that the district complies with the 60-day requirement and should be revised to reflect district practice.** Pursuant to 5 CCR 4640, when a complaint is erroneously sent to the CDE without first being filed with the district, the 60-day period specified in 5 CCR 4631 begins when the district receives the complaint.

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs or has committed unlawful discrimination.

All complaints shall be investigated and resolved within 60 days of the receipt of the complaint. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

#### **Step 1: Filing of Complaint**

Any individual, public agency, or organization may file a written complaint of the district's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

A complaint concerning unlawful discrimination may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days. (5 CCR 4630)

## UNIFORM COMPLAINT PROCEDURES (continued)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

### Step 2: Mediation

Note: The following **optional** section should be used only by those districts that have decided to establish procedures for attempting to resolve complaints through mediation; see the accompanying Board policy. Timelines should be revised to reflect district practice.

Within three days of receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

### Step 3: Investigation of Complaint

Note: 5 CCR 4631, which requires the district to provide the complainant with the opportunity to present relevant information, does not provide any timeline. Thus, **the timeline specified below may be modified to reflect district practice.**

Within 10 days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

Note: 5 CCR 4631 allows the district to dismiss a complaint when the complainant refuses to provide the investigator with relevant documents or otherwise obstructs the investigation. 5 CCR 4631 also provides that, if the district refuses to provide the investigator with access to records or other documents, the



## **UNIFORM COMPLAINT PROCEDURES** (continued)

investigator may issue a finding in favor of the complainant. During the FPM process, CDE staff will check to ensure that both of these statements regarding the provision of access to information are included in the district's policy, as specified below.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and/or other information related to the allegation in the complaint. (5 CCR 4631)

### **Step 4: Response**

Note: Pursuant to 5 CCR 4631, the district's written decision must be sent to the complainant within 60 days of receiving the complaint

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

### **Step 5: Final Written Decision**

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

Note: Education Code 48985 requires that reports sent to parents/guardians be written in the primary language when 15 percent or more of a school's enrolled students speak a single primary language other than English. During the FPM process, CDE staff will check to ensure compliance with this requirement.

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

## **UNIFORM COMPLAINT PROCEDURES** (continued)

Note: 5 CCR 4631 specifies components that should be part of the district's decision. Inclusion of these items will help protect the district's position in case of an appeal to the CDE or if litigation is filed.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination complaint based on state law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

Note: The following paragraph provides a means for ensuring that the privacy rights of individuals involved are protected even as appropriate action is being taken to address a complaint and may be revised to reflect district practice.

If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

### **Appeals to the California Department of Education**

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE, the complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

**UNIFORM COMPLAINT PROCEDURES** (continued)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

Note: 5 CCR 4650 details circumstances under which the Superintendent of Public Instruction may directly intervene without waiting for action by the district. One such circumstance is when the district has not taken action on a complaint within 60 days of the date that the complaint was filed with the district.

The CDE may directly intervene in a complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

**Civil Law Remedies**

Note: During the FPM process, CDE staff will expect to see a statement detailing a complainant's right to pursue civil law remedies (i.e., action in a court of law) in addition to or in conjunction with the right to pursue administrative remedies from the CDE.

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

Note: Pursuant to Education Code 262.3, a complainant alleging discrimination based on state law must wait until 60 days after filing an appeal with the CDE before filing a civil suit, except when he/she is only seeking injunctive relief from the court such as an injunction or restraining order. The 60-day waiting period does not apply when the discrimination complaint is based on federal law.

**UNIFORM COMPLAINT PROCEDURES** (continued)

For discrimination complaints based on state law, a complainant shall wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law.

Note: 5 CCR 4611 details complaint issues that are not subject to the district's uniform complaint procedures and not under the jurisdiction of the CDE. Such issues include, but are not limited to, allegations of child abuse, health and safety complaints related to a child development program, allegations of fraud, and employment discrimination complaints. For procedures related to complaints of discrimination in employment, see AR 4031 - Complaints Concerning Discrimination in Employment.

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**Types of Complaints**

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186; 5 CCR 4681, 4682, 4683)

1. Textbooks and instructional materials
  - a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
  - b. A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - d. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

2. Teacher vacancy or misassignment
  - a. A semester begins and a teacher vacancy exists.
  - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.

*(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)*

- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

*Teacher vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

**WILLIAMS UNIFORM COMPLAINT PROCEDURES** (continued)

*Beginning of the year or semester* means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day pupils attend classes for that semester. (5 CCR 4600)

*Misassignment* means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of pupils or staff.

*Emergency or urgent threat* means structures or systems that are in a condition that poses a threat to the health and safety of pupils or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

*Clean or maintained school restroom* means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers. (Education Code 35292.5)

*Open restroom* means the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when the temporary closing of the restroom is necessary for pupil safety or to make repairs. (Education Code 35292.5)

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

### **Filing of Complaint**

A complaint alleging any condition(s) specified in items #1-3 in the section entitled "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

### **Investigation and Response**

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

<p>Note: Education Code 48985 specifies that, when 15 percent or more of the pupils enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such pupils be written in English and in the primary language. Education Code 35186 requires that, when Education Code 48985 is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.</p>
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When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES** (continued)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a in the section entitled "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

*(cf. 1340 - Access to District Records)*

### **Reports**

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186; 5 CCR 4686)

### **Forms and Notices**

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

*Legal Reference: (see next page)*



**WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

*Legal Reference:*

EDUCATION CODE

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

35292.5 Restrooms, maintenance and cleanliness

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures, especially:

4680-4687 Williams complaints

*Management Resources:*

WEB SITES

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

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

**Community Relations**

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**NOTICE TO PARENTS/GUARDIANS, PUPILS, AND TEACHERS:  
COMPLAINT RIGHTS**

Parents/Guardians, Pupils, and Teachers:

Education Code 35186 requires that the following notice be posted in each classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe and functional as determined by the Office of Public School Construction.
3. There should be no teacher vacancies or misassignments as defined in Education Code 35186(h)(2) and (3).

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

4. To file a complaint regarding any of the above matters, complaint forms can be obtained at the principal's office or the district office, or can be downloaded from the school district's or California Department of Education's website.

SAUGUS UNION SCHOOL DISTRICT  
**WILLIAMS Uniform Complaint Form**  
(Educational Code Section 35186)

Date Received: _____
Site: _____
District: _____

Complaints must be submitted to the School Principal. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must indicate that a response is requested and provide contact information.

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**Contact Information**     *I request a response. Please send response to:*

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Home Phone \_\_\_\_\_ Work or Cell Phone \_\_\_\_\_

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**Issue of Complaint**

Subject of the complaint. Please check all that apply and attach additional sheets as needed.

**a. Textbooks and Instructional Materials:**

- A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after school.  
*Note: This does not require two sets of textbooks or instructional materials for each pupil.*
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

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**b. Facility Conditions:** A condition poses an urgent or emergency threat to the health or safety of students or staff, including:

- Gas leaks.     Nonfunctioning heating, ventilation, fire sprinklers, or air conditioning systems.
- Electrical power failure.     Major sewer line stoppage.     Major pest or vermin infestation.
- Broken windows or exterior doors or gates that will not lock and that pose a security risk.
- Abatement of hazardous materials previously undiscovered that pose an immediate threat to pupil or staff.
- Structural damage creating a hazardous or uninhabitable condition.
- Restroom problems, e.g., not cleaned/maintained, not operational, lack paper/soap/towels/dryer, locked during school hours.

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**c. Teacher Vacancy or Misassignment:**

- Teacher Vacancy - A semester begins and a teacher vacancy exists. (A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.)
- Teacher Misassignment - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
- A teacher is assigned to a class for which the teacher lacks subject matter competency.

---

Date of Problem: \_\_\_\_\_

Location of Problem (School Name, Address, and Room Number or Location): \_\_\_\_\_

Course or Grade Level and Teacher Name: \_\_\_\_\_

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date received: _____
Site: _____
District: _____

**Procedimiento Uniforme de Quejas WILLIAMS**  
(Código de Educación Artículo 35186)

Quejas se deben entregar a el/la director/a de la escuela. Las quejas se pueden presentar anónimamente. Sin embargo, si usted desea recibir una respuesta a su queja, debe indicar que solicita una respuesta y proporcionar información de contacto.

**I. Información de contacto**

Solicito su respuesta. Por favor envíe la respuesta a:

Nombre \_\_\_\_\_  
 Domicilio \_\_\_\_\_  
 Ciudad \_\_\_\_\_ Estado \_\_\_\_\_ Código Postal \_\_\_\_\_  
 Teléfono en casa \_\_\_\_\_ Trabajo o celular \_\_\_\_\_

**Motivo de la Queja**

Razón de la queja. Por favor marque las selecciones que apliquen y si el necesario, adjunte hojas adicionales

**a. Libros de texto y materiales educativos:**

- Un estudiante, inclusive aquellos que aprenden inglés como segundo idioma, carece de libros de texto o materiales educativos alineados con las normas adoptadas por el estado o adoptadas por el distrito u otros textos o materiales educativos requeridos para usar en clase.
- Un estudiante no tiene acceso a materiales educativos para usar en su casa o después de clases para completar la tarea.  
*Observación: esto no implica que cada estudiante deba contar con dos juegos de libros de texto o de materiales.*
- Los libros de texto o los materiales educativos están en mal estado o son inusables, les faltan páginas o son ilegibles debido al daño.
- Se le proporcionó a un estudiante hojas imprimadas con solo una porción del libro de texto o materiales educativos para remediar la escasez de libros de textos o materiales educativos.

**b. Estado del plantel:**

Ha surgido una situación urgente o de emergencia que amenaza a la salud o seguridad de los estudiantes o el personal, incluyendo:

- Fugas de gas  Calefacción, ventilación, rociadores para incendios o sistemas de aire acondicionado que no funcionan
- Falta de electricidad  Obstrucción enorme en las líneas albañales (cañería)  Infestación enorme de insectos o alimañas
- Ventanas quebradas, puertas o portones exteriores que no cierran y que presentan un riesgo a la seguridad
- Eliminación de materiales peligrosos que no se habían descubierto anteriormente y que presentan una amenaza inmediata a los alumnos o personal
- Daño estructural creado por una condición peligrosa o inhabitable
- Problemas en los baños, por ejemplo, sucio, falta de mantenimiento, sin funcionar, falta de papel/jabón/toallas/secador, cerrado durante las horas escolares

**c. No hay un maestro o el maestro ha sido mal asignado:**

- El semestre comienza y no se ha asignado a un maestro certificado a la clase. (Una plaza vacante es una posición a la cual no ha asignado a un empleado certificado al comienzo del año escolar, por el año completo, o si la plaza es por un semestre, una plaza a la cual no se ha asignado a un empleado certificado al comienzo del semestre por el semestre entero.)
- El maestro carece de credenciales o capacitación para enseñar a estudiantes de inglés como segundo idioma y es asignado a una clase en la cual más del 20% de los estudiantes están aprendiendo inglés
- Se asigna un maestro a una clase para la cual carece de competencia en la materia en cuestión

Fecha del problema: \_\_\_\_\_

Lugar del problema (nombre de la escuela, domicilio, número de salón, o localidad): \_\_\_\_\_

Curso o nivel escolar y nombre de la/el maestra/o: \_\_\_\_\_

Por favor describa el motivo de la queja detalladamente. Si el necesario, adjunte hojas adicionales para describir la situación por completo.

\_\_\_\_\_  
 \_\_\_\_\_

**SOLICITATION OF FUNDS FROM AND BY STUDENTS**

The Board of Trustees recognizes that student participation in fund-raising activities for the schools and nonprofit, nonpartisan charitable organizations can help develop a sense of social responsibility in students, enhance the relationship between the school and community, and contribute to the improvement of the school program.

*(cf. 1325 - Advertising and Promotion)*  
*(cf. 4135/4235/4335 - Soliciting and Selling)*  
*(cf. 5022 - Student and Family Privacy Rights)*  
*(cf. 6142.4 - Learning through Community Service)*

Whether solicitations are made on behalf of the school or on behalf of a charitable organization, students shall not be barred from an event or activity because they did not participate in fund-raising. Potential donors, including parents/guardians and members of the community, should not be unduly pressured to contribute to the school system or charitable organizations. Staff is expected to emphasize the fact that donations are always voluntary.

The Superintendent or designee shall ensure that parents/guardians are informed of the purpose of fund-raisers.

**Solicitations on Behalf of the School**

With the prior written approval of the Superintendent or designee, official school-related organizations may organize fund-raising events involving students.

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1230 - School-Connected Organizations)*  
*(cf. 1260 - Educational Foundation)*  
*(cf. 3290 - Gifts, Grants and Bequests)*  
*(cf. 3554 - Other Food Sales)*

After the fund-raiser has been held, parents/guardians shall be informed how much money was raised and how it was spent.

**Solicitations on Behalf of Charities**

When approved in advance by the Superintendent or designee, nonprofit, nonpartisan organizations that are properly chartered or licensed by state or federal law may solicit students on school grounds during school hours and within one hour before school has opened and one hour after school has closed. (Education Code 51520)

*Legal Reference: (see next page)*

**SOLICITATION OF FUNDS FROM AND BY STUDENTS** (continued)

*Legal Reference:*

EDUCATION CODE

51520 Prohibited solicitations on school premises

51521 Unlawful solicitations of contribution or purchase of personal property for benefit of public school or student body; exception

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Charitable solicitations

PENAL CODE

319-329 Raffles

REVENUE AND TAX CODE

6361 Sales tax exemption for certain sales

CODE OF REGULATIONS, TITLE 8

11706 Dangerous activities and occupations

*Management Resources:*

CSBA PUBLICATIONS

*Healthy Food Policy Resource Guide, 2003*

ATTORNEY GENERAL PUBLICATIONS

*Guide to Charitable Solicitation, 1999*

*Attorney General's Guide for Charities, 1988*

WEB SITES

Office of the Attorney General: <http://caag.state.ca.us>

**SOLICITATION OF FUNDS FROM AND BY STUDENTS**

The Superintendent or designee shall approve all fund-raising activities at least 15 days before the activity. If the event involves a contract with a commercial vendor, the Superintendent or designee shall review the contract.

In order to minimize interruptions to the educational program, staff shall limit fund-raising activities to appropriate time periods designated by the principal.

*(cf. 6116 - Classroom Interruptions)*

No student shall be required to raise a specified amount of money in order to participate in an activity sponsored by a school-related organization.

*(cf. 1230 - School-Connected Organizations)*

Students engaged in fund-raising activities on behalf of the school or for school-related projects are expected to be courteous and respectful towards all individuals and businesses.

**Door-to-Door Sales**

Door-to-door sales are discouraged.

**ADVERTISING AND PROMOTION**

The Board of Trustees desires to promote positive relationships between schools and the community in order to enhance community support and involvement in district schools. The Superintendent or designee may approve:

1. Distribution of noncommercial materials that publicize services, special events, public meetings or other items of interest to students or parents/guardians

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 5145.2 - Freedom of Speech/Expression)*

*(cf. 6145.5 - Student Organizations and Equal Access)*

*(cf. 6162.8 - Research)*

2. Distribution of promotional materials of a commercial nature to students or parents/guardians

*(cf. 1700 - Relations Between Private Industry and the Schools)*

3. Paid advertisements on school property, including but not limited to billboard advertisements

4. Paid advertisements in school-sponsored publications, yearbooks, announcements and other school communications

*(cf. 1113 - District and School Web Sites)*

5. Products and materials donated by commercial enterprises for use in the classroom, as long as they serve an educational purpose and do not unduly promote any commercial activity or products. Such materials may bear the name and/or logo of the donor.

*(cf. 3290 - Gifts, Grants and Bequests)*

*(cf. 6161.11 - Supplementary Instructional Materials)*

Prior to distribution or publication, the Superintendent, principal or designee shall review and approve all advertising copy and promotional materials to ensure compliance with Board policy.

The Superintendent, principal or designee may selectively approve or disapprove distribution of materials or publishing of copy based on the criteria listed below, but may not disapprove materials or copy in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on a subject that would otherwise be allowed.

All materials to be distributed shall bear the name and contact information of the sponsoring entity.



## **ADVERTISING AND PROMOTION (continued)**

The use of promotional materials or advertisements does not imply district endorsement of any identified products or services. Schools are encouraged to include a disclaimer in school publications and yearbooks stating that the school does not endorse any advertised products or services.

### **Criteria for Approval**

The Superintendent, principal or designee shall not accept for distribution any materials or advertisements that:

1. Are obscene, libelous or slanderous (Education Code 48907)
2. Incite students to commit unlawful acts, violate school rules or disrupt the orderly operation of the schools (Education Code 48907)
3. Promote any particular political interest, candidate, party or ballot measure, unless such materials are being distributed at a forum in which candidates or advocates from all sides are presenting their views to the students during school hours or during events scheduled pursuant to the Civic Center Act

*(cf. 1160 - Political Processes)*

*(cf. 1330 - Use of School Facilities)*

*(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)*

4. Discriminate against, attack or denigrate any group on account of any unlawful consideration

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

5. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including but not limited to materials or advertisements for tobacco, intoxicants, and movies or products unsuitable for children
6. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy

*(cf. 1321 - Solicitation of Funds from and by Students)*

7. Distribute unsolicited merchandise for which an ensuing payment is requested

The Superintendent or designee also may consider the educational value of the materials or advertisements, the age or maturity of students in the intended audience, and whether the materials or advertisements support the basic educational mission of the district, directly benefit the students or are of intrinsic value to the students or their parents/guardians.

**ADVERTISING AND PROMOTION (continued)**

*(cf. 0000 - Vision)*

Schools may establish additional criteria pertaining to the content of advertisements in school publications and yearbooks. Such criteria may limit advertisements to those that contain congratulatory or commemorative messages, curriculum-related content, advertisements for products or services of interest to students, noncontroversial content, and/or other content deemed appropriate by the school publication staff and adviser in accordance with law and Board policy.

*Legal Reference:*

EDUCATION CODE

7050-7058 *Political activities of school officers and employees*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

35172 *Promotional activities*

38130-38138 *Civic Center Act*

48907 *Student exercise of free expression*

BUSINESS AND PROFESSIONS CODE

25664 *Advertisements encouraging minors to drink*

U.S. CONSTITUTION

*Amendment 1, Freedom of speech and expression*

COURT CASES

*DiLoreto v. Downey Unified School District, (1999) 196 F.3d 958*

*Yeo v. Town of Lexington, (1997) U.S. First Circuit Court of Appeals, No. 96-1623*

*Hemry v. School Board of Colorado Springs, (D.Col. 1991) 760 F.Supp. 856*

*Bright v. Los Angeles Unified School District, (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal. 3d 350*

*Lehman v. Shaker Heights, (1974) 418 U.S. 298*

Community Relations

**USE OF SCHOOL FACILITIES**

The Governing Board recognizes that district facilities and grounds are a community resource and authorizes their use by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

*(cf. 6145.5 – Student Organizations and Equal Access)*

All school-related activities shall be given priority in the use of facilities and grounds under the Civic Center Act. Thereafter, the use shall be on a first-come, first-served basis.

The Superintendent or designee shall maintain procedures and regulations for the use of school facilities and grounds that: (Education Code 38133)

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

*(cf. 0450 – Comprehensive School Safety Plan)*

*(c.f. 3516 – Emergencies and Disaster Preparedness Plan)*

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

The Board believes that the use of school facilities or grounds should not result in costs to the district. The Board shall charge at least direct costs to all groups granted facility use under the Civic Center Act.

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

*Legal Reference: (see next page)*

**USE OF SCHOOL FACILITIES (continued)**

*Legal Reference:*

EDUCATION CODE

10900-10914.5 Community recreation programs

32282 School safety plan

37220 School holidays

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

BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverage on school premises

MILITARY AND VETERANS CODE

1800 Definitions

UNITED STATES CODE, TITLE 20

7905 Equal access to public school facilities

COURT DECISIONS

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

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

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

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

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

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

ATTORNEY GENERAL OPINIONS

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

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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

WEB SITES

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

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

**USE OF SCHOOL FACILITIES**

Any persons applying for the use of school facilities or grounds on behalf of any society, group or organization shall present written authorization from the group or organization to make application.

Civic Center Use

Subject to District policies and regulations, school facilities and grounds may be made available to citizens and community groups as a civic center for the following purposes: (Education Codes 38131, 38132)

1. Public, literary, scientific, recreational, educational or public agency meetings.
2. The discussion of matters of general or public interest.
3. The conduct of religious services for temporary periods, on a one time basis or renewal basis, by any church or religious organization.
4. Child care programs to provide supervision and activities for children of preschool and elementary school age.
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies.
6. Supervised recreational activities including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination.
7. A community youth center.
8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.
9. Precinct use for elections.
10. Other purposes deemed appropriate by the Governing Board, Superintendent or designee.

Application for Use of School Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities which: (Education Code 38133).

1. Encourage and assist groups desiring to use school facilities for approved activities.
2. Preserve order in school buildings and on school grounds, and protect school facilities. If necessary a SUSD employee (custodian or authorized District staff) must be designated to supervise this task.

## USE OF SCHOOL FACILITIES (continued)

AR1330(b)

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

Any persons applying for the use of school facilities on behalf of any society, group or organization shall present written authorization from the group to make the application.

Applications must be made on the District Form 048SF, REQUEST FOR USE OF SCHOOL FACILITIES. Persons or organizations, when signing the application, are agreeing with the statement of information indicating that the organization upholds the state and federal constitutions and does not intend to use school premises to commit unlawful acts.

During the school year, applications must be made at the school site being requested. The Principal shall be responsible to maintain the schedules and to prevent scheduling conflicts between various users.

Summer Use: Requests for summer use of school facilities must be made within a reasonable time before the end of the school year to the Principal. Applications will then go to the District Office for final approval. Facilities may not be used without these approvals.

Applications to use a classroom on a regular basis by outside groups or individuals shall be considered by the Principal on the basis of the effect on the instructional program and after consultation with the classroom teacher affected.

No application shall be transferred or assigned to any person or group.

### Restrictions:

Use of school facilities shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law.
2. Any use of school facilities or grounds which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or school work.
3. Any use which is discriminatory in the legal sense.
4. Any use which involves the possession, consumption or sale of alcoholic beverages, or any restricted substances on school property.
5. Tobacco use in District facilities or on District property is prohibited and shall be governed by Board Policy.

## USE OF SCHOOL FACILITIES (continued)

AR1330(c)

6. Any use by District employees for personal or for-profit activities.
7. Any use by commercial or for-profit organizations inconsistent with the use of the school facilities or grounds.
8. Any activity or function that involves any form of gaming.

Availability of school facilities not on the fee schedule will be determined on a case-by-case basis through consultation with the Superintendent or designee.

All requests will be approved for specific times. All functions shall end as agreed to by the Principal and applicant.

Access to rooms or facilities other than those approved as listed on the application shall not be permitted.

### Damage and Liability

Groups or persons using school facilities shall be liable for any property damages caused by the activity. The Board may charge the amount necessary to repair the damages and/or clean the facilities and may deny the responsible group further use of school facilities.

The Board of Education shall not be held responsible for any damage or loss that may occur to non-school property brought on the premises. Such property (as well as rubbish) must be removed from the facility immediately after the use or before such time as the materials will interfere with school activities.

Room capacity is not to be exceeded.

Any group using school facilities shall be liable for any injuries resulting from its negligence during such use. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. Permits will not be granted for personal or individual use of facilities.

The facility use permit, *i.e.*, REQUEST FOR USE OF SCHOOL FACILITIES, includes a hold harmless agreement that must be signed by an authorized representative of the group. Proof of insurance and a certificate naming the District as additional insured are required for all times when District facilities are used; adequacy of insurance will be determined by Business Services.

Priority of Use: Priority for use of school facilities is established as defined in Policy 1330, Use of School Facilities.

Notice of Cancellation: The District shall be given 48 hours advance notice of cancellation by the applicant. A cancellation fee may be charged for notices given less than 48 hours in advance. The fee will be based upon the costs incurred by the District and will not exceed the agreed use of school facilities fee.

## USE OF SCHOOL FACILITIES (continued)

AR1330(d)

Supervision: All juvenile organizations and groups seeking use of school premises must have adequate adult sponsorships and supervision of all facilities used, including the restrooms.

Denial: Failure to comply with any or all of the provisions of this policy and regulations shall be cause to deny future use of the District facilities to a group or organization.

Other reasons for denial include disruption to school use, disrespect of District staff, unpaid costs for damages and/or nonpayment of fees.

Revocations: The District may revoke permits without previous notice when conflicting dates result or when the need of the property for public school purposes has subsequently developed. Advance notice, as much as possible, will be given to the user.

Guidelines for Appeal: The applicant may file a written appeal to the Superintendent or designee responsible for the use of school facilities if a facility use request has been denied, cancelled or revoked.

Prohibition of Animals on School Grounds: Animals of all types and kinds, whether or not people are controlling them or have custody of them, are prohibited on all district facilities except as provided below:

The Assistant Superintendent of Instruction may grant permission to an applicant who wishes to bring an animal on campus for the purpose of furthering an instructional program of the District.

Library/Media Center Use: The use of Libraries and/or Media Centers requires the approval of the Principal and requires the presence of district staff or District approved individuals at the discretion of the Principal.

Computer Labs: Computer labs are to be used by District staff and/or District sponsored programs only. All other users must be pre-approved by the Principal and the District Director of Technology. The principal or Director of Technology shall require presence of District staff or District approved individuals during computer lab use.

Keys to School Facilities: Keys are not to be given out to persons who are not District employees.

Custodian Present: Unless otherwise stated, the custodian assigned to the school facility in use shall remain on the premises throughout the period for which the request is issued to carry out the rules and regulations governing use of school facilities. (Use of fields may be exempted by the Principal, Superintendent of Superintendent's designee.)



## USE OF SCHOOL FACILITIES (continued)

AR1330 (e)

Restrooms: Fees are charged for opening restrooms, closing restrooms, cleaning restrooms, and for restroom supplies.

Emergency calls: If there is a building emergency outside usual working hours, users should notify the custodian on duty. Alternate contact: District Maintenance Manager 661-244-7181 or District Safety Director 661-816-9818.

Fees for the Use of School Facilities: The Board believes that use of school facilities should not result in costs to the District. All rental charges shall be in conformance with the fee schedule for use of school facilities (E(2) 1330). These fees and charges are subject to review and may be revised annually by Business Services to reflect actual costs of salaries, energy and/or other costs.

Fees for the use of school facilities will be calculated by the Principal or designee prior to approving the request.

Special Fees: Facility users under special circumstances may be assessed a custodial fee in addition to and separate from facility use fees. These special custodial fees will be assessed in accordance with need.

During the school year, the Principal is responsible to determine the necessity of special custodial support and to note this information on the use of school facilities form. When schools are not in session, this responsibility is with the Maintenance Manager.

Special fees will be specified at the time of acceptance of the request for use of school facilities.

Fees for the use of school facilities shall be charged in accordance with the following classifications. These fees are subject to review and revision by the Superintendent or designee.

### Free Use:

1. All school-related activities (*e.g.*, school clubs, class events, District run extra-curricular and co-curricular activities, PTA/Parent Club, School Site Council, booster clubs, etc.).
2. District-related activities (*e.g.*, Fiscal Advisory Committee, Boundary Committee, Community Meeting, staff training).
3. Support services provided free of charge to District students (*e.g.*, Speech, Intervention).

Direct Cost Fees: (as defined in the Civic Center Act) “those costs of supplies, utilities, janitorial services, services of any other District employees, and salaries paid school District employees necessitated by the organization’s use of the school facilities and grounds of the District”.

**USE OF SCHOOL FACILITIES (continued)**

AR1330(f)

1. Nonprofit organizations that provide daycare, athletics or educational services primarily to District students, teachers and parents (*e.g.*, AYSO, YMCA).
2. Other nonprofit organizations for uses identified in the Civic Center Act (and noted under Civic Center Use at the beginning of these Regulations).
3. Use for religious services for temporary periods, on a one time or renewable basis, by any church or religious organization that has no suitable meeting place for the conduct of the services (Education Code 38131, 38134).
4. Other public and governmental agencies.

Fair Rental Value: (as defined in the Civic Center Act: “the direct costs to the District, plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized”.) Area business rents and market conditions will be considered by the Board and Superintendent or designee when setting fair rental value fees.

1. Groups using school facilities or grounds “for entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the pupils of the District or for charitable purposes”; such groups shall be charged fair rental value (Education Code 38134).
2. For-profit groups authorized by the Superintendent or designee.

**STATEMENT OF INFORMATION**

The undersigned, as duly authorized representative for \_\_\_\_\_, states that, to the best of his/her knowledge, the school property for use of which application is hereby made will not be used for the commission of any crime or any act which is prohibited by law.

The undersigned further declares that \_\_\_\_\_, the organization on whose behalf he/she is applying for the use of school property, upholds and defends the Constitutions of the United States and the State of California.

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(organization if applicable)

**FEE SCHEDULE FOR USE OF SCHOOL FACILITIES**

The following fee schedule is applicable for use of all school facilities with the Saugus Union School District. Fees collected will be to recover costs of facilities operations. The fee for a one-time use shall be submitted with the application. For multiple (e.g., weekly) use, user may request to be invoiced monthly.

Application Fee: There is a **\$10 application fee** to cover the administrative costs for the sites and the District Office to process the request of Use of School Facilities (Form 048SF).

Facility	Fair Rental (per hour)	School Hours Mon – Friday 8 a.m. – 9 p.m. (per hour)	Non School Hours (per hour)
Classroom	\$50	\$10	\$45
Fields	\$200	\$30	\$50
Multi-Purpose Room	\$100	\$50	\$65
Parking Lot (see #2 below)	\$30	\$0	\$0

1. School groups (e.g., PTA) are responsible for the cost of the custodian, at \$40 per hour, for special events. School groups are not charged for the use of facilities.
2. No charge for the use of the parking lot, but a Use of School Facilities application (\$10 fee) must be completed and a Certificate of Liability must be provided.
3. A Custodian (or authorized District staff) must be present at all times when any facilities other than the parking lot and/or field are being used.
4. Fair Rental applies to groups that are neither a community group or school group.
5. Field fee includes use of available adjacent restrooms. Restroom availability is site specific.
6. Fractional exceeding fifteen minutes will be round up to a full hour.

## REQUEST FOR USE OF SCHOOL FACILITIES

Request by the undersigned for use of the following school premises on the date(s) listed below.

Site: \_\_\_\_\_ Room# \_\_\_\_\_  Field  MPR  Classroom  Parking Lot

Frequency of Use:  One Time Only (*must be paid in full*)  Weekly  Monthly  Other

Activity/Purpose of Use: \_\_\_\_\_

Date(s) \_\_\_\_\_ - \_\_\_\_\_ Time: \_\_\_\_\_ - \_\_\_\_\_ OR  Schedule Attached  
                     Begin                      End                      Begin                      End

Application Fee (Check # \_\_\_\_\_) \$ \_\_\_\_\_ (*Application fee due at time of submission*)

Fees Assessed 'PER DAY' for use of facilities \$ \_\_\_\_\_ (*Plus custodian fees if applicable*  Yes  No )

Free User (*Custodian fees if applicable*  Yes  No)  Direct Cost  Fair Rental

Method of Payment:  Paid in full (one time use)  To be billed monthly

Proof of Insurance Attached:  Yes  No

School Organization?  Yes  No Group Involved: \_\_\_\_\_ Group Size: \_\_\_\_\_

Fee Charged to Participants?  Yes  No Fee Used For: \_\_\_\_\_ Fee Amount: \_\_\_\_\_

Non Profit Status:  Yes  No  N/A Non Profit ID: \_\_\_\_\_

Furniture or Set-up \_\_\_\_\_

Required: \_\_\_\_\_

This form, properly completed, must be presented to the School Site Principal for use of site facility. Permission must be secured prior to any definite announcement being made concerning proposed meetings. Persons making requests for use of buildings, grounds, or equipment will be held responsible for any damage done to same, and for satisfactory and immediate replacement or reimbursement in full. The organization hereby agrees to abide by all rules and regulations of the Board of Trustees and understands that school district events will take precedence over all other activities and that facility changes can occur at any time.

There will be no tobacco use or smoking in any district building or on district premises. Alcoholic beverages, illegal drugs, or firearms are not permitted on district premises. Refer to AR1330 for prepared food restrictions.

District shall not be liable for, and Application shall defend and indemnify District against any and all claims, demands, losses, damages, expenses, charges or costs of any kind or character, including attorneys' fees and court costs (hereinafter collectively referred to as "Claims"), which arise out of applicant's use of District facilities pursuant to this Request for Use of Facilities and/or Grounds arising from any act, error omission or negligence of Applicant or its licensees, agents, servants or employees, except that applicant shall have no obligation to defend or indemnify District from a Claim if it is determined by a court or competent jurisdiction that such Claim was caused by the sole negligence or willful misconduct of District or its agents or employees.

All applicant's, unless specifically exempted by the Superintendent, must procure adequate insurance coverage as stipulated in Administrative Regulation 1330.

\_\_\_\_\_ By initial on this line, I acknowledge receipt of Board Policy 1330, Administrative Regulation 1330, to abide by the terms set forth therein. The Governing Board recognizes that district facilities and grounds are a community resource and authorizes their use by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

<p><b>Contact/Billing Information:</b></p> <p>_____</p> <p><b>Organization</b></p> <p>_____</p> <p><b>Name</b></p> <p>_____</p> <p><b>Address</b></p> <p>_____</p> <p><b>City, State, Zip</b></p> <p>_____</p> <p><b>Telephone</b>                      <b>Cell Phone</b></p> <p>_____</p> <p><b>Signature</b>                      <b>Date</b></p> <p>_____</p>	<p><b>Approval Information:</b></p> <p><i>Approved permit valid for the current fiscal year.</i></p> <p>_____</p> <p>Availability Approved by Principal                      Date</p> <p>_____</p> <p>District Approval                      Date</p> <p>_____</p> <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 10px;"></div>
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**JOINT USE AGREEMENTS**

In order to ensure the efficient use of public resources and increase access to needed services, the Governing Board may enter into an agreement with any public agency, public institution, and/or community organization to use community facilities for school programs or to make school facilities or grounds available for use by those entities. Such an agreement shall be based on an assessment of student and community needs and may be designed to increase access to spaces for recreation and physical activity, library services, school health centers, preschool programs, child care centers, before- or after-school programs, or other programs that benefit students and the community.

*(cf. 1020 - Youth Services)*

*(cf. 1330 - Use of School Facilities)*

*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

*(cf. 5030 - Student Wellness)*

*(cf. 5141.6 - School Health Services)*

*(cf. 5148 - Child Care and Development)*

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 5148.3 - Preschool/Early Childhood Education)*

*(cf. 6142.7 - Physical Education and Activity)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6163.1 - Library Media Centers)*

*(cf. 7000 - Concepts and Roles)*

*(cf. 7131 - Relations with Local Agencies)*

When it is determined that joint use of facilities is in the best interest of the district and community, the Superintendent or designee shall identify a potential partner agency, institution, or organization. He/she shall involve that partner, appropriate district and school staff, and community members in establishing planning processes, goals and priorities for joint use, locations where programs or facilities are most needed, and protocols for ongoing communication and coordination between the partners.

*(cf. 1220 - Citizen Advisory Committees)*

The Superintendent or designee shall work with the partner agency, institution, or organization to develop a written site-specific joint use agreement that delineates the terms and conditions for joint use of the district or community facilities and the responsibilities of all parties. As appropriate, the agreement may address:

1. The underlying philosophy or reasons for entering into the joint use agreement
2. The specific district or community facilities or grounds that will be made available to the other party and areas that will be restricted
3. Priorities for use of the property
4. Hours that the property will be available for use by the district, the partner, or other parties

**JOINT USE AGREEMENTS** (continued)

5. Projected capital costs, if any, and operating costs

*(cf. 7110 - Facilities Master Plan)*  
*(cf. 7150 - Site Selection and Development)*  
*(cf. 7210 - Facilities Financing)*

6. Resources to be allocated by the district and the partner

*(cf. 3100 - Budget)*

7. Rental or other fees, if any, to be charged to either party or third parties using the facilities

8. Responsibilities for management, scheduling, maintenance, on-site supervision, accounting, and other operations

9. Procedures and timelines for requesting use of the facilities

10. Code of conduct for users of the facilities and consequences for violations of the code

*(cf. 3513.3 - Tobacco-Free Schools)*  
*(cf. 3515.2 - Disruptions)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.5 - Vandalism and Graffiti)*

11. Provision for regular inspection and notification of damage, as well as restitution and repair of property

*(cf. 3515.4 - Recovery for Property Loss or Damage)*  
*(cf. 3517 - Facilities Inspection)*

12. Safety and security measures

*(cf. 0450 - Comprehensive School Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*  
*(cf. 5142 - Safety)*

13. Liability, insurance, and risk management issues

*(cf. 3320 - Claims and Actions Against the District)*  
*(cf. 3530 - Risk Management/Insurance)*  
*(cf. 9260 - Legal Protection)*

14. Duration of the agreement, process for amending the agreement, and the bases for cancelling or terminating the agreement before the expiration date

**JOINT USE AGREEMENTS** (continued)

15. Process for resolving disputes regarding any aspect of the agreement
16. How any equipment purchased or other investments made through the agreement will be disposed of at the termination of the agreement

The agreement shall be reviewed by legal counsel and approved by the Board.

The Superintendent or designee shall provide regular reports to the Board regarding progress toward project goals, including, but not limited to, levels of participation in joint use programs held at school or community facilities, feedback from program participants, and any report of damage to property or harm to individuals resulting from the joint use. As needed, the Superintendent or designee shall recommend amendments to the joint use agreement.

*(cf. 0500 - Accountability)*

*Legal Reference: (see next page)*



## **JOINT USE AGREEMENTS (continued)**

### *Legal Reference:*

#### EDUCATION CODE

8482-8484.6 *After School Education and Safety Program*

8484.7-8484.9 *21st Century Community Learning Centers*

10900-10914.5 *Community recreation programs*

17051-17052 *Joint use*

17077.40-17077.45 *Eligibility for joint use funding*

17565-17592 *Board duties re property maintenance and control*

35200-35214 *Liabilities*

37220 *School holidays; use of facilities when school is closed*

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

44808 *Exemption from liability when students not on school property*

#### BUSINESS AND PROFESSIONS CODE

25608 *Alcoholic beverages on school premises*

#### GOVERNMENT CODE

814-825.6 *Liability of public entities and employees*

830-840.6 *Liability; dangerous conditions on property*

895-895.8 *Liability; agreement between public entities*

989-991.2 *Local public entity insurance*

#### UNITED STATES CODE, TITLE 20

7171-7176 *21st Century Community Learning Centers*

7905 *Equal access to public facilities*

### *Management Resources:*

#### CSBA PUBLICATIONS

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

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

#### NATIONAL POLICY AND LEGAL ANALYSIS NETWORK TO PREVENT CHILDHOOD OBESITY PUBLICATIONS

*Model California Joint Use Agreements*

*Liability for Use of School Property After Hours: An Overview of California Law, July 2009*

*Checklist for Developing Joint Use Agreements, March 2009*

#### PUBLIC HEALTH LAW AND POLICY PUBLICATIONS

*Opening School Grounds to the Community After Hours: A Toolkit for Increasing Physical Activity Through Joint Use Agreements, 2010*

#### WEB SITES

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

California Project LEAN (Leaders Encouraging Activity and Nutrition):

<http://www.californiaprojectlean.org>

Cities Counties and Schools Partnership: <http://www.ccspartnership.org>

Joint Use Statewide Task Force: <http://www.jointuse.org>

National Policy and Legal Analysis Network: <http://www.nplan.org>

Public Health Law and Policy: <http://www.phlpnet.org>

Policy  
adopted: December 7, 2010

**SAUGUS UNION SCHOOL DISTRICT**  
Santa Clarita, California

**ACCESS TO DISTRICT RECORDS**

The Governing Board recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 3580 - District Records)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*

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

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

The district may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

In order to help maintain the security of district records, members of the public granted access shall examine records in the presence of a district staff member.

*Legal Reference: (see next page)*

**ACCESS TO DISTRICT RECORDS (continued)**

*Legal Reference:*

EDUCATION CODE

35145 *Public meetings*  
35170 *Authority to secure copyrights*  
35250 *Duty to keep certain records and reports*  
41020 *Requirement for annual audit*  
42103 *Publication of proposed budget; hearing*  
44031 *Personnel file contents and inspections*  
44839 *Medical certificates; periodic medical examination*  
49060-49079 *Pupil records*  
49091.10 *Parental review of curriculum and instruction*  
52850 *Applicability of article (School-Based Program Coordination Plan availability)*

GOVERNMENT CODE

3547 *Proposals relating to representation*  
6250-6270 *California Public Records Act*  
6275-6276.48 *Other exemptions from disclosure*  
53262 *Employment contracts*  
54957.2 *Minute book record of closed sessions*  
54957.5 *Agendas and other writings distributed for discussion or consideration*  
81008 *Political Reform Act, public records; inspection and reproduction*

CALIFORNIA CONSTITUTION

*Article 1, Section 3 Right of access to governmental information*

CODE OF REGULATIONS, TITLE 5

430-438 *Individual pupil records*

COURT DECISIONS

*International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County*, (2007) 42 Cal.4th 319

*Los Angeles Times v. Alameda Corridor Transportation Authority*, (2001) 88 Cal.App.4th 1381

*Kleitman v. Superior Court*, (1999) 74 Cal.App. 4th 324

*Fairley v. Superior Court*, (1998) 66 Cal.App. 4th 1414

*North County Parents Organization for Children with Special Needs v. Department of Education*, (1994) 23 Cal.App. 4th 144

ATTORNEY GENERAL OPINIONS

71 *Ops.Cal.Atty.Gen.* 235 (1988)

64 *Ops.Cal.Atty.Gen.* 186 (1981)

*Management Resources:*

ATTORNEY GENERAL PUBLICATIONS

*Summary of the California Public Records Act, 2004*

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

*The People's Business: A Guide to the California Public Records Act, 2008*

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

State Bar of California: <http://www.calbar.ca.gov>

# Administrative Regulation

Community Relations

AR 1340(a)

## ACCESS TO DISTRICT RECORDS

### Definitions

Note: Pursuant to Government Code 6252, "public record" includes any writing that relates to district business as defined below.

Emails discussing district business are considered public records. However, the law is unclear whether emails discussing district business sent from an employee's or Governing Board member's home computer or personal digital assistant would be considered a public record that is "retained in the normal course of business" and thus subject to disclosure. If a district receives a request for such records, legal counsel should be consulted, as appropriate. See BB 9012 - Board Member Electronic Communications.

*Public records* include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 6252)

(cf. 3580 - District Records)

(cf. 9012 - Board Member Electronic Communications)

*Writing* means any handwriting, typewriting, printing, photostating, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

*Member of the public* means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of his/her membership, agency, office, or employment.

### Public Records

Note: While not specifically enumerated in Government Code 6252, items #1-14 below are items which fall within the definition of "public records."

Public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

2. Statistical compilations

**ACCESS TO DISTRICT RECORDS** (continued)

3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings (Education Code 35145)  
*(cf. 9324 - Minutes and Recordings)*
6. Meeting agendas (Government Code 54957.5)  
*(cf. 9322 - Agenda/Meeting Materials)*
7. Official communications between the district and other government agencies
8. School-based program plans (Education Code 52850)  
*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0420.1 - School-Based Program Coordination)*
9. Information and data relevant to the evaluation and modification of district plans  
*(cf. 0440 - District Technology Plan)*  
*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 0520.3 - Title I Program Improvement Districts)*
10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)

*(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)*

<p>Note: Although Government Code 6254 exempts from disclosure those records pertaining to pending litigation, the Attorney General opined in 71 <u>Ops.Cal.Atty.Gen.</u> 235 (1988) that records predating the filing of the documents initiating the lawsuit are not exempt from disclosure. In <u>Fairley v. Superior Court</u>, the court concurred and further held that documents were exempted only if prepared for use in litigation. The following item reflects the opinion of the court and the Attorney General. The Board should consult legal counsel if it believes that a tort claim or other document related to litigation should not be disclosed.</p>
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11. Claims filed against the district and records pertaining to pending litigation (Government Code 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))

*(cf. 3320 - Claims and Actions Against the District)*

**ACCESS TO DISTRICT RECORDS** (continued)

12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

*(cf. 9270 - Conflict of Interest)*

13. Employment contracts and settlement agreements (Government Code 53262)

*(cf. 2121 - Superintendent's Contract)*

*(cf. 4117.5/4217.5/4317.5 - Termination Agreements)*

*(cf. 4141/4241 - Collective Bargaining Agreement)*

14. Instructional materials including, but not limited to, textbooks (64 Ops.Cal.Atty.Gen. 186 (1981))

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

Governing Board members shall have the ability to access public records permitted by law in the administration of their duties or open to inspection by members of the public. (Government Code 6252.5)

Note: Generally, the names and salaries of public employees are subject to disclosure. In International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, the California Supreme Court held that the salaries of public employees, linked to individual employee names (including peace officers), must be disclosed. The court recognized that, in some circumstances, the salaries of certain employees might be exempt from disclosure, depending on the facts and circumstances of the particular individual (e.g., anonymity of an undercover police officer); however, the presumption is that salary records are open and the burden is on the district maintaining the record to demonstrate why the particular record would be exempt from disclosure.

Government Code 6254.29 specifies that the Public Records Act does not require a district to disclose a social security number and states the Legislature's intent that districts redact social security numbers from any records being disclosed to the public.

The Superintendent or designee shall ensure that any public record containing personal information is redacted to ensure that such information, including, but not limited to, an employee's home address or social security number, is not disclosed to the public.

**Confidential Records**

Records to which the members of the public shall not have access include, but are not limited to:

**ACCESS TO DISTRICT RECORDS** (continued)

1. Preliminary drafts, notes, interagency or intradistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

2. Records specifically prepared for litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))

3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*

The home addresses and home telephone numbers of employees may only be disclosed as follows: (Government Code 6254.3)

- a. To an agent or a family member of the employee
- b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
- c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed

*(cf. 4140/4240/4340 - Bargaining Units)*

- d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

**ACCESS TO DISTRICT RECORDS** (continued)

*(cf. 4154/4254/4354 - Health and Welfare Benefits)*

4. Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*

5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)
6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)
7. Library circulation and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources (Government Code 6254, 6267)

*(cf. 6163.1 - Library Media Centers)*

<p>Note: The following exemption protects attorney-client privileged communications and attorney work product, as well as other work product prepared for use in pending litigation or claims. Pursuant to the Rules of Professional Conduct of the State Bar of California, when an attorney has been hired to represent the district as a whole, this privilege may only be waived by the Board.</p>
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8. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)

*(cf. 9124 - Attorney)*

9. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)

*(cf. 0450 - Comprehensive Safety Plan)*

10. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code 6253.5)



**ACCESS TO DISTRICT RECORDS** (continued)

*(cf. 9223 - Filling Vacancies)*

11. Minutes of Board meetings held in closed session (Government Code 54957.2)

*(cf. 9321 - Closed Session Purposes and Agendas)*

12. Computer software developed by the district (Government Code 6254.9)

Note: The following exemption protects the integrity of districts' electronic information systems against attacks such as "hacking."

13. Information security records, the disclosure of which would reveal vulnerabilities to, or increase potential for an attack on, the district's information technology system (Government Code 6254.19)

14. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

*(cf. 5141.6 - School Health Services)*

15. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

Note: Item #16 below reflects an exemption often referred to as the "catch-all" or "public interest" exemption pursuant to Government Code 6255. This exemption allows a district to withhold a record based on analysis of the specific facts of the situation and in light of the competing public interests. This exemption also includes the "deliberative process privilege" which is designed to protect a district's decision-making process in order to encourage candid discussions within the district. Legal counsel should be consulted to determine whether a request for a record falls under this exemption.

16. Records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

**Inspection of Records and Requests for Copies**

Note: Court decisions have held that a public record request may be made orally, by phone, or in writing, including by email, fax, or hand delivery. The district may ask, but not require, that the person put an oral request in writing.

**ACCESS TO DISTRICT RECORDS** (continued)

Any person may request a copy or inspection of any district record that is open to the public and not exempt from disclosure. (Government Code 6253)

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Public records shall be open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

**ACCESS TO DISTRICT RECORDS (continued)**

Note: Government Code 6253 states that copies of records must be provided "promptly." The term "promptly" is not defined in law, but Government Code 6253 also states that a district may not delay or obstruct the copying of records. Thus, if the records are held in a manner that allows for prompt disclosure, the records generally should not be withheld because of the 10-day response period or the 14-day extension detailed above.

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

**Assistance in Identifying Requested Records**

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

**RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS**

The Governing Board recognizes that agencies at all levels of government share its concern and responsibility for the health, safety, and welfare of youth. The Board and Superintendent or designee shall initiate and maintain good working relationships with representatives of these agencies in order to help district schools and students make use of the resources which governmental agencies can provide.

- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 1020 - Youth Services)*
- (cf. 1330 - Use of School Facilities)*
- (cf. 3515.2 - Disruptions)*
- (cf. 3515.3 - District Police/Security Department)*
- (cf. 3515.5 - Sex Offender Notification)*
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*
- (cf. 5030 - Student Wellness)*
- (cf. 5131.7 - Weapons and Dangerous Instruments)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5141.4 - Child Abuse Prevention and Reporting)*
- (cf. 5145.11 - Questioning and Apprehension)*
- (cf. 5145.12 - Search and Seizure)*
- (cf. 7131 - Relations with Local Agencies)*

The district may enter into agreements with other agencies which involve the exchange of funds or reciprocal services. Such agreements shall be approved by the Board and executed in writing.

**Elections/Voter Registration**

If a city or county elections official specifically requests the use of a school building as a polling place, the Board shall allow its use for such purpose. The Board may authorize the use of school buildings as polling places on any election day, and may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as polling places. (Elections Code 12283)

- (cf. 6111 - School Calendar)*

When a school is used as a polling place, the Superintendent or designee shall provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and shall make a telephone line for Internet access available for use by local elections officials if so requested. He/she shall make a reasonable effort to ensure that the site is accessible to disabled persons. (Elections Code 12283)

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

**RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS** (continued)

The Superintendent or designee shall designate a contact person at each high school for the Secretary of State to contact in order to facilitate the distribution of voter registration forms to eligible students. The Superintendent or designee shall provide the address, phone number, and email address of each contact person to the Secretary of State. (Elections Code 2148)

*Legal Reference:*

EDUCATION CODE

- 10900-10914.5 Cooperative community recreation programs
- 12400 Authority to receive and expend federal funds
- 12405 Authority to participate in federal programs
- 17050 Joint use of library facilities
- 17051 Joint use of park and recreational facilities
- 32001 Fire alarms and drills
- 32288 Notice of safety plan
- 35160 Authority of governing boards
- 35160.1 Broad authority of school districts
- 48902 Notification of law enforcement agencies
- 48909 District attorney may give notice student drug use, sale or possession
- 49305 Cooperation of police and California Highway Patrol
- 49402 Contracts with city, county or local health departments
- 49403 Cooperation in control of communicable disease and immunization
- 51202 Instruction in personal and public health and safety

ELECTIONS CODE

- 2145-2148 Distribution of voter registration forms
- 12283 Polling places: schools

WELFARE AND INSTITUTIONS CODE

- 828 Disclosure of information minors by law enforcement agency
- 828.1 School district police department; disclosure of juvenile criminal records

*Management Resources:*

WEB SITES

- CSBA: <http://www.csba.org>
- California Secretary of State: <http://www.ss.ca.gov>
- California Voter Foundation: <http://www.calvoter.org>
- Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

**WAIVERS**

When certain provisions of Education Code or 5 CCR prevent the district from offering its students the best possible educational program, the Board of Trustees may request the State Board of Education to waive these provisions. District administrators, staff, advisory committees, and councils shall identify the need for waiver requests and provide the Board information needed to make the waiver request.

**General Waiver Requests**

The Board shall hold a properly noticed public hearing on all general waiver requests. (Education Code 33050)

*(cf. 9320 - Meetings and Notices)*

The Board shall include the exclusive employee representative in the development of the waiver and shall seek the participation of appropriate councils or advisory committees.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 4140/4240 - Bargaining Units)*

A waiver request must include a statement as to whether the exclusive employee representative participated in the development of the waiver and the exclusive employee representative's position on the waiver. Waiver requests shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

If the waiver affects a program that requires the existence of a school site council, the school site council must approve the request. (Education Code 33051)

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0420.1 - School-Based Program Coordination)*  
*(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*  
*(cf. 0420.5 - School-Based Decision Making)*

**Specific Waiver Requests**

The Board shall hold a properly noticed public hearing on all specific waiver requests when required by law or when the Board desires community participation in the development of the waiver.

The Board shall include the exclusive employee representative, school site council, advisory committees and councils in the development of specific waivers when required by law or when affected by the waiver request.

**WAIVERS** (continued)

The Board may grant, in whole or in part, any request for waiver when the facts indicate that failure to grant the waiver would hinder the implementation of the student's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities. (Education Code 56101)

*Legal Reference:*

EDUCATION CODE

8750-8754 Grants for conservation education  
10400-10407 Cooperative improvement programs  
17047.5 Facilities used by special education students  
17291 Portable school buildings  
33050-33053 General waiver authority  
41000-41360 School finance  
41381 Minimum school day  
41600-41854 Computation of allowances  
41920-42842 Instructional television; guaranteed yield program; financial statements of school districts; budget requirements; local taxation by school districts  
44520-44534 New program for careers  
44666-44669 School-Based Management and Advanced Career Opportunities for Classroom Teachers Programs  
44681-44689 Administrator Training and Evaluation  
45108.7 Maximum number of senior management positions  
51870-51874 Educational Technology  
52000-52049 School Improvement Plans  
52033 Waiver on request of school site council  
52122.6-52122.8 Class size reduction - impacted school sites  
52160-52178 Bilingual-Bicultural Education Act of 1976  
52180-52186 Bilingual teacher waiver  
52200-52212 Gifted and Talented Pupils Program  
52340-52346 Career Guidance Centers  
52850-52863 School-Based Coordinated Program  
54000-54041 Disadvantaged Youth Program  
54100-54145 Miller-Unruh Basic Reading Program  
54407 Waiver for compensatory education programs  
54665 Waiver for dropout prevention program  
54720-54734 School-Based Pupil Motivation and Maintenance  
56000-56885 Special education programs  
58407 Waiver related to individualized instruction program  
58603 Waiver for compensatory education programs  
58900-58928 Restructuring demonstration programs

CODE OF REGULATIONS, TITLE 5

3100 Resource specialist caseload waivers  
13017 Waivers  
13044 Waivers

UNITED STATES CODE, TITLE 20

1400-1487 Individuals with Disabilities in Education Act

**RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS**

The Governing Board recognizes that private industry and the schools have a mutual interest in maximizing student achievement in order to prepare students to be productive citizens and contribute to the economic health of the community. The Board shall encourage local business involvement in efforts that support the core mission and goals of the district and promote the academic, social, and physical well-being of students.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 6142.3 - Civic Education)*

*(cf. 6142.4 - Service Learning/Community Service Classes)*

The Board and the Superintendent or designee shall develop strategies to initiate business partnerships and shall communicate with business partners about district needs and priorities. The Superintendent or designee may assign district staff to coordinate community/business outreach efforts on behalf of the district and work to ensure equitable distribution of business involvement across all district schools.

*(cf. 9000 - Role of the Board)*

Businesses and industry and/or their representatives may support district schools and programs by:

1. Volunteering in the classroom or school, providing special instructional programs or assemblies, and serving as tutors or mentors for individual students

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1250 - Visitors/Outsiders)*

2. Donating funds, products, instructional materials, or services that serve an educational purpose

*(cf. 1260 - Educational Foundation)*

*(cf. 3290 - Gifts, Grants and Bequests)*

*(cf. 6161.1- Selection and Evaluation of Instructional Materials)*

*(cf. 9270 - Conflict of Interest)*

3. Serving on advisory committees in order to provide business expertise or perspectives

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 5030 - Student Wellness)*

4. Engaging in other activities approved by the Superintendent or designee that are designed to increase student learning or support school operations



**RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS** (continued)

The Board urges employers to further support the schools by recognizing their employees' needs as parents/guardians, accommodating their needs for child care, and supporting their involvement with their children's schools.

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

The Superintendent or designee may publicly acknowledge the support of a business partner in district communications and/or by allowing the use of the business name or logo on donated products or materials, but shall not unduly promote or endorse any commercial activity or products. He/she also may recommend Board commendation to those individuals and/or businesses that have made extraordinary contributions to the district.

*(cf. 1150 - Commendation and Awards)*

The Superintendent or designee shall regularly report to the Board regarding the district's progress in establishing and sustaining business partnerships and the ways in which businesses have supported district programs.

*(cf. 0500 - Accountability)*

*Legal Reference:*

EDUCATION CODE

8070 *Career technical education advisory committee*

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

41030-41037 *Gifts and bequests*

51760-51769.5 *Work experience education*

52300-52499.66 *Career technical education*

UNITED STATES CODE, TITLE 20

2301-2414 *Carl D. Perkins Career and Technical Education Act of 2006, especially:*

2354 *Local plan for career technical education, business involvement*

*Management Resources:*

CSBA PUBLICATIONS

*School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006*

*Maximizing School Board Governance: Community Leadership, 1996*

COUNCIL FOR CORPORATE AND SCHOOL PARTNERSHIPS PUBLICATIONS

*A How-To Guide for School-Business Partnerships*

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

*Building Business Support for School Health Programs, 1999*

*Legal Reference: (continued next page)*

**RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS** (continued)

*Legal Reference: (continued)*

*Management Resources:*

*WEB SITES*

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

*California Consortium of Education Foundations: <http://www.cceflink.org>*

*California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ls/pf>*

*Council for Corporate and School Partnerships: <http://www.corpschoolpartners.org>*

*National Association of State Boards of Education: <http://www.nasbe.org>*