

CONCEPTS AND ROLES

The Governing Board 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

YOUTH SERVICES

The Governing Board realizes that the schools alone cannot meet children's complex individual needs. Parents/guardians, schools, local government, businesses, foundations and community-based organizations all must work together to assess needs, improve conditions for our community's youth, and ensure that the multiple services needed by children and families are coordinated so as to avoid gaps, duplication or delay.

The Board shall initiate or participate in collaborative relationships with community and county leaders to develop policies and provide effective multi-agency programs that respond to the needs of children and families.

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

The Superintendent and staff shall contact and cooperate with public and private agencies to ensure the availability and effective implementation of child care, after-school, nutrition, health and other services for children. District staff shall have opportunities to learn collaborative skills that will enhance their participation in these efforts.

The Board shall regularly evaluate the progress of collaborative efforts and shall monitor district budget, facilities and personnel priorities for opportunities to promote community collaboration and youth services.

The Board shall advocate for local, state and national policies, legislation and programs designed to provide or better coordinate services for children and families.

The district shall provide support services for children and families to the extent possible.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1160 - Political Processes)

(cf. 1240 - Volunteer Assistance)

(cf. 3553 - Free and Reduced Price Meals)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5136 - Gangs)

(cf. 5141.32 - Child Health and Disability Prevention Program)

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 5141.41 - Child Abuse Prevention)

(cf. 5141.6 - School-Based Health and Social Services)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 5148 - Child Care and Development)

(cf. 6020 - Parent Involvement)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6171 - Title I Programs)

Legal Reference: (see next page)

YOUTH SERVICES (continued)

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

58700-58702 Tutoring and homework assistance program

WELFARE AND INSTITUTIONS CODE

18961.5 Computerized data base; families at risk for child abuse; sharing of information; multidisciplinary teams

18986.2-18986.30 Interagency Children's Services Act, especially:

18986.11-18986.15 County interagency collaboration

18986.40-18986.46 Integrated children's services programs

Management Resources:

CSBA PUBLICATIONS

Collaboration for Kids, March 1995

YOUTH LAW CENTER PUBLICATIONS

Model Form for Consent to Exchange Confidential Information among the Members of an Interagency Collaborative, Youth Law Center, San Francisco, 1995

COMMUNICATION WITH THE PUBLIC

The Governing Board 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

S A M P L E
CALIFORNIA CODE OF REGULATIONS, TITLE 2

18901. Mass Mailings Sent At Public Expense

- (a) Except as provided in subdivision (b), a mailing is prohibited by Section 89001 if all of the following criteria are met:
 - (1) Any item sent is delivered, by any means, to the recipient at his/her residence, place of employment or business, or post office box. For purposes of this subdivision (a)(1), the item delivered to the recipient must be a tangible item, such as a videotape, record, or button, or a written document.
 - (2) The item sent either:
 - (A) Features an elected officer affiliated with the agency which produces or sends the mailing, or
 - (B) Includes the name, office, photograph or other reference to an elected officer affiliated with the agency which produces or sends the mailing, and is prepared or sent in cooperation, consultation, coordination, or concern with the elected officer;
 - (3) (A) Any of the costs of distribution is paid for with public moneys; or
 - (B) Costs of design, production and printing exceeding \$50 are paid with public moneys, and the design, production or printing is done with the intent of sending the item other than as permitted by this regulation.
 - (4) More than 200 substantially similar items are sent, in a single calendar month, excluding any item sent in response to an unsolicited request and any item described in subdivision (b);
- (b) Notwithstanding subdivision (a), mass mailing of the following items is not prohibited by Section 89001:
 - (1) Any item in which the elected officer's name appears only in the letterhead or logotype of the stationery, forms (including "For Your Information" or "Compliments of" cards), and envelopes of the agency sending the mailing, or a committee of the agency, or of the elected officer, or in a roster listing containing the names of all elected officers of the agency. In any such item, the names of all elected officers must appear in the same type size, typeface, type color, and location. Such item may not include the elected officer's photograph, signature or any other reference to the elected officer, except as specifically permitted in this subdivision (b)(1) or elsewhere in this regulation.

CALIFORNIA CODE OF REGULATIONS, TITLE 2 (continued)

- (2) A press release sent to members of the media;
- (3) Any item sent in the normal course of business from one governmental entity or officer to another governmental entity or officer;
- (4) Any intra-agency communication sent in the normal course of business to employees, officers, deputies and other staff;
- (5) Any item sent in connection with the payment or collection of funds by the agency sending the mailing, including tax bills, checks and similar documents, in any instance where use of the elected officer's name, office, title or signature is necessary to the payment or collection of the funds. Such item may not include the elected officer's photograph, signature or any other reference to the elected officer except as specifically permitted in this subdivision (b)(5) or elsewhere in this regulation.
- (6) Any item sent by an agency responsible for administering a government program, to persons subject to that program, in any instance where the mailing of such item is essential to the functioning of the program where the item does not include the elected officer's photograph; and where use of the elected officer's name, office, title or signature is necessary to the functioning of the program.
- (7) Any legal notice or other item sent as required by law, court order, or order adopted by an administrative agency pursuant to the Administrative Procedure Act, and in which use of the elected officer's name, office, title or signature is necessary in the notice or other mailing. For purposes of this subdivision (b)(7), inclusion of an elected officer's name on a ballot as a candidate for elective office, and inclusion of an elected officer's name and signature on a ballot argument, shall be considered necessary to such a notice or other item.
- (8) A telephone directory, organization chart, or similar listing or roster which includes the names of elected officers as well as other individuals in the agency sending the mailing, where the name of each elected officer and individual listed appears in the same type size, typeface, and type color. Such item may not include an elected officer's photograph, name, signature, or any other reference to an elected officer, except as specifically permitted in this subdivision (b)(8) or elsewhere in this regulation.
- (9) (A) An announcement of any meeting or event of the type listed in paragraphs (i) or (ii).

CALIFORNIA CODE OF REGULATIONS, TITLE 2 (continued)

- (i) An announcement sent to an elected officer's constituents concerning a public meeting which is directly related to the elected officer's incumbent governmental duties, which is to be held by the elected officer, and which the elected officer intends to attend.
 - (ii) An announcement of any official agency event or events for which the agency is providing the use of its facilities or staff or other financial support.
 - (B) Any announcement provided for in this subdivision (9) shall not include the elected officer's photograph or signature and may include only a single mention of the elected officer's name except as permitted elsewhere in this regulation.
- (10) An agenda or other writing that is required to be made available pursuant to Sections 11125.1 and 54957.5 of the Government Code, or a bill, file, history, journal, committee analysis, floor analysis, agenda of an interim or special hearing of a committee of the Legislature, or index of legislation, published by the Legislature.
- (11) A business card which does not contain the elected officer's photograph or more than one mention of the elected officer's name.
- (c) The following definitions shall govern the interpretation of this regulation:
 - (1) "Elected officer affiliated with an agency" means an elected officer who is a member, officer or employee of the agency, or of a subunit thereof such as a committee, or who has supervisory control over the agency, or who appoints one or more members of the agency.
 - (2) "Features an elected officer" means that the item mailed includes the elected officer's photograph or signature, or singles out the elected officer by the manner of display of his/her name or office in the layout of the document, such as by headlines, captions, type size, typeface or type color.
 - (3) "Substantially similar" is defined as follows:
 - (A) Two items are "substantially similar" if any of the following applies:
 - (i) The items are identical, except for changes necessary to identify the recipient and his/her address.

CALIFORNIA CODE OF REGULATIONS, TITLE 2 (continued)

- (ii) The items are intended to honor, commend, congratulate or recognize an individual or group, or individuals or groups, for the same event or occasion; are intended to celebrate or recognize the same holiday; or are intended to congratulate an individual or group, or individuals or groups, on the same type of event, such as birthdays or anniversaries.
- (iii) Both of the following apply to the items mailed:
 - a. Most of the bills, legislation, governmental action, activities, events, or issues of public concern mentioned in one item are mentioned in the other.
 - b. Most of the information contained in one item is contained in the other.
- (B) Enclosure of the same informational materials in two items mailed, such as copies of the same bill, public document, or report, shall not, by itself, mean that the two items are "substantially similar." Such informational materials may not include the elected officer's name, photograph, signature or any other reference to the elected officer except as permitted elsewhere in this regulation.
- (4) "Unsolicited request" is defined as follows:
 - (A) A written or oral communication (including a petition) which specifically requests a response and which is not requested or induced by the recipient elected officer or by any third person acting at his/her behest. However, an unsolicited oral or written communication (including a petition) which contains no specific request for a response, will be deemed to constitute an unsolicited request for a single written response.
 - (B) An unsolicited request for continuing information on a subject shall be considered an unsolicited request for multiple responses directly related to that subject for a period of time not to exceed 24 months. An unsolicited request to receive a regularly published agency newsletter shall be deemed an unsolicited request for each issue of that newsletter.

CALIFORNIA CODE OF REGULATIONS, TITLE 2 (continued)

- (C) A previously unsolicited request to receive an agency newsletter or mass mailing on an ongoing basis shall not be deemed to have become solicited by the sole fact that the requester responds to an agency notice indicating that, in the absence of a response, his/her name will be purged from the mailing list for that newsletter or mass mailing. A notice in the following language shall be deemed to meet this standard:

"The law does not permit this office to use public funds to keep you updated on items of interest unless you specifically request that it do so."

Inclusion of a similar notice in other items shall not constitute a solicitation under this regulation.

- (D) A communication sent in response to an elected officer's participation at a public forum or press conference, or to his/her issuance of a press release, shall be considered an unsolicited request.
- (E) A person who subscribes to newspapers or other periodicals published by persons other than elected officers shall be deemed to have made unsolicited requests for materials published in those subscription publications.

AUTHORITY: Government Code 83112

REFERENCE: Government Code 82041.5 and 89001

MEDIA RELATIONS

The Governing Board respects the public's right to information and recognizes that the media significantly influences the public's understanding of school issues and can greatly assist the district in informing the community about school programs and issues. Media representatives are welcome at all Board meetings and shall receive meeting announcements and agendas upon request.

(cf. 9320 - Meetings and Notices)

The Superintendent or designee shall develop a plan for proactive communications with the media. The Superintendent or designee and principal or designee of each school may provide the media with information related to district programs and needs, student awards, school accomplishments and events of special interest. All media inquiries shall be routed to the Superintendent or designee. Spokespersons designated to speak to the media on behalf of the district include the Board president and Superintendent. 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 and their communications skills. The district shall not release information which is private or confidential as identified by law and Board policy or administrative regulation.

(cf. 0510 - School Accountability Report Card)

(cf. 1100 - Communication with the Public)

(cf. 1160 - Political Processes)

(cf. 1340 - Access to District Records)

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9010 - Public Statements)

During a disturbance or crisis situation, the first priority of school staff is to address the situation. Media inquiries shall be routed to the Superintendent, who shall make an official statement at his/her discretion.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergency and Disaster Preparedness Plan)

Media representatives shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

Media representatives who wish to interview or photograph students at school are required to make prior arrangements with the principal so as to facilitate smooth operations, prevent delay, and preclude the possibility of disturbances on campus. This also allows the principal to arrange for interview times that will not interfere with students' class attendance.

MEDIA RELATIONS (continued)

The district shall not impose restraints on students' right to speak freely with media representatives at times which do not disrupt the educational program. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.

(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes

32212 Classroom interruptions

35144 Special meetings

35145 Public meetings

35145.5 Agenda; public participation

35146 Closed sessions

35160 Authority of governing boards

35172 Promotional activities

PENAL CODE

627-627.10 Access to school premises

ATTORNEY GENERAL OPINIONS

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

DISTRICT AND SCHOOL WEB SITES

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.

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)

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)

DISTRICT AND SCHOOL WEB SITES (continued)

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)

Because of the wide accessibility of the Internet and potential risk to students, photographs of individual students shall not be published with their names or other personally identifiable information without the prior written consent of the student's parent/guardian.

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)

Legal Reference: (see next page)

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/aw/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>

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.

COMMENDATIONS AND AWARDS

The Governing Board believes that individuals and organizations deserve recognition when they provide contributions or long-standing service to the district. The Board believes that commending such service promotes increased community understanding and participation.

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

The Superintendent or designee shall establish procedures by which Board members, employees or members of the community may suggest persons or organizations for Board recognition. At the Board's discretion, letters of recognition, Board resolutions, plaques or awards may be presented.

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

COMMENDATIONS AND AWARDS

Any Governing Board 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.**

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. To the extent possible, the Board shall be proactive in defining the district's advocacy agenda based on the needs of the district and the direction set forth in the district's vision and goals.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 9000 - Role of the Board)

(cf. 9010 - Public Statements)

The Board may establish reasonable regulations related to Board members and employees engaging in political activity during working hours and on district premises. (Education Code 7055)

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

Legislation

The Board's responsibility as an advocate for the district may include lobbying at the state and national levels.

Because local governments also make decisions which impact the district's schools, the Board and the Superintendent or designee shall work to establish ongoing relationships with community and county officials and agencies, and shall inform them of the potential effect of local issues on the schools.

(cf. 1020 - Youth Services)

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

(cf. 7131 - Relations with Local Agencies)

The Board shall identify issues that will affect its schools and the children in its community, establish goals and priorities for legislative advocacy, solicit community input and adopt legislative positions. The Superintendent or designee shall establish a coordinated plan for carrying out the advocacy agenda, including specific activities, target groups or individuals, staff responsibilities and timelines.

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.

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

POLITICAL PROCESSES (continued)

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

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

Ballot Measures/Candidates

The Board may study the potential effect of ballot measures on the district's schools. Any Board discussion of the effect of such measures shall include an opportunity for Board members, staff and members of the public to speak on all sides of the issue. Following such study, the Board may adopt positions in support of or in opposition to ballot measures of importance to education.

The Board's positions shall be publicized only through normal district procedures for reporting Board actions and in a manner that does not attempt to influence voters.

(cf. 9323 - Meeting Conduct)

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)

District resources shall not be used to disseminate campaign literature or to purchase advertisements, bumper stickers, posters or similar promotional items that advocate an election result.

(cf. 1325 - Advertising and Promotion)

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)

In preparing or distributing such information, the Superintendent or designee shall ensure that the totality of the circumstances, including language, style, tenor and timing, does not expressly advocate passage or defeat of a measure or candidate.

The Superintendent or designee may research, draft and prepare a bond measure or other initiative for the ballot, but shall not use district resources to secure signatures in order to qualify the measure for the ballot.

POLITICAL PROCESSES (continued)

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 district representative shall not urge a citizens' group to vote for or against the bond measure.

For informational purposes, the Superintendent or designee may conduct a poll related to a ballot issue. Such a poll shall not advocate a particular position on the issue.

Legal Advocacy

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 challenge the issue through litigation or other appropriate means.

(cf. 9124 - Attorney)

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

7054 *Use of district property*

7054.1 *Requested appearance*

7055 *Local rules*

7056 *Soliciting or receiving political funds*

7058 *Use of forum*

35160 *Authority of governing boards*

35172 *Promotional activities*

GOVERNMENT CODE

50023 *Attending legislature to support or oppose legislation*

53060.5 *Attendance at legislative body; expenses*

54953.5 *Right to record proceedings*

54953.6 *Broadcasts of proceedings*

81000-91015 *Political Reform Act*

COURT DECISIONS

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

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

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203

Cal.App.3d 529, 250 Cal. Rptr. 161, rev.den.

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

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

Scherer v. Buchanan, First Appellate District, Civil No. A076648

ATTORNEY GENERAL OPINIONS

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

Management Resources:

OFFICE OF LEGISLATIVE COUNSEL

Advice letter #7837, March 18, 1996 (use of public funds to publicize board positions)

FAIR POLITICAL PRACTICES COMMISSION

FPPC No. 93/345 (1996)

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998

Maximizing School Board Leadership: Community Leadership, 1996

CITIZEN ADVISORY COMMITTEES

The Governing Board recognizes that citizen advisory committees enable the Board to better understand the beliefs, attitudes and opinions held by the community.

The Board shall establish citizen advisory committees to consider school problems and issues as the need arises or when required by law. Such committees shall serve in a strictly advisory capacity; they may make recommendations regarding Board policy, but their actions shall not be binding on the Board. The Board may dissolve any advisory committees not required by law at any time.

Advisory committees should include representation from all affected parties. With Board approval, the Superintendent or designee may appoint 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:

EDUCATION CODE

8070 Vocational education advisory committee

11503 Parent involvement program

35147 School site councils and advisory committees

35172 Promotional activities

44032 Travel expense payment

44033 Automobile allowances

52012 School site council

52065 American Indian advisory committee

52176 Advisory committees (LEP program)

52852 Site council, school-based program coordination

54425 Advisory committees; compensatory education

54444.1-54444.2 Services to migrant children; parent advisory councils

54724 Site council, motivation and maintenance program

56190-56194 Community advisory committee, special education

62002.5 Continuing parent advisory committees; schools receiving funds from economic impact aid or bilingual education act

GOVERNMENT CODE

820.9 Members of local public boards not vicariously liable

54950-54962 Meetings

CITIZEN ADVISORY COMMITTEES

Committee Charge

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

1. The committee members' names and the procedure to be used in the selection of the committee chairperson and other committee officers.
2. The specific charges of the committee, including its topic(s) for study or well-defined area(s) of activity.
3. The specific period of time that the committee is expected to serve.
4. Legal requirements regarding meeting conduct and public notifications.
5. Resources available to help the committee complete its tasks.
6. Timelines for progress reports and/or final report.
7. Relevant Governing Board policies and administrative regulations.

Advisory committee members are not vicariously liable for injuries caused by the act or omission of the district. (Government Code 820.9)

Committees Subject to Brown Act Requirements

The following citizen advisory committees shall comply with open meeting, notice and public participation requirements of law:

1. Advisory committees created by Board action

(cf. 9130 - Board Committees)

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

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

3. Advisory committees established pursuant to Education Code 52208 related to gifted and talented education

CITIZEN ADVISORY COMMITTEES (continued)

(cf. 6172 - Gifted and Talented Student Program)
(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 councils and advisory committees are exempted from the Brown Act and must conform with procedural meeting requirements established in Education Code 35147:

1. School site councils established pursuant to Education Code 52012, 52852 or 54724

(cf. 0420 - School Plans/Site Councils)

2. Any advisory committee established pursuant to Education Code 52065

3. Any advisory committee established pursuant to Education Code 52176 related to programs for students of limited English proficiency

(cf. 6174 - Education for English Language Learners)

4. Any advisory committee established pursuant to Education Code 54425 related to compensatory education

(cf. 6171 - Title I Programs)

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

(cf. 6175 - Migrant Education Program)

6. Parent advisory committees established pursuant to Education Code 62002.5 related to economic impact aid and bilingual education

7. Committees established pursuant to Education Code 11503 related to parent involvement

(cf. 6020 - Parent Involvement)

CITIZEN ADVISORY COMMITTEES (continued)

Meetings of the above councils or committees shall be open to the public, and 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 group'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. (Education Code 35147)

(cf. 1340 - Access to District Records)

The Superintendent or designee may create citizen advisory committees to advise the administration; such committees do not report to the Board and are not subject to open meeting laws.

(cf. 2230 - Representative and Deliberative Groups)

SCHOOL-CONNECTED ORGANIZATIONS

The Governing Board recognizes that parents/guardians may wish to organize clubs for the purpose of supporting the educational program and/or extracurricular programs such as athletic teams, debate teams, and musical groups. The Board supports such activities and welcomes parental interest and participation. Parent/guardian clubs shall be especially careful not to seek advantages for the activities they support if those advantages might be detrimental to the entire school program.

The Board requires parent/guardian clubs to have a written statement of purpose and bylaws. The Board recognizes that these organizations are independent of the school or district. In order to protect the district and students, the Superintendent or designee shall establish appropriate controls for the relationship between such organizations and the district.

(cf. 1321 - Solicitation of Funds from and by Students)
(cf. 3290 - Gifts, Grants and Bequests)

Groups desiring to be recognized as school-connected organizations shall request authorization from the Board in accordance with conditions established in administrative regulations.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

38131 Use of civic center by public

38134 Groups which may use school facilities without charge

Management Resources:

CDE LEGAL ADVISORIES

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

SCHOOL-CONNECTED ORGANIZATIONS

Requests for authorization as a school-connected organization shall contain:

1. The name of the organization
2. The date of application
3. Membership quotas or qualifications
4. The names, addresses and phone numbers of all officers
5. A brief description of the organization's purpose
6. A list of specific annual objectives
7. The name of the bank where the group's account will be located and the names of those authorized to withdraw funds
8. The signature of a site administrator who supports the request for authorization
9. Desired use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future
10. Evidence of liability insurance as required by law

(cf. 1330 - Use of School Facilities)

Authorizations shall be automatically renewed each year. The Superintendent may recommend that authorizations be revoked by the Board if considered necessary.

Any program, fund-raiser or other activity sponsored by parent/guardian clubs shall be authorized and conducted according to Board policy, administrative regulations and school rules. Announcements of events and related parent/guardian permission slips shall clearly indicate that the activity or event is sponsored by the parent/guardian organization, not by the school or district.

(cf. 3541.1 - Transportation for School-Related Trips)

Parent/guardian clubs shall not hire district employees without prior approval from the Superintendent or designee.

VOLUNTEER ASSISTANCE

The District recognizes that the wealth of experience available in the community is a resource that should be used in appropriate ways to enrich the educational program and strengthen our schools' relationships with the homes, businesses, industries, public agencies, and private institutions of our community. The District encourages parents and other members of the community to share their special knowledge and abilities with our students.

The Superintendent may authorize the use of volunteers. Volunteers shall work with students under the immediate supervision of certificated employees. Volunteers who are not working with students shall be supervised by an authorized District employee when appropriate. Volunteers shall not be used to displace regularly authorized school personnel (Education Code 35021). The Superintendent will require tuberculosis testing and fingerprinting of volunteers and criminal records checks as authorized by law. Volunteers shall act in accordance with District policies and regulations and school rules.

The primary responsibility for everyday maintenance of the schools and grounds rests with the district's classified employees. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school, meet a specific need, comply with established building and safety codes, do not significantly increase maintenance workloads and comply with employee negotiated agreements.

The Superintendent shall be responsible for investigating and resolving complaints regarding volunteers.

(cf. 6144 - Controversial Issues)

(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 to students and/or make appropriate referrals to community organizations.

(cf. 1020 - Youth Services)

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

VOLUNTEER ASSISTANCE (continued)

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.

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

(cf. 1230 - School-Connected Organizations)

(cf. 4127 - Temporary Athletic Team Coaches)

(cf. 4212.5 - Security/Credit Check)

Qualifications

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.

Prior to assuming a volunteer position to work with students in a district-sponsored student activity program, a volunteer shall obtain both a Department of Justice and Federal Bureau of Investigation criminal background check through the district. (Education Code 49024)

A volunteer who possesses a current Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing, issued prior to July 9, 2010, shall have satisfied district requirements for the criminal background check. (Education Code 49024)

Provide evidence that they are free from active tuberculosis. A chest x-ray will be required only if the intradermal tuberculin test is positive.

Procedure

Management personnel responsible for administering programs wherein volunteers provide service to the Palermo Union School District shall:

1. Establish a register wherein each volunteer signs in and signs out for whatever date and period of time the volunteer is providing service to the District, also listing the activity performed and the location of the volunteer work.
2. Maintain a record of volunteers serving during any fiscal year, record to contain name, address, and telephone number, and email if available.

VOLUNTEER ASSISTANCE (continued)

3. Provide a means of identification for volunteers while on school sites.
4. Provide Workers' Compensation Insurance Claim forms if needed: Unsalariated volunteers shall be considered as employees of the District for Workers' Compensation purposes. If injured while serving as volunteers in the District, the volunteer should file a Workers' Compensation Insurance claim on forms obtained at the District Office (Labor Code 3364.5).
5. Supervise volunteers' activities so that the district safety standards are maintained at the same level of safety as paid employees providing similar service.

Legal Reference: (see next page)

VOLUNTEER ASSISTANCE (continued)

Legal Reference:

EDUCATION CODE

35021 *Volunteer aides*

35021.1 *Automated records check*

44010 *Sex offense; definition*

44227.5 *Classroom participation by college methodology faculty*

44814 *Duty-free lunch periods*

44815 *Noncertificated supervision*

45125 *Fingerprinting requirements*

45340-45349 *Instructional aide act, especially:*

45344.5 *Instructional aide; proficiency in basic skills*

45347 *Instructional aides as classified employees*

45349 *Volunteers*

45360-45367 *Teacher aides*

49406 *Examination for tuberculosis*

GOVERNMENT CODE

3100-3109 *Oath or affirmation of allegiance*

3543.5 *Prohibited interference with employees' rights*

96100-96114 *Academic Volunteer and Mentor Service Act of 1992*

HEALTH AND SAFETY CODE

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

LABOR CODE

3364.5 *Persons performing voluntary services for school districts*

PENAL CODE

290.4 *Information re sex offenders*

CODE OF REGULATIONS, TITLE 5

18168 *Personnel duties with infants and toddlers*

CODE OF REGULATIONS, TITLE 22

101170 *Criminal record clearance*

COURT DECISIONS

Whisman Elementary School District, 15 Public Employee Reporter for California, 22043

ATTORNEY GENERAL OPINIONS

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

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

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)

Any volunteer working with students in a district-sponsored student activity program shall obtain a criminal background check in accordance with Board policy. The Superintendent or designee shall determine which volunteer positions in the district are subject to this requirement.

(cf. 4212.5 - Criminal Background Check)

"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, marching band, and athletic coach.

VOLUNTEER ASSISTANCE (continued)

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, including parents/guardians volunteering in a classroom or on a field trip or community members providing noninstructional services. (Education Code 49024)

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

(cf. 6145 - Extracurricular and Cocurricular Activities)

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)

Volunteer Facilities Projects

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

VOLUNTEER ASSISTANCE (continued)

3. Structural modifications
4. Electrical, electronic, plumbing, or heating and cooling work
5. Painting
6. Installation of carpet, playground equipment, benches, sprinkler systems, marquees or signs
7. Paving
8. 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. 7140 - Architectural and Engineering Services)

VISITORS

The Governing Board encourages parents/guardians and interested members of the community to visit the schools and view the educational program.

To ensure minimum 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 first arranged with the teacher and principal or designee. If a conference is desired, an appointment should be set with the teacher during noninstructional time.

To ensure the safety of students and staff and avoid potential disruptions, all visitors shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1112 - Media Relations)

(cf. 3515.2 - Disruptions)

For purposes of school safety and security, the principal or designee may design a visible means of identification for visitors while on school premises.

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

(cf. 5144 - Discipline)

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)

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

PENAL CODE

626-626.10 Schools

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

ATTORNEY GENERAL OPINIONS

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

VISITORS

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

Registration Procedure

In order to register, visitors 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
3. His/her purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

Denial of Registration

The following provisions of law shall apply to outsiders. Outsiders do not include students, parents/guardians, district employees, elected public officials, or other persons listed in Penal Code 627.1.

1. The principal or designee may refuse to register any outsider if he/she reasonably concludes that the outsider'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 an outsider's registration if he/she has a reasonable basis for concluding that the outsider'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)

2. The principal or designee may request that an outsider who has failed to register, or whose registration privileges have been denied or revoked, promptly leave school grounds. When an outsider is directed to leave, the principal or designee shall inform the outsider that if he/she reenters the school within seven days he/she will be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

VISITORS (continued)

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)

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Governing Board 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 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 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.

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

Complaint Procedures

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

In order to promote fair and constructive communication, 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, complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is made. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.
2. If a complainant is unable or unwilling to resolve the complaint directly with the person involved, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. When a written complaint is received, the employee shall be notified in accordance with collective bargaining agreements.
4. 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. Complaints related to a Board member or to the Superintendent shall be initially filed in writing with the Board President.
5. A written complaint must include:
 - a. The name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it and
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. The person responsible for investigating complaints will attempt to resolve the complaint to the satisfaction of the person(s) 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 who will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days. Parties should consider and accept the Superintendent's decision as final. However, the complainant, the employee, or the Superintendent may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent shall submit to the Board a written report concerning the complaint, including but not be limited to:
 - a. The 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 defense
 - c. A copy of the signed original complaint
 - d. A summary of the action taken by the Superintendent, 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 present all available evidence and allow every opportunity for explaining and clarifying the issue.
11. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than closed session. This notice shall be delivered personally or by mail at least 24 hours before the time of the session, and the employee may request that the complaints or charges be heard in open session. Complaints concerning Board members shall be addressed in open session unless a closed session is warranted pursuant to Education Code 35146 or 48918 or Government Code 54957 or 54957.6. (Government Code 54957)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

12. Any decision of the Board shall be final.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

Complaints Regarding Child Abuse

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.

When a complaint of child abuse is alleged, the district shall provide parents/guardians procedures for filing a child abuse complaint with the appropriate child protective agencies. Upon request, such procedures shall be written in the primary language of the parent/guardian, and the Superintendent or designee shall provide an interpreter if needed. (Education Code 48987)

Providing the above procedures to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4144/4244/4344 - Complaints)

CDE LEGAL ADVISORY LO: 4-93 PROCEDURES FOR PARENTS OR GUARDIANS OF STUDENTS TO IDENTIFY AND REPORT CHILD ABUSE COMMITTED AT A SCHOOL SITE BY A SCHOOL DISTRICT EMPLOYEE OR OTHER PERSON

The following information, taken from Penal Code Sections 273a, 273d, and 11165.6, will assist parents/guardians in deciding whether to file a complaint of child abuse.

What is Child Abuse and What is Not Child Abuse

Child abuse is a physical injury which is inflicted by other than accidental means on a child by another person.

It also means the sexual abuse of a child.

It also means willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody.

It also means unlawful corporal punishment or injury resulting in a traumatic condition.

Child abuse also means neglect of a child or abuse in out-of-home care. (Out-of-home care is defined in Penal Code Section 11165.5 as a situation where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency.)

Child abuse does not mean a mutual affray or fight between minors.

It also does not include an injury caused by the actions of a peace officer using reasonable and necessary force:

1. To quell a disturbance threatening physical injury to person or damage to property
2. To prevent physical injury to person or damage to property
3. For purposes of self-defense
4. To obtain possession of weapons or other dangerous objects within the control of a child or
5. To apprehend an escapee

In addition, child abuse does not include injury caused by any force that is reasonable and necessary for persons employed by or engaged in a public school:

1. To stop a disturbance threatening physical injury to people or damage to property
2. For purposes of self-defense or
3. To obtain possession of weapons or other dangerous objects within control of a student (Education Code 44807, 49001)

How to File a Complaint of Child Abuse Against School District Employees or Others at School Sites

Parents/guardians of students have the right to file a complaint against a school district employee or other person that they suspect has engaged in abuse of a child at a school site.

To file a complaint, the parent/guardian must file a formal report with the local child protective agency. This may be done by telephone, in person, or in writing. A complaint may also be filed with the appropriate local school district or county office of education; however, school districts and county offices of education do not investigate child abuse complaints.

In addition, if the child is disabled and enrolled in special education, a separate complaint may be filed with the California Department of Education (CDE) under 5 CCR 4650(a)(viii)(c). The CDE does not investigate allegations of child abuse. The CDE investigates conditions that may involve immediate physical danger or threaten the health, safety or welfare of the child and which may result in denial of free appropriate public education.

As defined in the Child Abuse and Neglect Reporting Act of 1987, a child protective agency is:

1. A police or sheriff's department
2. A county probation department; or
3. A county welfare department/child protective services.

These agencies are listed in local telephone directories under government listings. Police will be found under city government listings; sheriffs, probation, welfare departments and child protective services will be found under county government listings.

The local child protective agency shall investigate the complaint. (Penal Code 11165.14)

If the complaint is substantiated, the local child protective agency is required to forward a copy of the investigation report to the governing board of the local school district or county office of education. (Penal Code 11165.14)

Child protective agencies are also required to cross-report every known or suspected instance of child abuse to the other child protective agencies having jurisdiction over the case (for example, county welfare to law enforcement, and vice versa), to the agency responsible for conducting investigations for dependency determinations pursuant to Welfare and Institutions Code 300, and to the district attorney. (Penal Code 11166(g))

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

The Governing Board takes great care in the adoption of instructional materials and is aware that all adopted materials may not be acceptable to all students, their parents/guardians or other district residents.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

The Superintendent or designee shall establish procedures which will permit proper consideration of any complaints against the use of any instructional materials, including textbooks, supplementary textbooks, library books, and other instructional materials and equipment.

The Board believes the Superintendent and staff are well qualified to consider complaints concerning instructional materials. Complainants are advised to consider and accept the Superintendent or designee's decision as final. However, if the complainant finds the decision of the Superintendent or designee unsatisfactory, he/she may request that the matter be placed on the agenda of a regular Board meeting.

(cf. 1312.3 - Uniform Complaint Procedures)

The Board's decision in any such case will be based on educational suitability and will not be influenced by a desire to suppress information or deny students access to ideas with which the Board disagrees.

(cf. 6144 - Controversial Issues)

Legal Reference:

EDUCATION CODE

- 18111 Exclusion of books by governing board*
- 35010 Control of district; prescription and enforcement of rules*
- 60000 Power of governing board to select instructional materials*
- 60040-60047 Content requirements for instructional materials*
- 60200-60206 Elementary school material - selection and adoption*
- 60400 Secondary school textbooks - selection and adoption*

Management Resources:

CDE PROGRAM ADVISORIES

- 1002.90 Selection of instructional materials, CIL: 90/91-02*

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 Governing Board 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.

SAMPLE

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: _____

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The district shall investigate 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. (5 CCR 4600-4687)

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, gender identity or expression, or genetic information, ethnic group identification, race, ancestry, national origin, religion, marital or parental status, color, or mental or physical disability, or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity that receives or benefits from state financial assistance. (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging 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 career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs, and the development and adoption of the school safety plan. (5 CCR 4610)

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 0420.1 - School-Based Coordinated Program)*
- (cf. 0420.2 - School Improvement Program)*
- (cf. 0430 - Comprehensive Local Plan for Special Education)*
- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 3553 - Free and Reduced Price Meals)*
- (cf. 3555 - Nutrition Program Compliance)*
- (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)*

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the district's Williams uniform complaint procedure (AR 1312.4).

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The Board acknowledges and respects every individual's right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and integrity of the process. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination or participation in complaint procedures. Such participation shall not in any way affect the status, grades or work assignments of the complainant.

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 their 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.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Reporting Procedures)

UNIFORM COMPLAINT PROCEDURES (continued)

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
3. Teacher vacancies and misassignments
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. 6179 - Supplemental Instruction)

Legal Reference: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.3 *Prohibition of discrimination*
8200-8498 *Child care and development programs*
8500-8538 *Adult basic education*
18100-18179 *School libraries*
35146 *Closed sessions*
35160 *Authority of governing boards*
44670.1-44671.5 *School personnel staff development and resource centers*
48985 *Notices in language other than English*
49060-49079 *Student records*
49490-49560 *Child nutrition programs*
51513 *Personal beliefs*
52000-52049.1 *School improvement programs*
52160-52178 *Bilingual education programs*
52300-52483 *Vocational education*
52500-52616.24 *Adult schools*
52800-52863 *School-based coordinated programs*
54000-54041 *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*
56000-56885 *Special education programs*
59000-59300 *Special schools and centers*
64000 *Consolidated application process*

GOVERNMENT CODE

54957-54957.8 *Closed sessions*

CODE OF REGULATIONS, TITLE 5

3080 *Application of section 4600-4671*
4600-4671 *Uniform Complaint Procedures*

UNITED STATES CODE, TITLE 20

1221-1232g *General Education Provisions Act*
1681-1688 *Discrimination based on sex or blindness, Title IX*

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 *Nondiscrimination*

Policy
adopted: March 28, 2000
Revised: February 6, 2013

PALERMO UNION SCHOOL DISTRICT
Palermo, California

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Governing Board designates the following compliance officer(s) to receive and investigate complaints and to ensure district compliance with law:

Superintendent
7390 Bulldog Way
Palermo, California 95968-9700
(530) 533-4842

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

(cf. 9124 - Attorney)

Notifications

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)

(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)

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

UNIFORM COMPLAINT PROCEDURES (continued)

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
 - f. Copies of the district's uniform complaint procedures are available free of charge. (5 CCR 4622)

(cf. 5145.6 - Parental Notifications)

Procedures

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 program 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 4632.

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.

UNIFORM COMPLAINT PROCEDURES (continued)

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance with federal or state laws or regulations governing educational programs by the district.

Complaints alleging unlawful discrimination may be filed 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 must be initiated no later than six months from the date when the alleged discrimination occurred or 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)

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 illiteracy or other disabilities, district staff shall help him/her to file the complaint. (5 CCR 4600)

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees 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)

UNIFORM COMPLAINT PROCEDURES (continued)

Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within 5 days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

The complainant and/or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her 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

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 initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

UNIFORM COMPLAINT PROCEDURES (continued)

Step 5: Final Written Decision

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

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member will interpret it for the complainant.

For all complaints, the decision shall include:

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. The rationale for the above disposition (5 CCR 4631)
5. Corrective actions, if any (5CCR 4631)
6. Notice of the complainant's right to appeal the decision within 15 days to the California Department of Education, and procedures to be followed for initiating such an appeal (5 CCR 4631, 4652)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies (5 CCR 4631; Education Code 262.3)
8. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved

If a student or an employee is disciplined as a result of the complaint, the decision shall simply state that appropriate 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.

UNIFORM COMPLAINT PROCEDURES (continued)

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and whether the facts are incorrect and/or the law has been misapplied, and must include a copy of the locally filed complaint and the district's decision. (5 CCR 4652)

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)

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 complaint procedures
7. Other relevant information requested by the CDE

The California Department of Education may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists. In addition, the California Department of Education may also intervene in those cases where the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

UNIFORM COMPLAINT PROCEDURES (continued)

Civil Law Remedies

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.

For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if 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.

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)

1. Textbook and Instructional materials

- a. A student, 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 student 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.

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 trimester course, a position to which a single designated certificated employee has not been assigned at the beginning of a trimester for an entire trimester. (Education Code 33126)

Beginning of the year or trimester means the first day classes necessary to serve all the students 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 students attend classes for that semester. (5 CCR 4600)

- 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 students 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.

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

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

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

3. Facilities

- a. A condition poses an emergency or urgent threat to the health or safety of students 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 students 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 students or staff; or 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, and paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students 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 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; 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)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her 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)

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 the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled meeting (Education Code 36186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 a 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; CCR 4687)

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

(cf. 1340 - Access to District Records)

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

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)

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)

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:

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 *Alternative uniform complaint procedure*
60119 *Hearing on sufficiency of instructional materials*
CODE OF REGULATIONS, TITLE 5
4600-4671 *Uniform complaint procedures*

Management Resources:

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

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 your child's 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. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present. Education Code 35186(h)(1) and (2).

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 trimester course, a position to which a single designated certificated employee has not been assigned at the beginning of a trimester for an entire trimester.

4. A complaint forms can be obtained at the school office, district office, or can be downloaded from the district web site: <http://www.palermoschools.org> or California Department of Education web site: <http://www.cde.ca.gov/re/cp/uc>.

WILLIAMS UNIFORM COMPLAINT PROCEDURES

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

Education Code 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? _____ Yes _____ No

Contact information:

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

E-mail address, if any: _____

Location of the problem that is the subject of this complaint:

School name/address: _____

Course or grade and teacher name: _____

Room number or name of room: _____

Date problem was observed: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.

Specific Issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)
 - _____ A student, 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 the class.
 - _____ A student does not have access to instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - _____ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - _____ A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

2. Teacher vacancy or misassignment: Education Code 35186; 5 CCR 4681
- _____ A trimester 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 school year for an entire year or, if the position is for a one trimester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire trimester.
 - _____ A teacher lacks credentials or training to teach English learners or is assigned to teach a class with more than 20% English learners in the class.
 - _____ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. Facility conditions: (Education Code 35186, 35292.5; 5 CCR 4683)
- _____ A condition exists that poses an emergency or urgent 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 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 students or staff; or structural damage creating a hazardous or uninhabitable condition.
 - _____ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
 - _____ The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when closing of the restroom is necessary for student safety or to make repairs.

Please describe the issue of your complaint in detail. You may attach additional pages regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff.

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

Please file this complaint with the person specified below at the following location:

Superintendent
7390 Bulldog Way
Palermo, California 95968-9700

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(signature)

(date)

Community Relations

REGULATIONS REGARDING Local Control Accountability Plan (LCAP) UNIFORM COMPLAINT PROCEDURES

Complaints

The Palermo Union School District shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred:

- (a) A complaint that the Palermo Union School District has not complied with the requirements of Article 4.5 Local Control Accountability Plan, as applicable, may be filed with the Superintendent pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.
- (b) A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements of this article.
- (c) A complainant is not satisfied with the decision of the Superintendent, may appeal the decision to the County Superintendent of Butte County and shall receive a written appeal decision within 60 days of the County Superintendent of Butte County.
- (d) If the Superintendent finds merit in a complaint, the Superintendent shall provide a remedy to all affected pupils, parents, and guardians.
- (e) Information regarding the requirements of this article shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations or any successor regulation.
- (f) The Superintendent shall establish local policies and regulations to implement the provisions of this section on or before June 30, 2014.

SOLICITATION OF FUNDS FROM AND BY STUDENTS

Solicitations on Behalf of Charitable Organizations

The Governing Board recognizes that participation in fund-raising for nonprofit, nonpartisan charitable organizations can help students develop a sense of social responsibility.

When approved in advance by the Board, funds may be solicited or materials distributed for those nonprofit, nonpartisan organizations that are properly chartered or licensed by state or federal law. (Education Code 51520)

Solicitations on Behalf of the School

With the approval of the Governing Board, official school-related organizations may organize fund-raising events involving students.

(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall ensure that parents/guardians are informed of the purpose of all fund-raisers benefiting the school or school groups. After the fund-raiser is held, parents/guardians shall be told how much money was raised and how it was spent. Parents/guardians shall be encouraged to offer their suggestions for the use of money raised to improve school facilities or to finance supplementary educational experiences.

All Solicitations

Whether solicitations are made on behalf of the school or on behalf of another charitable organization, the Board particularly desires that no students shall be made to feel uncomfortable or pressured to provide funds. Staff is expected to emphasize the fact that donations are always voluntary. No students shall be barred from an activity because they did not participate in fund-raising.

Legal Reference: (see next page)

SOLICITATION OF FUNDS FROM AND BY STUDENTS (continued)

Legal Reference:

EDUCATION CODE

48930-48937 *Student Body Association activities*

51520 *Prohibited solicitations on school premises (except such nonpartisan, charitable organizations as approved by the governing board)*

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

BUSINESS AND PROFESSIONS CODE

17510-17510.7 *Charitable solicitations*

REVENUE AND TAX CODE

6361 *Sales tax exemption for certain sales*

CODE OF REGULATIONS, TITLE 8

11706 *Dangerous activities and occupations*

SOLICITATION OF FUNDS FROM AND BY STUDENTS

It is clearly the intent of the Governing Board to approve in advance all fund-raising activities. In September of each school year, each school site's school fund raisers will be presented to the Board for approval or disapproval.

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

(cf. 6116 - Classroom Interruptions)

The principal or designee shall ensure that letters are sent to parents/guardians regarding all fund-raising activities.

Students making solicitations on behalf of the school or for school-related projects are expected to be courteous and respectful towards all individuals and businesses, whatever the outcome of the solicitation may be.

Prior to raising funds: A student group desiring to raise funds must write a letter to the Superintendent at least six (6) days in advance of the Governing Board's next regularly scheduled meeting requesting to be placed on the Board agenda for that meeting or a subsequent meeting. The letter must identify the group, name a representative for the group, and give details of the fund-raising activity the group has in mind (i.e., purpose of activity, amount of funds needed, method of obtaining funds, District's participation, etc.).

Door-to-door sales and the sale of candy, beef sticks, and other types of "junk food" shall not be permitted.

If approval is given by the Board, the group may proceed with the fund-raising activity.

Proceeds of the fund-raising activity shall be placed in the District-authorized Student Body Association fund depository.

All equipment purchased from fund-raising activities or Student Body Association funds in general shall become the property of the District and be carried as part of the District inventory and covered by the District's general insurance program.

ADVERTISING AND PROMOTION

Distribution of Noncommercial Materials

The Governing Board desires to promote positive relationships between the schools and community organizations. Just as community organizations can build support for the schools, the schools can cooperate with these groups under certain circumstances by publicizing services, special events and public meetings of interest to students and parents/guardians.

(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee may approve the distribution to students of materials prepared by organizations which are school sponsored or school related. Materials approved for distribution shall further the district's intended purpose, directly benefit the students, support the basic educational mission of the district or be of intrinsic value to the students. Materials shall not promote any particular religious or political interest except as specified below.

Distribution of Political Materials

The schools shall not distribute campaign materials pertaining to a candidate, party, or ballot measure. Campaign materials shall not be distributed on district property at any time other than 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)

Distribution of Commercial Materials/Advertising

The Board believes that the students in our schools should focus on educational matters and not be the target of advertising. School-sponsored publications, announcements and other school communications shall carry no advertising. In addition, the Superintendent or designee shall not accept promotional materials of a commercial nature for distribution by or to students.

School-sponsored publications, announcements and other school communications may accept paid advertising except for that prohibited by law and administrative regulation. The Superintendent may prohibit advertisements which are inconsistent with school objectives and do not reasonably relate to the educational purpose of school-sponsored publications. In addition, the Superintendent may allow the distribution of promotional material of a commercial nature within the parameters of law and administrative regulation but also may prohibit the distribution of materials which lack educational value or are not related directly to the school program.

ADVERTISING AND PROMOTION (continued)

Advertising copy may be solicited and prepared only to the extent that this process furthers the educational well-being of the students involved. Excessive solicitation of the same sources shall be avoided.

Students shall not be exploited to raise money, and time spent securing ads shall not infringe upon the school program.

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)
(cf. 6145.3 - Publications)

Students shall not be required to view commercials during instructional time. Advertisements may be studied, however, as part of the consumer education curriculum.

Products and materials donated by commercial enterprises may be used 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 or logo of the donor. The use of such materials does not imply district endorsement of any identified commercial products or services.

(cf. 1700 - Relations between Private Industry and the Schools)
(cf. 3290 - Gifts, Grants and Bequests)
(cf. 6161.11 - Supplementary Instructional Materials)

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

COURT DECISIONS

Bright v. Los Angeles Unified School District (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal. 3d 450

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

ADVERTISING AND PROMOTION

Distribution of Materials

Materials generated by nonstudents may be distributed or posted in district schools only when prior approval has been granted by the Superintendent or designee.

Unless generated by the school, surveys or questionnaires requiring student or parent/guardian response also must be first approved by the Superintendent or designee. All materials to be distributed shall bear the name and contact location of the sponsoring group.

(cf. 6162.8 - Research)

Prohibitions

Materials shall not be distributed to students or advertised in school-sponsored publications if they:

1. Are obscene, libelous, or slanderous. (Education Code 48907)
2. Incite students to commit unlawful acts, violate school rules, or disrupt the school's orderly operation. (Education Code 48907)
3. Discriminate against, attack or denigrate any group on account of gender, race, color, religion, ancestry, national origin, disability, or other unlawful consideration; or promote one group over another.

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

4. Solicit funds or services for an organization, with the exception of solicitations authorized in Governing Board policy.

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

5. Promote the use or sale of materials or services which are illegal or inconsistent with school objectives. Ads for tobacco, intoxicants, and r-rated and x-rated movies or products shall not be used.
6. Announce the meetings of noncurricular student-initiated groups.

(cf. 6000 - Concepts and Roles)

(cf. 6145.5 - Student Organizations and Equal Access)

Before publication, the Superintendent shall review all advertising copy to assure that it complies with the provisions of Board policy and administrative regulations.

ADVERTISING AND PROMOTION (continued)

At their discretion, teachers may use commercial-free instructional television programs and other instructional materials that do not require advertising to be viewed.

(cf. 6161.11 - Supplementary Instructional Materials)

District schools shall not distribute unsolicited merchandise for which an ensuing payment is requested.

USE OF SCHOOL FACILITIES

The Governing Board recognizes that district facilities are a community resource whose primary purpose is to be used for school programs and activities. The Board authorizes the use of school facilities 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 (clubs, class events, etc.) shall be given priority in the use of facilities under the Civic Center Act. Thereafter, the use of facilities 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)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

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

The Board believes that the use of school facilities 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.

The Board authorizes the use of school facilities without charge by nonprofit organizations, clubs or associations organized to promote youth and school activities [Education Code 38134(a)]. These groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher associations, and school-community advisory councils.

Other groups requesting the use of school facilities under the Civic Center Act shall be charged at least direct costs.

USE OF SCHOOL FACILITIES (continued)

Fair Rental Value

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

Legal Reference:

EDUCATION CODE

10900-10914.5 *Community Recreation Programs*

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

COURT DECISIONS

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 113 S.Ct. 2141

Cole v. Richardson, (1972) 405 U.S. 676, 92 S.Ct. 1332

Connell v. Higgenbotham, (1971) 403 U.S. 207, 91 S.Ct. 1772

ACLU of So. Calif. v. Board of Education of San Diego, (1963) 59 Cal .2d 224

ACLU of So. Calif. v. Board of Education of Los Angeles, (1963) 59 Cal .2d 203

ACLU of So. Calif. v. Board of Education of San Diego, (1961) 55 Cal .2d 906

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CDE LEGAL ADVISORIES

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

USE OF SCHOOL FACILITIES

Application for Use of 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 person may be designated to supervise this task.
3. Ensure that the use of 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 property on behalf of any society, group or organization shall present written authorization from the group to make the application.

Persons or organizations applying for the use of school facilities shall submit a 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.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 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 or renewable 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

USE OF SCHOOL FACILITIES (continued)

7. A community youth center

(cf. 1020 - Youth Services)

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

9. Other purposes deemed appropriate by the Governing Board

Restrictions

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

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

4. Any use which involves the possession, consumption or sale of alcoholic beverages or any restricted substances on school property

(cf. 3513.3 - Tobacco-Free Schools)

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 may deny the group further use of school facilities.

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.

USE OF SCHOOL FACILITIES (continued)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence. Groups or organizations shall also be required to include the district as an additional insured on their liability policies for claims arising out of the negligence of the group, with a minimum of \$1,000,000.00 coverage per occurrence.

The Superintendent or designee may require a hold harmless agreement when warranted by the type of activity or the specific facility being used.

Regulation
approved: March 28, 2000
Revised: November 20, 2008

PALERMO UNION SCHOOL DISTRICT
Palermo, California

S A M P L E

REQUEST TO USE SCHOOL FACILITIES

Description of Equipment: _____

Date and Time of Use: (a) For single meetings: _____ 20____, ____ o'clock __ a.m. __ p.m.

(b) For series of meetings:

Starting Date: _____ Ending Date _____

Days: _____ Time: From _____ To _____

(For "blanket" application, state days and times of meetings.)

Facility Requested: _____

Equipment Authorized: _____

Nature of activity or meeting: _____

If funds are to be raised by using organization through use of the facility, please describe method of raising funds and what they shall be used for:

Statement of Requesting Party

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.

It is further understood that use of the facilities shall be in compliance with the rules and regulations prescribed by the Governing Board of the District and the laws of the United States and the State of California.

This entire school campus is "smoke free." The organization's person-in-charge shall (1) announce the smoke free policy at the beginning of the meeting or event and shall (2) enforce said policy throughout the meeting or event.

It is understood that the requesting organization will (1) provide supervision of responsible adults; (2) ensure use is confined to the area(s) named in the approved application; (3) assume financial responsibility for all damages and any additional custodial services if required; (4) return the facility to its original arrangement and condition before leaving; and (5) provide that all rules are enforced by the adult(s) in charge for all activities inside and outside of the building.

The requesting organization (1) will assume full responsibility for all facilities while being used by them, and (2) shall provide a certificate of insurance. (Copy of the front page of insurance policy document stating coverage will be attached to the "Request for Use of Facilities" application form.)

The requesting organization shall provide adequate supervision by persons twenty-one years of age or older. The applicant also agrees to indemnify and save harmless the Palermo Union School District, its officers, agents, and employees against any and all loss, damage, and/or liability that may be suffered or incurred by the Palermo Union School District, its officers, agents, and employees, and against any and all claims, demands, and causes of action that may be made or brought against the Palermo Union School District, its officers, agents, and employees, caused by, arising out of, or in any way connected with the use of the applicant organization (or undersigned) of the District facility or the exercise of the privilege herein granted.

Name of Requesting Organization: _____

Address: _____ **Phone** _____

Signature of Authorized Agent: _____ **Date** _____

Address: _____ **Phone** _____

Approximate Number Involved: Children _____ **Adults** _____

BOXED SECTION TO BE COMPLETED BY PRINCIPAL

Insurance Certificate Attached: _____ Yes _____ No

Approval: _____ Recommended _____ Not Recommended

Estimated Charges: _____

Comments: _____

Principal's Signature: _____ Date _____

S A M P L E

EQUIPMENT USE REQUEST

The use of district equipment is subject to the provisions of Board Policy. Also, any person or organization requesting the use of school equipment shall be responsible for the proper use and care of the equipment and liable for any damage or loss.

Please provide the following requested information (incomplete information will result in denial of request):

DATE OF REQUEST _____

NAME OF INDIVIDUAL/ORGANIZATION _____

ADDRESS _____

PHONE _____

EQUIPMENT NEEDED - BE SPECIFIC		
DESCRIPTION	NUMBER	DATE NEEDED

Signature of Person Making Request / Date

____ Approved

Signature of Principal / Date

____ Denied

EQUIPMENT WAS RETURNED ON _____

Signature of Principal / Date

SCHOOL AUDITORIUM USAGE FEE SCHEDULE

Usage	
A.	Full use of Auditorium / Stage / Kitchen @ \$30.00 per hour or \$120 maximum per day. District employee must be on duty.
B.	Full use of auditorium / stage @ \$20.00 per hour or \$80.00 maximum per day.
C.	Gym Use - \$25.00
D.	Clean-up fee / deposit (returned if left clean) \$75.00
Open up charge \$20.00 – 2 hr. minimum	
E.	Other

Total Cost	\$	Circle items used: A B C D E
Amount Paid	\$	
Amount Refunded	\$	Deposit \$
		Open up charge \$

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 state and federal law. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.

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.

Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act or other statutes.

(cf. 3553 - Free and Reduced Price Meals)

(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)

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*

42103 *Publication of proposed budget; hearing*

44031 *Personnel file contents and inspections*

44839 *Medical certificates; periodic medical examination (re access to medical certificate in personnel file)*

49060-49079 *Pupil records*

49091.10 *Parental review of curriculum and instruction*

52015 *Ongoing evaluation and modification of school improvement plans*

52015.5 *Availability of information required by Education Code 52015(g)*

52850 *Applicability of article (School-based Program Coordination Plan availability)*

54722 *Application of article (Motivation and maintenance program Plan availability)*

GOVERNMENT CODE

3547 *Proposals relating to representation*

6250-6268 *California Public Records Act*

53262 *Employment contracts*

54957.2 *Minute book record of closed sessions*

54957.5 *Agendas and other writings distributed for discussion or consideration*

81008 *Public records; inspection and reproduction*

CODE OF REGULATIONS, TITLE 5

430-438 *Individual pupil records*

COURT DECISIONS

Fairley v. Superior Court, 66 Cal.App. 4th 1414 (1998)

North County Parents Organization for Children with Special Needs v. Department of Education, 23 Cal.App. 4th 144 (1994)

ATTORNEY GENERAL OPINIONS

71 *Ops.Cal.Atty.Gen.* 235 (1988)

64 *Ops.Cal.Atty.Gen.* 186 (1981)

ACCESS TO DISTRICT RECORDS

Records Open to the Public

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)

A member of the public includes any person, except a member, agent, officer, or employee of the district acting within the scope of his/her office or employment. Governing Board members are entitled to access to public records permitted by law in the administration of their duties, and, as to other public records, on the same basis as any other person. (Government Code 6252, 6252.5)

Records to which the public shall have access include but are not limited to:

1. The proposed and approved budgets (Government Code 6252; Education Code 42103)

(cf. 3100 - Budget)

2. Statistical compilations (Government Code 6252)
3. Reports and memoranda (Government Code 6252)
4. Notices and bulletins (Government Code 6252)
5. Minutes of public meetings (Government Code 6252)

(cf. 9324 - Minutes and Recordings)

6. Meeting agendas (Government Code 6252, 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

7. Official communications between governmental branches (Government Code 6252)
8. School-based program plans (Education Code 52850, 54722)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)

9. Information and data relevant to the evaluation and modification of school improvement plans (Education Code 52015.5)

(cf. 0420.2 - School Improvement Program)

ACCESS TO DISTRICT RECORDS (continued)

10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

11. Tort claims filed against the district and records pertaining to pending litigation which predate the filing of the litigation, unless protected by some other provision of law (Government Code 6254.25, Fairley v. Superior Court, 71 Ops.Cal.Atty.Gen. 235, 1988)

(cf. 3320 - Claims and Actions Against the District)

12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

(cf. 9270 - Conflict of Interest)

13. Contracts of employment and settlement agreements (Government Code 53262)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

(cf. 4141/4241 - Collective Bargaining Agreement)

Confidential Records

Records to which the general public shall not have access include but are not limited to:

1. Preliminary drafts, notes, interdistrict 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 claims made pursuant to the Tort Claims Act, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1998))

3. Personnel records, medical records, student records, personal correspondence, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

ACCESS TO DISTRICT RECORDS (continued)

(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 be disclosed only as follows: (Government Code 6254.3)

- a. To an agent or a family member of the individual to whom the information pertains
 - 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
 - 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
4. Test questions, scoring keys and other examination data except as provided by law (Government Code 6254)

(cf. 6162.5 - Student Assessment)

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)

(cf. 7212 - Mello-Roos Districts)

ACCESS TO DISTRICT RECORDS (continued)

7. Library circulation records kept for the purpose of identifying the borrower of items available in the library (Government Code 6254)

(cf. 6163.1 - Library Media Centers)

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)

9. Recall petitions or petitions for the reorganization of school districts (Government Code 6253.5)

10. The minutes of Board meetings held in closed session (Government Code 54957.2)

(cf. 9321 - Closed Session Purposes and Agendas)

11. Computer software developed by the district (Government Code 6254.9)

12. Written instructional textbooks or other materials for which providing a copy would infringe a copyright or would constitute an unreasonable burden on the operation of the district (65 Ops.Cal.Atty.Gen. 185 (1981))

(cf. 5020 - Parent Rights and Responsibilities)

13. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

Inspection of Records and Requests for Copies

Public records are 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)

Within 10 days of receiving any request for a copy of records, the Superintendent or designee shall determine whether to comply with the request and shall immediately inform the person making the request of his/her determination and the reasons for it. (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, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

ACCESS TO DISTRICT RECORDS (continued)

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 having a substantial interest in the determination of the request or among two or more components of the district having substantial subject matter interest therein

Any person may request a copy of any district record open to the public and not exempt from disclosure. 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)

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Requests to waive the fee shall be submitted to the Board.

Computer data shall be provided in a form determined by the Superintendent or designee. (Government Code 6253)

Provisions of the Public Record 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 welfare, health and safety of youth. The Board and district staff shall take every opportunity to work cooperatively with these agencies for the benefit of our students. The Superintendent or designee shall initiate and maintain good working relationships with representatives of these agencies in order to help our schools and students make use of the resources which governmental agencies can provide.

(cf. 1020 - Youth Services)

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.

(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police Department)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 5131.4 - Campus Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.4 - Child Abuse Reporting Procedures)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5145.11 - Questioning and Apprehension)
(cf. 5145.12 - Search and Seizure)
(cf. 7131 - Relations with Local Agencies)
(cf. 9311 - Board Policies)

Legal Reference: (see next page)

RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS (continued)

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

35160 Authority of governing boards

35160.1 Broad authority of school districts

48902 Notification of law enforcement agencies re student violations

48909 District attorney may give notice re student drug use, sale or possession

49305 Cooperation of police and California Highway Patrol (re Safety Patrols)

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 (re: fire prevention)

ELECTIONS CODE

12283 Polling places: schools

WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors by law enforcement agency

828.1 School district police department; disclosure of juvenile criminal records

WAIVERS

When certain provisions of Education Code or 5 CCR prevent the district from offering its students the best possible educational program, the Governing Board 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. 0420.2 - School Improvement Program)

(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 consult with 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
44670.1-44671.5 Local Staff Development 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

13017 Waivers
13044 Waivers

UNITED STATES CODE, TITLE 20

1400-14987 Individuals with Disabilities in Education Act