Community Relations

CONCEPTS AND ROLES

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

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

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(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. 0510 - School Accountability Report Card)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1240 - Volunteer Assistance)
(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:

EDUCATION CODE
35160 Authority of governing boards
35172 Promotional activities
COMMUNICATION WITH THE PUBLIC

The Board of Trustees recognizes the district's responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the schools and district and to be responsive to the concerns and interests of the community. The Superintendent or designee shall establish strategies for effective two-way communications between the district and the public and shall consult with the Board regarding the role of Board members as advocates for the district's students, programs, and policies.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 9000 - Role of the Board)

The Superintendent or designee shall provide the Board and staff with communications protocols and procedures to assist the district in presenting a consistent, unified message on district issues. Such protocols and procedures may include, but are not limited to, identification of the spokesperson(s) authorized to speak to the media on behalf of the district, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.

(cf. 1112 - Media Relations)
(cf. 1340 - Access to District Records)
(cf. 2111 - Superintendent Governance Standards)
(cf. 3580 - District Records)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 9005 - Governance Standards)
(cf. 9010 - Public Statements)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Superintendent or designee shall utilize a variety of methods to provide information to the public with access to information. Such methods may include, but are not limited to, district and school newsletters, web sites, social media, electronic communications, mailings, notices sent home with students, recorded telephone messages for parent/guardian information, community forums and public events, news releases, meetings with education reporters and editorial boards, presentations at parent organization meetings, and meetings with representatives of local governments, community organizations, and businesses.

(cf. 0510 - School Accountability Report Card)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

In developing communications strategies, the Superintendent or designee shall take into account the needs of all members of the public, including individuals with disabilities and those whose primary language is not English.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
COMMUNICATION WITH THE PUBLIC  (continued)

The Superintendent or designee may provide staff members with professional development to assist them in effectively responding to requests for information or assistance by parents/guardians or members of the public.

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

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

(cf. 0460 - Local Control and Accountability Plan)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1230 - School-Connected Organizations)
(cf. 1240 - Volunteer Assistance)
(cf. 1250 - Visitors/Outsiders)
(cf. 1260 - Educational Foundation)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3555 - Nutrition Program Compliance)
(cf. 6020 - Parent Involvement)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

Mass Mailings at Public Expense

Newsletters or mass mailings regarding ballot measures, candidates, legislative activities, or any other campaign activities shall be sent and distributed in accordance with law and Board policy.

(cf. 1160 - Political Processes)

A mass mailing is prohibited if all of the following criteria are met: (Government Code 89001-89002)

1. The mailing involves sending a tangible item, such as a videotape, record, button, or written document, which is delivered by any means to recipients at their residence, place of employment or business, or post office box.
COMMUNICATION WITH THE PUBLIC (continued)

2. The item features a Board member or includes the name, office, photograph, or other reference to a Board member and is prepared or sent in cooperation, consultation, coordination, or concert with the Board member.

3. The costs of distribution, or any costs of design, production, and printing exceeding $50, are paid with district funds.

4. More than 200 substantially similar items, as defined in Government Code 89002, are sent in a single calendar month.

The above prohibition does not apply to the types of mass mailings specified in Government Code 89002(b), including, but not limited to: (Government Code 89002)

1. An item in which the Board member's name appears only in a roster containing the names of all Board members or in the letterhead or logotype of the stationery, forms, and envelopes of the district, a district committee, or the Board member

2. An announcement including only a single mention of the Board member's name which concerns a public meeting related to the Board member's duties or any official district event(s) for which the district is providing the use of its facilities, staff, or other financial support

3. A business card that contains only one mention of the Board member's name and no photograph of the Board member

However, any of the excepted mailings listed in items #1-3 above that meets the criteria for prohibited mass mailings shall not be sent within 60 days preceding an election in which a Board member to whom the mailing relates will appear on the ballot as a candidate. (Government Code 89003)

Legal Reference: (see next page)
COMMUNICATION WITH THE PUBLIC  (continued)

Legal Reference:
EDUCATION CODE
7054  Use of district property or funds re: ballot measures and candidates
35145.5  Board meetings, public participation
35172  Promotional activities
38130-38138  Civic Center Act
48980-48985  Parental notifications
GOVERNMENT CODE
54957.5  Meeting agendas and materials
82041.5  Mass mailing
89001-89003  Newsletter or mass mailing
CODE OF REGULATIONS, TITLE 2
18901.1  Campaign-related mailings sent at public expense
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190  Americans with Disabilities Act

Management Resources:
WEB SITES
CSBA:  http://www.csba.org
California School Public Relations Association: http://www.calspra.org

Policy
adopted:  

PALMDALE SCHOOL DISTRICT  
Palmdale, California
MEDIA RELATIONS

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

In conjunction with the Superintendent or designee, the Board shall periodically establish priorities and key messages for proactively communicating with the media regarding current district issues, activities, or needs.

(cf. 0400 - Comprehensive Plans)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 0510 - School Accountability Report card)
(cf. 1100 - Communication with the Public)
(cf. 1160 - Political Processes)

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

(cf. 9321 - Closed Session)
(cf. 9322 - Agenda/Meeting Materials)

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

(cf. 1250 - Visitors/Outsiders)
(cf. 3515.2 - Disruptions)

Interviewing and Photographing Students

The district shall not impose restraints on students' right to speak freely with media representatives. However, interviewing and photographing students shall not create substantial disruption to the orderly operation of the school or impinge on the rights or safety of students. Therefore, the district shall encourage media representatives who wish to interview or photograph students at school to make prior arrangements with the principal.

(cf. 5145.2 - Freedom of Speech/Expression)

Legal Reference:  (see next page)
MEDIA RELATIONS  (continued)

Legal Reference:

EDUCATION CODE
32210-32212 Willful disturbance of public school or meeting
35144 Special meetings
35145 Public meetings
35160 Authority of governing boards
35172 Promotional activities
48907 Freedom of speech and press
48950 Prohibition against disciplinary action for first amendment speech
49061 Definition of directory information
49073 Directory information
EVIDENCE CODE
1070 Refusal to disclose news source
PENAL CODE
627-627.10 Access to school premises
UNITED STATES CODE, TITLE 20
1232g Family educational and privacy rights
CODE OF FEDERAL REGULATION, TITLE 34
99.3 Definition of directory information
COURT DECISIONS
ATTORNEY GENERAL OPINIONS

Management Resources:

WEB SITES
CSBA:  http://csba.org
Community Relations  BP 1113(a)

DISTRICT AND SCHOOL WEB SITES

To enhance communication with students, parents/guardians, staff, and community members, the Board of Trustees 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 and school web sites to individuals with disabilities, including compatibility with commonly used assistive technologies.

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

Web Site Content

The Superintendent or designee shall develop content guidelines for district and school web sites and 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)

The district regards photographs as a category of directory information that would not generally be considered harmful or an invasion of privacy if disclosed. Therefore, a student's photograph, together with his/her name, may be published on district or school web sites unless the student's parent/guardian has notified the district in writing to not release the student's photograph without prior written consent, in accordance with BP/AR 5125.1 - Release of Directory Information.

If students' names are not included, photographs of individual students or groups of students, such as at a school event, may be published on school or district web sites.

Employees' home addresses, personal telephone numbers, and personal email addresses 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
- **BUSINESS AND PROFESSIONS CODE**
  - 22580-22582 Digital privacy
  - 22584-22585 Student Online Personal Information Protection Act
  - 22586 Preschool and prekindergarten privacy
- **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**
  - 101-122 Subject matter and scope of copyright
  - 504 Penalties for copyright infringement
- **UNITED STATES CODE, TITLE 20**
  - 1232g Federal Family Educational Rights and Privacy Act
- **UNITED STATES CODE, TITLE 29**
  - 705 Definitions; Vocational Rehabilitation Act
  - 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**
  - 104.1-104.61 Nondiscrimination on the basis of disability
- **COURT DECISIONS**
  - City of San Jose v. Superior Court, (2017) 2 Cal.5th 608

Management Resources: (see next page)
DISTRICT AND SCHOOL WEB SITES (continued)

Management Resources:

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter, May 26, 2011
Joint Dear Colleague Letter: Electronic Book Readers, June 2010
U.S. DEPARTMENT OF JUSTICE PUBLICATIONS
Accessibility of State and Local Government Websites to People with Disabilities, June 2003
WORLD WIDE WEB CONSORTIUM PUBLICATIONS
Web Content Accessibility Guidelines, December 2008
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Web Accessibility Standards:
http://www.cde.ca.gov/re/di/ws/webaccessstds.asp
California School Public Relations Association: http://www.calspra.org
U.S. Department of Education, Office for Civil Rights: https://www2.ed.gov/about/offices/list/ocr
DISTRICT AND SCHOOL WEB SITES

Design Standards

The Superintendent or designee shall develop design standards for district and school web sites that include, but are not limited to, guidelines to ensure the clear organization of the material, readability of the font type and size, and simplicity of the navigation structure linking the content on the web site. Such standards shall take into consideration the ease of use on a wide range of devices.

In accordance with the requirements of the Americans with Disabilities Act and Section 504 of the federal Rehabilitation Act of 1973, district and school web sites shall contain features that ensure accessibility for individuals with disabilities, which may include, but are not limited to, captions for videos and multimedia presentations, text alternatives to images, provision of sufficient time to use the content, avoidance of flashing images, adequate contrast in visual presentations, and/or other features that meet applicable standards for web site accessibility. The Superintendent or designee shall regularly review district and school web sites and modify them as needed to ensure legal compliance with accessibility standards.

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

Web Site Content

As applicable, district and school web sites shall provide current information regarding the district's mission and goals, district/school programs and operations, district/school news, agendas and minutes of Board of Trustees 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. 9322 - Agenda/Meeting Materials)

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.

Any copyrighted material to be posted on a district or school web site shall be submitted to the Superintendent or designee together with the permission of the copyright owner to reprint the material. Any copyrighted material submitted without the copyright owner's permission shall only be posted on a district or school web site if the Superintendent or designee determines that the material is in the public domain or that the intended use meets
DISTRICT AND SCHOOL WEB SITES (continued)

the criteria for fair use or another exception pursuant to 17 USC 107-122. When any copyrighted material is posted, the web site shall include a notice crediting the copyright owner and, as necessary, shall note that 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 review district and school web sites to ensure consistency 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.

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

(cf. 0000 - Vision)
(cf. 0440 - District Technology Plan)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 6020 - Parent Involvement)
(cf. 6145.5 - Student Organizations and Equal Access)

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

Guidelines for Content

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

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

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

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

(cf. 5131 - Conduct)

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

(cf. 4040 - Employee Use of Technology)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
DISTRICT-SPONSORED SOCIAL MEDIA (continued)

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

Privacy

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

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

Legal Reference: (see next page)
DISTRICT-SPONSORED SOCIAL MEDIA (continued)

Legal Reference:

EDUCATION CODE
32261 School safety, definitions of bullying and electronic act
35182.5 Contracts for advertising
48900 Grounds for suspension and expulsion
48907 Exercise of free expression; rules and regulations
48950 Speech and other communication
49061 Definitions, directory information
49073 Release of directory information
60048 Commercial brand names, contracts or logos

GOVERNMENT CODE
3307.5 Publishing identity of public safety officers
6250-6270 Public Records Act, especially:
6254.21 Publishing addresses and phone numbers of officials
6254.24 Definition of public safety official
54952.2 Brown Act, definition of meeting

UNITED STATES CODE, TITLE 17
101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20
1232g Federal Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 29
157 Employee rights to engage in concerted, protected activity
794 Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy

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

NATIONAL LABOR RELATIONS BOARD DECISIONS
18-CA-19081 Sears Holdings, December 4, 2009

Management Resources:

FACEBOOK PUBLICATIONS
Facebook for Educators Guide, 2011

WEB SITES
CSBA: http://www.csba.org
California School Public Relations Association: http://www.calspra.org
Facebook in Education: http://www.facebook.com/education
Facebook for Educators: http://facebookforeducators.org
Facebook, privacy resources: http://www.facebook.com/fbprivacy
DISTRICT-SPONSORED SOCIAL MEDIA

Definitions

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

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

(cf. 1230 - School-Connected Organizations)
(cf. 1260 - Educational Foundations)

Authorization for Official District Social Media Platforms

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

Guidelines for Content

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

(cf. 0440 - District Technology Plan)
(cf. 0510 - School Accountability Report Card)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 6020 - Parent Involvement)
(cf. 6145.5 - Student Organization and Equal Access)

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

(cf. 4132/4232/4332 - Publication or Creation of Materials)
(cf. 6162.6 - Use of Copyrighted Materials)

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

Each official district social media platform shall prominently display:

1. The purpose of the site along with a statement that users are expected to use the site only for those intended purposes.

2. Information on how to use the security settings of the social media platform.

3. A statement that the site is regularly monitored and that any inappropriate post will be promptly removed. Inappropriate posts include those that:
   a. Are obscene, libelous, or so incite students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation
   b. Are not related to the stated purpose of the site, including, but not limited to, comments of a commercial nature, political activity, and comments that constitute discrimination or harassment

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1160 - Political Processes)
(cf. 1325 - Advertising and Promotion)

4. Protocols for users, including expectations that users will communicate in a respectful, courteous, and professional manner.

5. A statement that users are personally responsible for the content of their posts and that the district is not responsible for the content of external online platforms.

6. A disclaimer that the views and comments expressed on the site are those of the users and do not necessarily reflect the views of the district.

7. A disclaimer that any user's reference to a specific commercial product or service does not imply endorsement or recommendation of that product or service by the district.

8. The individual(s) to contact regarding violation of district guidelines on the use of official district social media platforms.

Appropriate Use by District Employees

District employees who participate in official district social media platforms shall adhere to all applicable district policies and procedures, including, but not limited to, professional standards related to interactions with students.
DISTRICT-SPONSORED SOCIAL MEDIA (continued)

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

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

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

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
COMMENDATIONS AND AWARDS

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

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

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

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

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

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

Legal Reference:

EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school districts
44015 Awards to employees and students

CALIFORNIA CONSTITUTION
Article 16, Section 6 Gifts of public funds
POLITICAL PROCESSES

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

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)
(cf. 9000 - Role of the Board)
(cf. 9010 - Public Statements)

Ballot Measures/Candidates

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

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

(cf. 9320 - Meetings and Notices)

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

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

(cf. 1100 - Communication with the Public)

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

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

(cf. 1325 - Advertising and Promotion)

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

1. The Superintendent or designee may research, draft, and prepare a district bond measure or other initiative for the ballot, but shall not use district resources to influence voters or otherwise campaign for the measure.

2. Upon request, Board members and district administrators may appear at any time before a citizens’ group to explain why the Board called for an election on a bond measure and to answer questions. (Education Code 7054.1)

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

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

Legislation

The Board's responsibility as an advocate for the district may include lobbying and outreach at the state, national, and local levels. The Board and Superintendent or designee shall work to establish and maintain ongoing relationships with elected officials, community leaders, and the media in order to communicate district positions and concerns.

(cf. 1112 - Media Relations)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 7131 - Relations with Local Agencies)

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

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

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

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

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 resolve the issue through litigation or other appropriate means.

(cf. 9124 - Attorney)
(cf. 9321 - Closed Session Purposes and Agendas)

Political Forums

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

(cf. 1330 - Use of School Facilities)

Legal Reference: (see next page)
POLITICAL PROCESSES (continued)

Legal Reference:

EDUCATION CODE
7050-7058 Political activities of school officers and employees, including:
7054 Use of district property
7054.1 Requested appearance
7056 Soliciting or receiving political funds
35160 Authority of governing boards
35172 Promotional activities

ELECTIONS CODE
9501 School district elections, arguments for or against a measure

GOVERNMENT CODE
8314 Unlawful use of state resources
53060.5 Attendance at legislative body; expenses
54953.5 Right to record proceedings
54953.6 Broadcasts of proceedings
81000-91015 Political Reform Act, including:
82031 Definition of independent expenditure

CODE OF REGULATIONS, TITLE 2
18600-18640 Lobbyists
18901.1 Campaign related mailings sent at public expense

COURT DECISIONS
Vargas v. City of Salinas, (2009) 46 Cal. 4th 1
Santa Barbara County Coalition Against Automobile Subsidies v. Santa Barbara County Association
Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620
Cal.App.3d 529
Miller v. Miller, (1978) 87 Cal.App.3d 762
Stanson v. Mott, (1976) 17 Cal. 3d 206

ATTORNEY GENERAL OPINIONS

Management Resources:

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

Legal Guidelines for Lobbying Activity, Fact Sheet, February 2011

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS
Legal Issues Associated with Use of Public Resources and Ballot Measure Activities, June 2010

WEB SITES
CSBA: http://www.csba.org
Institute for Local Government: http://www.ca-ilg.org

Policy adopted: PALMDALE SCHOOL DISTRICT
Palmdale, California
CITIZEN ADVISORY COMMITTEES

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

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

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

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

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

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

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

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

(cf. 3350 - Travel Expenses)
CITIZEN ADVISORY COMMITTEES  (continued)

Legal Reference:

**EDUCATION CODE**
- 8070 Career technical education advisory committee
- 11503 Parent involvement program
- 15278-15282 Citizens' oversight committee
- 15359.3 School facilities improvement districts
- 17387-17391 Advisory committees for use of excess school facilities
- 35147 School site councils and advisory committees
- 44032 Travel expense payment
- 52060 Local control and accountability plan
- 52063 Local control and accountability plan; advisory committees
- 52176 Advisory committees, limited-English proficient students program
- 54425 Advisory committees, compensatory education
- 54444.1-54444.2 Parent advisory councils, services to migrant children
- 56190-56194 Community advisory committee, special education
- 62002.5 Continuing parent advisory committees
- 64001 School plan for student achievement, consolidated application programs
- 65000-65001 School site councils

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

**UNITED STATES CODE, TITLE 42**
- 1758b Local wellness policy

**COURT DECISIONS**

Management Resources:

**WEB SITES**
- CSBA: http://www.csba.org
- California Department of Education: http://www.cde.ca.gov
Community Relations AR 1220(a)

CITIZEN ADVISORY COMMITTEES

Committee Charge

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

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

Committees Subject to Brown Act Requirements

Brown Act requirements pertaining to open meetings, notices, and public participation pursuant to Government Code 54950-54963 shall be complied with by any committee created by formal action of the Board of Trustees, including, but not limited to, the following:

1. Advisory committee established pursuant to Education Code 56190-56194 related to special education
   
   (cf. 0430 - Comprehensive Local Plan for Special Education)

2. Advisory committee established pursuant to Education Code 8070 related to career technical education
CITIZEN ADVISORY COMMITTEES (continued)

(cf. 6178 - Career Technical Education)

3. Committee established to assist in development of a student wellness policy pursuant to 42 USC 1758b

(cf. 5030 - Student Wellness)

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

(cf. 3280 - Sale or Lease of District-Owned Real Property)

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

(cf. 7213 - School Facilities Improvement Districts)
(cf. 7214 - General Obligation Bonds)
(cf. 9130 - Board Committees)
(cf. 9320 - Meetings and Notices)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)
(cf. 9323 - Meeting Conduct)

Committees Not Subject to Brown Act Requirements

The following committees shall comply with procedural meeting requirements established in Education Code 35147:

1. Parent advisory committee and English learner parent advisory committee established pursuant to Education Code 52063 to review and comment on the local control and accountability plan

(cf. 0460 - Local Control and Accountability Plan)

2. School site councils established pursuant to Education Code 65000-65001 to develop and approve a school plan for student achievement

(cf. 0420 - School Plans/Site Councils)

3. District or school advisory committees established pursuant to Education Code 52176 related to programs for English learners

(cf. 6174 - Education for English Learners)

4. School advisory committees established pursuant to Education Code 54425(b) related to compensatory education
CITIZEN ADVISORY COMMITTEES (continued)

(cf. 6171 - Title I Programs)

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

(cf. 6175 - Migrant Education Program)

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

(cf. 6020 - Parent Involvement)

Meetings of the above councils or committees shall be open to the public, 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 council's or committee's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee, or public may ask questions or make brief statements that do not have a significant effect on district students or employees or that can be resolved solely by providing information. (Education Code 35147)

Any council or committee 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 council or committee shall be made available to any member of the public upon request pursuant to the California Public Records Act, Government Code 6250-6270. (Education Code 35147)

(cf. 1340 - Access to District Records)

Committees Created by Superintendent

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

(cf. 2230 - Representative and Deliberative Groups)
The Board of Trustees recognizes that parents/guardians and community members may wish to organize parent organizations and/or booster clubs for the purpose of supporting the district's educational and extracurricular programs. The Board appreciates the contributions made by such organizations toward the Board's vision for student learning and for providing all district students with high-quality educational opportunities.

Persons proposing to establish a school-connected organization shall submit a request to the Board for authorization to operate within the district or at a district school.

A school-connected organization, including a booster club, parent-teacher association or organization, or other organization that does not include an associated student body or other student organization, shall be established and maintained as a separate entity from the school or district. Each school-connected organization shall be subject to its own bylaws and operational procedures or to the rules or bylaws of its affiliated state or national organization, as applicable.

In addition, activities by school-connected organizations shall be conducted in accordance with law, Board policies, administrative regulations, and any rules of the sponsoring school.

The Superintendent or designee shall establish appropriate rules for the relationship between school-connected organizations and the district.

A school-connected organization shall obtain the written approval of the Superintendent or designee prior to soliciting funds upon the representation that the funds will be used wholly or in part for the benefit of a district school or the students at that school. (Education Code 51521)

A school-connected organization may consult with the principal to determine school needs and priorities.

Any participation in fundraising activities by students and their parents/guardians and/or any donation of funds or property shall be voluntary. (Education Code 49011)
SCHOOL-CONNECTED ORGANIZATIONS (continued)

Legal Reference:

**EDUCATION CODE**
200-262.4 Prohibition of discrimination on the basis of sex
35160 Authority of governing boards
38130-38138 Civic Center Act, use of school property for public purposes
48931 Authorization for sale of food by student organization
48932 Authorization for fund-raising activities by student organization
49011 Student fees
49431-49431.7 Nutritional standards
51520 Prohibited solicitation on school premises
51521 Fund-raising project

**BUSINESS AND PROFESSIONS CODE**
17510-17510.95 Solicitations for charitable purposes
25608 Alcohol on school property; use in connection with instruction

**GOVERNMENT CODE**
12580-12599.7 Fundraisers for Charitable Purposes Act

**PENAL CODE**
319-329 Lottery, raffle

**CODE OF REGULATIONS, TITLE 5**
4900-4965 Nondiscrimination in elementary and secondary education programs
15500 Food sales in elementary schools
15501 Food sales in high schools and junior high schools
15575-15578 Requirements for foods and beverages outside the federal meal program

**CODE OF REGULATIONS, TITLE 11**
300-312.1 Fundraising for charitable purposes

**UNITED STATES CODE, TITLE 20**
1681-1688 Discrimination based on sex or blindness, Title IX

**CODE OF FEDERAL REGULATIONS, TITLE 7**
210.11 Competitive food services
220.12 Competitive food services

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

Management Resources:

**FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS**
2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference

**WEB SITES**
CSBA: http://www.csba.org
California Office of the Attorney General, charitable trust registry: http://caag.state.ca.us/charities
California State PTA: http://www.capta.org
Fiscal Crisis and Management Assistance Team (FCMAT): http://www.fcmat.org

Policy adopted: PALMDALE SCHOOL DISTRICT
Palmdale, California
SCHOOL-CONNECTED ORGANIZATIONS

A school-connected organization's request for authorization to operate within the district or at a district school shall contain, as appropriate:

1. The name and purpose of the organization
2. The date of application
3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination
   (cf. 0410 - Nondiscrimination in District Programs and Activities)
4. The names, addresses, and phone numbers of all officers
5. A list of specific objectives
6. An agreement to grant the district the right to audit the group's financial records, either by district personnel or a certified public accountant, whenever any concern is raised regarding the use of the funds
7. The name of the bank where the organization's account will be located and the names of those authorized to withdraw funds
8. The signature of the principal of the supporting school
9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future
10. An agreement to provide evidence of liability and/or directors and officers insurance when and in the manner required by law
   (cf. 1330 - Use of School Facilities)

Requests for subsequent authorization shall be annually submitted to the Superintendent or designee, along with a financial statement showing all income and expenditures from fundraisers. If the Superintendent or designee proposes to deny the request for reauthorization, he/she shall present his/her recommendation to the Board of Trustees for approval.

When deemed necessary by the Board or the Superintendent or designee, the authorization for a school-connected organization to conduct activities in the district may be revoked at any time.
SCHOOL-CONNECTED ORGANIZATIONS (continued)

Each school-connected organization shall abide by the following rules:

1. The organization shall not act as an agent of the district or school.

2. The organization shall not use the district's tax-exempt status and identification number. It shall be responsible for its own tax status, accounting, internal controls, financial reporting, retention of records, and other operations.

3. The organization shall use a separate name and logo. Any use of a name or logo affiliated with the district, a district school, or a school team shall require the prior consent of the Superintendent or designee.

4. Funds of the school-connected organization shall not be co-mingled with district funds, including associated student body funds.

5. The organization shall not hire or directly pay any district employee. If a school-connected organization wishes to pay for additional and/or extracurricular services, the person to provide the services shall be hired through the district's personnel department, provided the Board approves the position. At their discretion, employees may volunteer to perform activities for school-connected organizations during nonworking hours.

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

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

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

The Board prohibits harassment of any volunteer on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. (Government Code 12940)

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

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

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

(cf. 4141/4241 - Collective Bargaining Agreement)

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.
**VOLUNTEER ASSISTANCE** (continued)

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

*(cf. 3515.2 - Disruptions)*

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

*(cf. 1150 - Commendations and Awards)*

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

*(cf. 0500 - Accountability)*

**Workers' Compensation Insurance**

The Board desires to provide a safe environment for volunteers and minimize the district's exposure to liability.

Upon the adoption of a resolution by the Board, volunteers shall be entitled to workers' compensation benefits for any injury sustained while engaged in the performance of service for the district. (Labor Code 3364.5)

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

*(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)*

*Legal Reference: (see next page)*
VOLUNTEER ASSISTANCE  (continued)

Legal Reference:

**EDUCATION CODE**
8482-8484.6  After School Education and Safety program
8484.7-8484.9  21st Century Community Learning Center program
35021  Volunteer aides
35021.1  Automated records check
35021.3  Registry of volunteers for before/after school programs
44010  Sex offense: definition
44814-44815  Supervision of students during lunch and other nutrition periods
45125  Fingerprinting requirements
45125.01  Interagency agreements for criminal record information
45340-45349  Instructional aides
45360-45367  Teacher aides
48981  Parental notifications
49024  Activity Supervisor Clearance Certificate
49406  Examination for tuberculosis

**GOVERNMENT CODE**
3543.5  Prohibited interference with employees' rights
12940  Prohibited discrimination and harassment

**HEALTH AND SAFETY CODE**
1596.7995  Immunization requirements for volunteers in child care center or preschool
1596.871  Fingerprints of individuals in contact with child day care facility clients

**LABOR CODE**
1720.4  Public works; exclusion of volunteers from prevailing wage law
3352  Workers' compensation; definitions
3364.5  Authority to provide workers' compensation insurance for volunteers

**PENAL CODE**
290  Registration of sex offenders
290.4  Information re: sex offenders
290.95  Disclosure by person required to register as sex offender
626.81  Sex offender; permission to volunteer at school

**CODE OF REGULATIONS, TITLE 22**
101170  Criminal record clearance
101216  Health screening, volunteers in child care centers

**PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS**

Management Resources:

**WEB SITES**
CSBA: http://www.csba.org
California Department of Education, Parents/Family and Community: http://www.cde.ca.gov/ls/pf
California Department of Justice, Megan's Law: http://www.meganslaw.ca.gov
California Parent Teacher Association: http://www.capta.org
Commission on Teacher Credentialing: http://www.ctc.ca.gov

Policy adopted:  PALMDALE SCHOOL DISTRICT
Palmdale, California
VOLUNTEER ASSISTANCE

Duties of Volunteers

The Superintendent or designee may assign volunteers to:

1. Assist certificated personnel in the performance of their duties, including in the supervision of students and in the performance of 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 (Education Code 35021, 45343, 45344, 45349)
   
   (cf. 4222 - Teacher Aides/Paraprofessionals)
   (cf. 5148 - Child Care and Development)
   (cf. 5148.2 - Before/After School Programs)

2. 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)

3. Supervise students during lunch, breakfast, or other nutritional periods (Education Code 35021, 44814, 44815)

4. Work on short-term facilities projects pursuant to the section below entitled "Volunteer Facilities Projects"

5. Perform other duties in support of district or school operations as approved by the Superintendent or designee
   
   (cf. 6163.1 - Library Media Centers)

Volunteers shall not be authorized to assign grades to students, and shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021, 45344)

   (cf. 4217.3 - Layoff/Rehire)

Basic Skills Proficiency Requirement

Volunteers who supervise or provide instruction to students pursuant to Education Code 45349 shall submit evidence of basic skills proficiency to the Superintendent or designee. (Education Code 45344.5, 45349)

   (cf. 4212 - Appointment and Conditions of Employment)
VOLUNTEER ASSISTANCE (continued)

Criminal Background Check

Prior to assuming a volunteer position working with students in a district-sponsored student activity program, a volunteer shall obtain fingerprint clearance through the Department of Justice (DOJ) and Federal Bureau of Investigation. At his/her discretion, the volunteer may choose to meet this requirement by obtaining an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. (Education Code 49024)

(cf. 4112.5/4212.5/4312.5 - Criminal Background Check)
(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)
(cf. 6145 - Extracurricular and Cocurricular Activities)

The Superintendent or designee shall determine which volunteer positions in the district are subject to the above requirement.

The criminal background check 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)

Registered Sex Offenders

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

Tuberculosis Assessment/Examination

Upon initial volunteer assignment, a volunteer shall have on file with the school a certificate showing that he/she has submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. (Education Code 49406)

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

The Superintendent or designee may exempt from the tuberculosis risk assessment and/or examination those volunteers whose functions do not require frequent or prolonged contact with students. (Education Code 49406)
VOLUNTEER ASSISTANCE (continued)

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
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 required for 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.

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 7140 - Architectural and Engineering Services)
VISITORS/OUTSIDERS

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

(cf. 1240 - Volunteer Assistance)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

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

(cf. 6116 - Classroom Interruptions)

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

(cf. 1112 - Media Relations)

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

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

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

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3515.2 - Disruptions)
VISITORS/OUTSIDERS (continued)

Presence of Sex Offender on Campus

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

The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)

Legal Reference:
EDUCATION CODE
32210 Willful disturbance of public school or meeting
32211 Threatened disruption or interference with classes; misdemeanor
32212 Classroom interruptions
35160 Authority of governing boards
35292 Visits to schools (board members)
49091.10 Parental right to inspect instructional materials and observe school activities
51101 Parent Rights Act of 2002
51512 Prohibited use of electronic listening or recording device
EVIDENCE CODE
1070 Refusal to disclose news source
LABOR CODE
230.8 Discharge or discrimination for taking time off to participate in child's educational activities
PENAL CODE
290 Sex offenders
626-626.10 Schools
626.81 Misdemeanor for registered sex offender to come onto school grounds
627-627.10 Access to school premises, especially:
627.1 Definitions
627.2 Necessity of registration by outsider
627.7 Misdemeanors; punishment
COURT DECISIONS
ATTORNEY GENERAL OPINIONS
VISITORS/OUTSIDERS

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)

Outsider Registration

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

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

Registration Procedure

All visitors must report to the main office to register by signing in and receiving a visitor's pass. Only official district visitor's passes shall be used. The date, school name, name of the visitor, destination and time in and out must be noted on the pass when it is returned to the office. (Refer to Exhibit E 1250) A picture ID is required at time of check-in. Unless otherwise directed by the principal or designee, a staff member shall accompany visitors while they are on school grounds.

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
VISITORS/OUTSIDERS (continued)

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

Upon signing in, non-district personnel/visitors must proceed directly to the approved location of the scheduled visit. Upon completion of the visit, return immediately to the school office to turn in the visitors pass and sign out.

Visitors are not to interrupt instructional time by speaking with the classroom teacher or any student during the visit. The Board of Trustees strongly recommends that visits be scheduled in advance. (Refer to Board Policy 1250).

Appropriate and uniform signage will be posted at the entrances to all schools.

Denial of Registration

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

1. The principal or designee may refuse to register any visitor if he/she reasonably concludes that the visitors' 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 a visitor's registration if he/she has a reasonable basis for concluding that the visitor'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 a visitor who has failed to register, or whose registration privileges have been denied or revoked, promptly leave school grounds. When a visitor is directed to leave, the principal or designee shall inform the visitor 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/OUTSIDERS (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)

Campus Access

1. Student Arrival and Dismissal

   All students must be picked up and dropped off at the designated entrances and exits.

   Non district personnel/visitors are not allowed on campus until after the start bell at the beginning of the day without registering at the office and receiving a visitor's pass or until after the dismissal bell at the end of the school day.

   School visits shall not be scheduled during arrival or dismissal times.

2. Cafeteria Access

   Non-district personnel/visitors are not allowed in the cafeteria during school hours when meals are being served to students.

   Lunches brought from home after the start of the school day must be dropped off in the main office.

3. Restrooms

   In an effort to ensure the continued safety of our schools, and given the limited number of restrooms on campus, restrooms are for students and staff members only during school hours.

   Appropriate signage will be placed on all restroom doors.

Regulation approved: March 5, 2019

PALMDALE SCHOOL DISTRICT

Palmdale, California
EDUCATIONAL FOUNDATION

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

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

The Board desires to work cooperatively with the educational foundation in determining the purposes for which funds may be used to meet the changing needs of the district and its students. The Board recognizes that an educational foundation is a separate legal entity, independent of the district. However, the foundation is encouraged to provide regular reports to the Board on the status of its work and to communicate ways that the district can help support the foundation's activities.

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

With the consent of the Superintendent or designee, the educational foundation, as appropriate, may use the district's name, a school's name, a school team's name, or any logo attributable to a school or the district.

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

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

Legal Reference: (see next page)
LEGAL REFERENCE:

EDUCATION CODE
38130-38138 Civic Center Act, use of school property for public purposes
BUSINESS AND PROFESSIONS CODE
12580-12599.7 Fundraisers for Charitable Purposes Act
17510-17510.95 Solicitations for charitable purposes
25608 Alcohol on school property, use in connection with instruction
PENAL CODE
319-329 Lottery, raffle
CODE OF REGULATIONS, TITLE 11
300-312.1 Fundraising for charitable purposes
COURT DECISIONS
Serrano v. Priest. (1976) 18 Cal. 3d 728

MANAGEMENT RESOURCES:

WEB SITES
CSBA: http://www.csba.org
California Office of the Attorney General, charitable trust registry: http://caag.state.ca.us/charities

Policy adopted: PALMDALE SCHOOL DISTRICT
Palmdale, California
The Board of Trustees recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The district shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

(cf. 9323 - Meeting Conduct)

Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

The Superintendent or designee shall determine whether a complaint against any other employee should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures. Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law and BP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3555 - Nutrition Program Compliance)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4144/4244/4344 - Complaints)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the Superintendent or designee, legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.
COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the employee's conduct or take other necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.

Appeals

If either the complainant or the employee submits an appeal of the Superintendent's decision to the Board, the Board shall determine whether to uphold the Superintendent's decision without hearing the complaint, appoint an appeals committee to advise the Board, or hear the appeal itself.

(cf. 9130 - Board Committees)

If the Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957 unless the employee requests that it be heard in open session. The Board shall review the original complaint and additional information provided by the Superintendent or designee regarding the steps taken to resolve the issue.

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9323 - Meeting Conduct)

The Board's decision shall be final.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference: (see next page)
COMPLAINTS CONCERNING DISTRICT EMPLOYEES  (continued)

Legal Reference:

EDUCATION CODE
3308.1 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

COURT DECISIONS

Policy adopted: PALMDALE SCHOOL DISTRICT
   Palmdale, California
COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Every effort should be made to resolve complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to the principal or other immediate supervisor of the employee. Complaints related to a principal or district administrator shall be initially filed in writing with the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, administrative staff shall provide assistance in the preparation of the complaint.

A written complaint shall include the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

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

1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within five days or in accordance with the collective bargaining agreement.

2. The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or a review any documentation relevant to the complaint.

3. Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.

4. Either the complainant or the employee against whom the complaint was made may appeal the decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Either the complainant or the employee may appeal the Superintendent's decision to the Board of Trustees.

5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:

   a. The full name of each employee involved
COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response

c. A copy of the signed original complaint

d. A summary of the action taken by the Superintendent or designee and the reasons that the problem has not been resolved
Community Relations

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

PALMDALE SCHOOL DISTRICT

39139-49 N. 10th Street East
Palmdale, California 93550
Phone: (661) 947-7191
Fax: (661) 273-5137

COMPLAINT FORM

Complaint is regarding: (please circle one) Employee / School Facility / Discipline Issue
School Program (i.e. GATE, SSC, ESL) / Other:______________________________________________

Date: __________________ School or Department: ________________________________________

Name and Address of Complainant: ______________________________________________________

Contact Number: _____________________________________________________________________

Have you met with the Principal? yes no

If yes, name of Principal: ______________________________________________________________

Date of Incident: __________________ Time of Incident: __________________

Describe Incident/Complaint: (use back of form or additional sheet if necessary)
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

What have you done about the problem to date?
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

What is your suggestion to resolve the problem?
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Signature __________________________________________________

PLEASE RETURN THIS FORM TO: THE SUPERINTENDENT'S OFFICE
(Address Above)
COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

Please use back of form or additional sheet if necessary

To be completed by the District Office only:

Date of Receipt: ___________________________ Complaint #: ___________________________

Acknowledgement Letter: ___________________ Appeal Received: _______________________

Result Letter Sent: _________________________ Appeal Approved/Denied: ____________

Appeal Letter Sent: _________________________

Sent to:  Human Resources  Ed Services  SESS  Business Services
COMPLAINTS CONCERNING DISTRICT EMPLOYEES

CDE LEGAL ADVISORY LO:  4-93 PROCEDURES FOR PARENTS/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 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 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 person employed by or engaged in a public school:
COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

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 the 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)
COMPLAINTS CONCERNING DISTRICT EMPLOYEES  (continued)

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))

For the Spanish version of this exhibit, please see district material at the district office.
COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

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

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)
(cf. 6163.1 - Library Media Centers)

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

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

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

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

(cf. 9322 - Agenda/Meeting Materials)

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

(cf. 6144 - Controversial Issues)
(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)

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

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

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS (continued)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

**EDUCATION CODE**
- 18111 Exclusion of books by governing board
- 35010 Control of district; prescription and enforcement of rules
- 35186 Williams Uniform Complaint Procedures
- 44805 Enforcement of course of studies; use of textbooks, rules and regulations
- 51501 Subject matter reflecting on race, color, etc.
- 60000-60005 Instructional materials, legislative intent
- 60040-60048 Instructional requirements and materials
- 60119 Public hearing on sufficiency of materials
- 60200-60206 Elementary school materials
- 60226 Requirements for publishers and manufacturers
- 60400-60411 High school textbooks
- 60510-60511 Donation of sale of obsolete instructional materials

Management Resources:

**CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES**
- 1002.90 Selection of Instructional Materials, CIL: 90/91-02

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

**WEB SITES**
- CSBA: http://www.csba.org
- California Department of Education, Curriculum and Instruction: http://www.cde.ca.gov/ci
COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

Step 1: Informal Complaint

If a staff member, district resident, or parent/guardian of a student enrolled in a district school has a complaint regarding the content or use of any specific instructional material, he/she shall informally discuss the material in question with the principal.

Step 2: Formal Complaint

If the complainant is not satisfied with the principal's initial response, he/she shall present a written complaint to the principal. Complaints regarding printed material shall name the author, title, and publisher and shall 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. Complainants shall sign all complaints and provide identifying information so that the district is able to make a proper reply. Anonymous complaints will not be accepted.

Upon receiving a complaint, the principal shall acknowledge its receipt and answer any questions regarding procedure. The principal then shall notify the Superintendent or designee and the teacher(s) involved of the complaint.

During the investigation of the complaint, the challenged material may remain in use until a final decision has been reached. However, upon request of the parent/guardian who has filed the complaint, his/her child may be excused from using challenged materials until a resolution has been reached. The teacher shall assign the student an alternate material of equal merit.

Step 3: Superintendent Determination

The Superintendent or designee shall determine whether a review committee should be convened to review the complaint.

If the Superintendent or designee determines that a review committee is not necessary, he/she shall issue a decision regarding the complaint.

Step 4: Review Committee

If the Superintendent or designee determines that a review committee is necessary, he/she shall appoint a committee composed of administrators and staff members selected from relevant instructional and administrative areas. The Superintendent or designee may also appoint community members to serve on the committee.

The review committee shall review the criteria specified in Board policy and 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.
COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS (continued)

Within 30 days of being convened, the review committee shall summarize its findings in a written report. The Superintendent or designee shall notify the complainant of the committee's decision within 15 days of receiving the committee's report.

Step 5: Appeal to the Board of Trustees

If the complainant remains unsatisfied, he/she may appeal the Superintendent's or the review committee's decision to the Board. The Board's decision shall be final.

(cf. 9322 - Agenda/Meeting Materials)

Regulation approved: PALMDALE SCHOOL DISTRICT
Palmdale, California
COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

This form is for use only by district employees, district residents, or parents/guardians of children enrolled in a district school to challenge the content or use of an instructional material. For complaints regarding sufficiency of instructional materials, please use the Williams Uniform Complaint Procedure complaint form.

Date: ________________________________

Name of person filing complaint: __________________________________________

Anonymous complaints will not be accepted.

Group represented (if any): ________________________________________________

Phone: ___________________________ E-mail address, if any: ____________________

Address: ________________________________________________________________

Material Being Challenged:

Title: _________________________________________________________________

Author: ________________________________________________________________

Publisher: ___________________________ Date of Edition: __________________________

Name of school/classroom material was used: _________________________________

1. Please specifically state the nature of your concern or objection and identify your objection by page, tape sequence, video frame, or words, as appropriate. You may use additional pages if necessary.

2. Did you read/view the entire selection?

3. For what age group would you recommend this material?

4. If not, what percentage did you read/view, or what parts?

5. What do you feel might be the result if a student reads/views this material?
COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS (continued)

6. What would you like the school to do about this material?
   ❑ Do not assign it to my child
   ❑ Withdraw it from all students
   ❑ Reconsider it

______________________________
Signature of complainant

For District Use:

Request received by:_________________________ Date:_________________________

Title:____________________________________________________________________

Action taken: _____________________________ Date: ___________________________
COMMUNITY RELATIONS

UNIFORM COMPLAINT PROCEDURES

The Boards of Trustees recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610).

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

Any complaint alleging district non-compliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610).

(cf. 3260 - Fees and Charges)
(cf. 3320 - Claims and Actions Against the District)

Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075).

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)
UNIFORM COMPLAINT PROCEDURES  (continued)

Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001).

(cf. 0420 - School Plans/Site Councils)

Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2).

(cf. 6173.1 - Education for Foster Youth)

Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223).

(cf. 6142.7 - Physical Education and Activity)

Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.

Any other complaint as specified in a district policy.

The district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.
The Board encourages the early, informal resolution of complaints at the site level whenever possible.

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

The District shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

The Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)
UNIFORM COMPLAINT PROCEDURES  (continued)

Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

Any complaint 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, teacher vacancies and misassignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:  (see next page)
UNIFORM COMPLAINT PROCEDURES  (continued)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32280-32289 School safety plan, uniform complaint procedures
33380-33384 California Indian Education Centers
35186 Williams uniform complaint procedures
44500-44508 California Peer Assistance and Review Program for Teachers
46015 Parental leave for students
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records, especially
49069.5 Records of foster youth
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52490 Career technical education
52500-52616.24 Adult schools
52800-52870 School-based program coordination
54000-54028 Economic impact aid programs
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process
65000-65001 School site councils

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

HEALTH AND SAFETY CODE
1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations
104420 Tobacco-Use Prevention Education

Legal Reference continued: (see next page)
UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference continued:

- **PENAL CODE**
  - 422.55 Hate crime; definition
  - 422.6 Interference with constitutional right or privilege

- **CODE OF REGULATIONS, TITLE 2**
  - 11023 Harassment and discrimination prevention and correction

- **CODE OF REGULATIONS, TITLE 5**
  - 3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities
  - 4600-4687 Uniform complaint procedures
  - 4680-4687 Williams uniform complaint procedures
  - 4900-4965 Nondiscrimination in elementary and secondary education programs

- **UNITED STATES CODE, TITLE 20**
  - 1221 Application of laws
  - 1232g Family Educational Rights and Privacy Act
  - 1681-1688 Title IX of the Education Amendments of 1972
  - 6301-6576 Title I Improving the Academic Achievement of the Disadvantaged
  - 6801-7014 Title III language instruction for limited English proficient and immigrant students

- **UNITED STATES CODE, TITLE 29**
  - 794 Section 504 of Rehabilitation Act of 1973

- **UNITED STATES CODE, TITLE 42**
  - 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
  - 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
  - 6101-6107 Age Discrimination Act of 1975
  - 12101-12213 Title II equal opportunity for individuals with disabilities

- **CODE OF FEDERAL REGULATIONS, TITLE 28**
  - 35.107 Nondiscrimination on basis of disability; complaints

- **CODE OF FEDERAL REGULATIONS, TITLE 34**
  - 99.1-99.67 Family Educational Rights and Privacy Act
  - 100.3 Prohibition of discrimination on basis of race, color or national origin
  - 104.7 Designation of responsible employee for Section 504
  - 106.8 Designation of responsible employee for Title IX
  - 106.9 Notification of nondiscrimination on basis of sex
  - 110.25 Notification of nondiscrimination on the basis of age

*Management Resources: (see next page)*
UNIFORM COMPLAINT PROCEDURES (continued)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Dear Colleague Letter, September 22, 2017
Dear Colleague Letter: Title IX Coordinators, April 2015
Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014
Dear Colleague Letter: Harassment and Bullying, October 2010
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
Family Policy Compliance Office: https://www2.ed.gov/policy/gen/guid/fpco
U.S. Department of Justice: http://www.justice.gov
UNIFORM COMPLAINT PROCEDURES

Except as the Boards of Trustees may otherwise specifically provide in other Board policies, the uniform complaint procedures shall be used only to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 4031 - Complaints Concerning Discrimination in Employment)

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

District Superintendent
Palmdale School District
39139 10th Street East
Palmdale, California 93550
(661) 947-7191

The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable
processes for investigating and resolving complaints, including those alleging unlawful
discrimination (such as discriminatory harassment, intimidation, or bullying), applicable
standards for reaching decisions on complaints, and appropriate corrective measures.
Assigned employees may have access to legal counsel as determined by the Superintendent
or designee.

(cf. 4331 - Staff Development)
(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine
whether interim measures are necessary during and pending the result of an investigation. If
interim measures are determined to be necessary, the compliance officer or the administrator
shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the
site principal to implement one or more interim measures. The interim measures shall remain
in place until the compliance officer determines that they are no longer necessary or until the
district issues its final written decision, whichever occurs first.

Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools
and offices, including staff lounges and student government meeting rooms. (Education
Code 234.1)

In addition, the Superintendent or designee shall annually provide written notification of the
district's UCP to students, employees, parents/guardians of district students, district advisory
committee members, school advisory committee members, 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. A statement that the district is primarily responsible for compliance with federal and
   state laws and regulations, including those related to prohibition of unlawful
discrimination, harassment, intimidation, or bullying against any protected group and
   all programs and activities that are subject to UCP as identified in the section
   "Complaints Subject to UCP" in the accompanying Board policy

2. A statement that a complaint regarding student fees or the local control and
   accountability plan (LCAP) may be filed anonymously if the complainant provides
evidence or information leading to evidence to support the complaint
UNIFORM COMPLAINT PROCEDURES  (continued)

(cf. 0460 - Local Control and Accountability Plan)
(cf. 3260 - Fees and Charges)

3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred

5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5 49069.5, 51225.1, and 51225.2, and the complaint process

(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)
(cf. 6173.3 - Education for Juvenile Court School Students)
(cf. 6175 - Migrant Education Program)

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints

7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision

9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable

10. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.
UNIFORM COMPLAINT PROCEDURES  (continued)

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

Filing of Complaints

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.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)

2. Any complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges, or any requirements related to the LCAP may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
UNIFORM COMPLAINT PROCEDURES  (continued)

3. A complaint alleging unlawful discrimination, (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation or bullying or by a person who believes that an individual or any specific class of individuals have been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days of receiving the complaint, the compliance officer may informally discuss with all parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation or bullying) the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

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.
UNIFORM COMPLAINT PROCEDURES (continued)

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. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation or engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)
UNIFORM COMPLAINT PROCEDURES (continued)

In accordance with the law, the district shall provide the investigator with access to records and to other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Final Decision

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's final written decision at the same time it is provided to the complainant.

Final Written Decision

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

1. The findings of fact based on the evidence gathered In reaching a factual determination, the following factors may be taken into account:
   a. Statements made by any witnesses
   b. The relative credibility of the individuals involved
   c. How the complaining individual reacted to the incident
   d. Any documentary or other evidence relating to the alleged conduct
   e. Past instances of similar conduct by any alleged offenders
   f. Past false allegations made by the complainant

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition
UNIFORM COMPLAINT PROCEDURES (continued)

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

a. The manner in which the misconduct affected one or more students' education
b. The type, frequency, and duration of the misconduct
c. The relationship between the alleged victim(s) and offender(s)
d. The number of persons engaged in the conduct and at whom the conduct was directed
e. The size of the school, location of the incidents, and context in which they occurred
f. Other incidents at the school involving different individuals

5. Corrective action(s) including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

a. The corrective actions imposed on the respondent
b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent
c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal.

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.
UNIFORM COMPLAINT PROCEDURES  (continued)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district’s decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)

2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.
UNIFORM COMPLAINT PROCEDURES  (continued)

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education.  (Education Code 49013, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint.  (Education Code 49013; 5 CCR 4600)

**Appeals to the California Department of Education**

Any complainant who is dissatisfied with the district's final written decision regarding any specified federal or state educational program subject to UCP may file an, appeal in writing to the CDE within 15 calendar day of receiving the District's Decision.  (5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint.  (5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

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
UNIFORM COMPLAINT PROCEDURES (continued)

6. A copy of the district’s complaint procedures

7. Other relevant information requested by the CDE

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

Date: _______________ School or Department: ________________________________

Name and address of Complainant: _______________________________________

_______________________________________________________________

Contact Number: ____________________________

Date of Incident: _________________ Time of Incident: _______________________

Describe Incident/Complaint: (use back of form or additional sheet if necessary):

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________

What have you done about the problem to date: ____________________________

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________

What is your suggestion to resolve the problem? ____________________________

___________________________________________________________________

___________________________________________________________________

___________________________________________________________________

Signature
UNIFORM COMPLAINT PROCEDURES (continued)

Have you had a meeting with the Principal? Yes_____ No ____ if yes, name of Principal: ________________

PLEASE RETURN THIS FORM TO: THE SUPERINTENDENT'S OFFICE (Address Above)

To be completes by the District Office Only:

Date of Receipt: ________________ Supt Complaint #: ________________________________

Sent to: Human Resources Ed Services SESS Business Services Date Sent: ________

Please use back of form or additional sheet if necessary

PLEASE SEE DISTRICT MATERIAL IN DISTRICT OFFICE FOR SPANISH VERSION OF E 1312.3 ENTITLED "FORM: COMPLAINT FORM-EMPLOYEE/STUDENT ISSUE"
WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
   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 student.
   c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
   d. 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.

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

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)
   a. A semester begins and a teacher vacancy exists.
   b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

   (cf. 4112.22 - Staff Teaching English Learners)

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

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

*Beginning of the year or semester* means the first day classes necessary to serve all the 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)

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

(cf. 4112.2 - Certification)
(cf. 4113 - Assignment)

3. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)

   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; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

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

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

   *Open restroom* means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of
WILLIAMS UNIFORM COMPLAINT PROCEDURES  (continued)

restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

(cf. 3514 - Environmental Safety)
(cf. 3517 - Facilities Inspection)

4. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations, including any complaint alleging that: (Education Code 8235.5; Health and Safety Code 1596.7925)

a. The preschool does not have outdoor shade that is safe and in good repair.

b. Drinking water is not accessible and/or readily available throughout the day.

c. The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

d. Restroom facilities are not available only for preschoolers and kindergartners.

e. The preschool program does not provide visual supervision of children at all times.

f. Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.

g. Playground equipment is not safe, in good repair, or age appropriate.

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)
WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 8235.5, 35186; 5 CCR 4680)

The Superintendent or designee shall post in each K-12 classroom in each school a notice containing the components specified in Education Code 35186. In each license-exempt CSPP classroom, a notice containing the components specified in Education Code 8235.5 shall be posted. (Education Code 8235.5, 35186)

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee, or the preschool administrator or designee as appropriate, at the school in which the complaint arises. A complaint about problems beyond the authority of the principal or preschool administrator shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 8235.5, 35186; 5 CCR 4680)

Investigation and Response

The principal/preschool administrator or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within their authority. (Education Code 8235.5, 35186; 5 CCR 4685)

Investigation of a complaint regarding preschool health or safety issues shall begin within 10 calendar days of receipt of the complaint. (Education Code 8235.5)

The principal/preschool administrator or Superintendent's designee 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 8235.5, 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal/preschool administrator or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the principal/preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8235.5, 35186; 5 CCR 4680, 4685)

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 8235.5, 35186)
WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board of Trustees at a regularly scheduled meeting. (Education Code 8235.5, 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a or #4 in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal/preschool administrator 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 8235.5, 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 8235.5, 35186; 5 CCR 4686)

(cf. 1340 - Access to District Records)

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 8235.5, 35186; 5 CCR 4686)

Legal Reference: (see next page)
WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE
234.1 Prohibition of discrimination, harassment, intimidation, and bullying
1240 County superintendent of schools, duties
8235-8239.1 California State Preschool Programs, especially:
8235.5 California State Preschool Program, complaints regarding health and safety issues
17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
33126 School accountability report card
35186 Williams uniform complaint procedures
35292.5-35292.6 Restrooms, maintenance and cleanliness
48985 Notice to parents in language other than English
60119 Hearing on sufficiency of instructional materials

HEALTH AND SAFETY CODE
1596.792 California Child Day Care Act; general provisions and definitions
1596.7925 California Child Day Care Act; health and safety regulations

CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures

UNITED STATES CODE, TITLE 20
6314 Title I schoolwide program

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California County Superintendents Educational Services Association: http://www.ccesea.org
California Department of Education, Williams case: http://www.cde.ca.gov/eo/ce/wc
State Allocation Board, Office of Public School Construction: http://www.opsc.dgs.ca.gov

Regulation approved: PALMDALE SCHOOL DISTRICT
Palmdale, California
NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:
K-12 COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.

2. School facilities must be clean, safe, and maintained in good repair.

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.

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

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

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: http://www.cde.ca.gov/re/cp/uc. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.
WILLIAMS UNIFORM COMPLAINT PROCEDURES

K-12 COMPLAINT FORM:
WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code 35186 creates 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, or 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: (if response is requested)
Name: ____________________________________________________________
Address: _____________________________________________________________________
Phone number:  Day: __________ Evening: ____________________________
E-mail address, if any: ______________________________________________________

Date problem was observed: ________________________________________________

Location of the problem that is the subject of this complaint:
School name/address: ______________________________________________________
Course title/grade level and teacher name: ________________________________
Room number/name of room/location of facility: ____________________________

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for 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 class.
    ❑  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 student.
    ❑  Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
WILLIAMS UNIFORM COMPLAINT PROCEDURES  (continued)

❑ 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.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4682)

❑ A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

❑ A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

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

3. Facilities conditions: (Education Code 17592.72, 35186, 35292.5, 35292.6; 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 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; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.

❑ 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, or paper towels or functional hand dryers.

❑ For a school that serves students in any of grades 6-12 with 40 percent of more of its students from low-income families, as defined, the school has not stocked at least half of its restrooms with feminine products at all times and made those products available to students at no cost.

❑ 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 temporary closing of the restroom is necessary for student safety or to make repairs.
WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints 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.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Please file this complaint at the following location:

________________________________________________________________________

(principal or designee)

________________________________________________________________________

(address)

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)
NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:  
PRESCHOOL COMPLAINT RIGHTS

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8235.5, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: http://www.cde.ca.gov/re/cp/uc. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.
COMMUNITY RELATIONS

E(4) 1312.4(a)

WILLIAMS UNIFORM COMPLAINT PROCEDURES

PRESCHOOL COMPLAINT FORM:
WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code 8235.5 requires that the complaint procedures in 5 CCR 4680-4687 be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. 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: (if response is requested)
Name: __________________________________________________________
Address: _________________________________________________________
Phone number: Day: ______________ Evening: _______________________
E-mail address, if any: ___________________________________________

Date problem was observed: ________________________________

Location of the problem that is the subject of this complaint:
School name/address: ____________________________________________
Room number/name of room/location of facility: ______________________

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

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

☐ The preschool does not have outdoor shade that is safe and in good repair.

☐ Drinking water is not accessible and/or readily available throughout the day.

☐ The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

☐ Restroom facilities are not available only for preschoolers and kindergartners.

☐ The preschool program does not provide visual supervision of children at all times.

☐ Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
WILLIAMS UNIFORM COMPLAINT PROCEDURES  (continued)

☐ Playground equipment is not safe, in good repair, or age appropriate.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation.

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Please file this complaint at the following location:

______________________________________________
(preschool administrator or designee)

______________________________________________
(address)

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

BP 1313(a)

CIVILITY POLICY

The Board of Trustees desires all district facilities to be places in which mutual respect is practiced and reinforced by all who enter. Similarly, all district-sponsored events should be environments in which district standards are practiced as well. Civility should permeate the entire organization. Throughout the district's facilities and events, students, parents, community members, staff and other members of the public shall be treated with respect and can expect the same in return. The district is committed to maintaining orderly educational and administrative processes in keeping schools and administrative offices free from disruptions and preventing unauthorized persons from entering school/district grounds.

The school's role is to create a civil environment where people exhibit behaviors that foster sound, educational practices, allow people to grow socially and academically, and encourage healthy dialogue in respectful ways by presenting teachers and staff as positive role models. We foster positive communication and discourage disrespectful treatment.

It is the district's belief that a civil environment should be free of abusive behavior and threats. Positive human interaction is required by and among all Board members, teachers, administrators, staff, students, parents, and the general public. This policy is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In the interest of presenting district employees as positive role models to the children of this district, as well as the community, PSD encourages positive communication, and discourages volatile, hostile or aggressive actions. The district seeks public cooperation with this endeavor.

The best way to ensure an environment of civility is to constantly practice it. Modeling the behavior we wish sends a sound message that people need to be treated with respect.

The Superintendent or designee shall develop administrative regulations and procedures to address the following goals:

1. The educational process shall be free from disruptions
2. Staff in all facilities and at all school events shall work to foster an environment in which people are encouraged to grow socially and academically by participating in healthy dialogue in respectful ways
3. Staff in all facilities and in all district events will actively discourage disrespectful treatment at all levels.
4. Rude, abusive or intolerant behavior will not be tolerated at any level
5. Staff in all district facilities and at all district events will model respectful behavior, thereby fostering positive communication and a civil environment.
CIVILITY POLICY (continued)

6. The community shall be made aware of the civility policy.

Legal Reference:

**EDUCATION CODE**
32210 Willful disturbances of public school or meeting; offense
32211 Threatened disruption or interference with classes; offense
44014 Report of assaults or threats by pupil against a school employee; offense; fines
44810 Willful interference with classroom conduct
44811 Disruption of class work or extracurricular activities; punishment; exemptions

**PENAL CODE**
71 Threats against public officers or employees of any public or private educational institution or any public officer or employee
240 Definition of assault
241.2 Assault on school or park property against any person
241.3 Assault against school bus drivers
241.6 Assault on a school employee includes board member
243 Definition of battery
243.2 Battery on school or park property against any person
243.5 Assault or battery on school grounds; arrest on school grounds
243.6 Battery against any person includes board member
403-420 Crimes against the public peace, especially:
415.5 Fighting on school grounds
626.8 Entry of school by person not on lawful business
627.7 Refusal to leave school grounds
CIVILITY POLICY

A civil environment is free from abusive behavior. Abusive behavior is defined as the use of obscenities, yelling, defamatory language, or any threatening behavior in order to intimidate or otherwise berate someone.

Examples of Conduct Which Violates the Civility Policy

The Civility Policy prohibits harassment of district employees. For purposes of this policy, harassment is defined as a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and actually causes such distress (California Code of Civil Procedure 527.6). A course of conduct would include a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including but not limited to:

1. Following or stalking an individual;

2. Making harassing telephone calls to an individual;

3. Sending harassing correspondence to an individual by any means, including, but not limited to:
   a. The use of private mails,
   b. Interoffice mail,
   c. Computer email, text messages, and instant messages,
   d. Facsimile (fax).

4. Threats - A civil environment is free from threat. Threat is defined as any act which disrupts or threatens to disrupt school or office operations, puts the health and safety of any individual at risk, willfully causes property damage, or uses loud or offensive language that could provoke a violent or negative reaction. Threat is also seen to exist if an individual exhibits a continued pattern of unauthorized entry onto district property.

Recourse Available to District Employees and/or Representatives for Unacceptable Disruptive Conduct

Constitutionally protected activity is excluded from the definition of harassment.

Recourse Available for Unacceptable Disruptive Conduct by District Employees or Representatives
CIVILITY POLICY (continued)

Any parent/guardian or member of the public who is subjected to unacceptable conduct from any district employee, as defined in the Civility Policy, may complete a Complaint Against Staff pursuant to the district's policy, BP 1312.1 (Complaints Concerning School Personnel).

Any parent/guardian or member of the public who is subjected to unacceptable conduct from any district representative, other than school personnel, may file a written complaint with the Superintendent.

Should a district staff member encounter abusive or threatening behavior, he or she shall use the following protocol to address the situation:

1. In a quiet and civil manner, inform the offending party that the Board has an adopted civility policy and that their behavior is not consistent with that policy. An effort should be made to provide a written copy of the policy and this regulation to the offending party.

2. If any member of the public uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the administrator or employee to whom the remarks are directed will admonish the speaker to communicate civilly. If corrective action is not taken by the abusing party, the district employee will verbally notify the abusing party that the meeting, conference or telephone conversation is terminated and, if the meeting or conference is on district premises, the offending person will be directed to leave promptly.

3. If the individual does not conform or correct the offending behavior, notify the abusing party that the meeting, conference or telephone conversation is terminated. Inform the supervisor of the incident and provide a written report on the approved form.

4. If the meeting or conference is on a district premises, the offending party may be directed to leave the area promptly.

5. If the offending party refuses to leave the district premises as requested, or returns before the applicable period of time, the Superintendent or designee may notify law enforcement officials.

6. If the offending party re-enters any district facility within 30 days after being directed to leave, or within seven days if the person is a parent/guardian or a student attending a particular school, inform the offending party that he or she may be guilty of a misdemeanor in accordance with Education Code 44811 and Penal Codes 403-420 and 626.7.
7. Should a situation become violent or theft of property occur, promptly report the occurrence to the supervisor and notify law enforcement officers of any attack, assault or threat made.

8. Supervisors shall consult with the Superintendent or designee concerning any additional legal remedies to pursue to protect staff and/or students on the basis of specific facts and circumstances of the abusive incident or threat.

Copies of the adopted policy and administrative regulations shall be made available to all community members through the use of school newsletters, school accountability report cards, district mailings or other appropriate means on an annual basis. A poster indicating that the district's Civility Policy will be strictly enforced shall be posted in all school and district offices or lobbies.
The district has a civility policy. This policy demands that all district schools and offices shall be civil environments. A civil environment is free from abusive behavior and threats. Abusive behavior is defined as the use of obscenities, yelling, defamatory language, or any threatening behavior in order to intimidate or otherwise berate someone.

Should a district staff member encounter abusive or threatening behavior, he or she shall do the following:

1. Inform the offending party that the Board has a civility policy and that their behavior is not acceptable. Provide a written copy of the policy to the offending party.
2. Ask the offending party to stop the abusive or threatening behavior.
3. If the individual does not stop the offending behavior, inform them that the meeting, conference or telephone conversation is over.
4. If the meeting or conference is on a district property, the offending party may be asked to leave the area promptly.
5. If the offending party refuses to leave as requested, or returns before the allowed time, the district may notify law enforcement officials.
6. If the offending party re-enters any district property within 30 days after being directed to leave, or within seven days if the person is a parent/guardian or a student attending a particular school, inform the offending party that he or she may be guilty of a misdemeanor in accordance with Education Code 44811 and Penal Codes 403-420 and 626.7.

PLEASE SEE DISTRICT MATERIAL IN THE DISTRICT OFFICE

FOR THE SPANISH VERSION OF EXHIBIT 1313

ENTITLED CIVILITY POLICY
CIVILITY INCIDENT REPORT

Name: __________________________ Site: __________________________

Today's Date: _________ Date and Time (approximate) of Incident: _________

Location of Incident (office, classroom, hallway, etc.) __________________________

Name of Person you are Reporting (if known) __________________________

Is this person a parent/guardian or relative to a student at PSD? Yes No

Did you feel your well being/safety was threatened? Yes No

Were there any witnesses to this incident? Yes No

Name of Witness(es) __________________________

Were law enforcement officials contacted? Yes No

Who was notified? Security Administrator Sheriff

Did you provide a copy of the Civility Policy? Yes No

Below, please describe what happened:

______________________________
Signature of Person Completing Form

______________________________
Date

Exhibit version: March 7, 2006

PALMDALE SCHOOL DISTRICT
Palmdale, California
Community Relations

RELATIONS BETWEEN PUBLIC AND STUDENTS

Public Performances

School groups such as, but not limited to, orchestras, bands and glee clubs, may participate in programs sponsored by community groups, when the activity contributes to community welfare, with the following exceptions:

1. When participation will unduly interfere with the regular school program, as determined by the principal.
2. When the activity is of political nature.
3. When programs are conducted for the purpose of commercial advertising or gain which does not revert to the welfare of the students.

Competition

Community organizations may invite students to participate in contests involving forensic, drama, literary, art, music and other educational activities. Consideration of such invitations shall be dependent upon meeting the following criteria:

1. Written invitations must be received in the office of the Superintendent at least five (5) weeks prior to the start of competition.
2. Written invitations must clearly indicate the following:
   a. Nature of the contest and eligibility requirements.
   b. Specific dates of the contest and timeline for entry, judging and awards.
   c. Criteria to be used for judging.
   d. Nature of prizes and awards.
   e. Specific procedures to be followed by entrants and the district.
3. Participation shall not unduly interfere with the regular school program, as determined by the principal.
4. The activity shall not be of a political nature.
5. Acceptable competition shall not be conducted for the purpose of commercial advertising or gain which does not revert to the welfare of the students.
RELATIONS BETWEEN PUBLIC AND STUDENTS  (continued)

Acceptance of any invitation listed above is contingent upon the approval of the Superintendent or his/her designee. Employees of the district shall not be used as judges in competitive contests.

Upon acceptance of the invitation by the Superintendent or his/her designee, he/she shall coordinate the communication process between the sponsor and school management.

Legal Reference:

EDUCATION CODE
51520 Prohibited solicitations on school premises (except such non-partisan, charitable organizations as approved by the governing board)
51521 Unlawful solicitation of contribution or purchase of personal property for benefit of public school or student body exception
SOLICITATION OF FUNDS FROM AND BY STUDENTS

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

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

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

Solicitations on Behalf of the School

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

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

Solicitations on Behalf of Charities

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

Legal Reference: (see next page)
SOLICITATION OF FUNDS FROM AND BY STUDENTS (continued)

Legal Reference:

- **EDUCATION CODE**
  - 51520  Prohibited solicitations on school premises
  - 51521  Unlawful solicitations of contribution or purchase of personal property for benefit of public school or student body; exception
- **BUSINESS AND PROFESSIONS CODE**
  - 17510-17510.95  Charitable solicitations
- **PENAL CODE**
  - 319-329 Raffles
- **REVENUE AND TAX CODE**
  - 6361  Sales tax exemption for certain sales
- **CODE OF REGULATIONS, TITLE 8**
  - 11706  Dangerous activities and occupations

Management Resources:

- **CSBA PUBLICATIONS**
- **WEB SITES**
  - Office of the Attorney General: https://oag.ca.gov
SOLICITATION OF FUNDS FROM AND BY STUDENTS

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

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

(cf. 6116 - Classroom Interruptions)

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

(cf. 1230 - School-Connected Organizations)

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

Distribution of Noncommercial Materials

The Board of Trustees desires to limit student exposure to advertising and promotional materials while promoting positive relationships between the schools and the community in order to enhance community support and involvement in district schools.

The Superintendent or designee may approve the distribution of noncommercial materials that align with the mission of the district as determined by the Superintendent or designee that publicize services, special events, public meetings or other items of interest to students or parents/guardians.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6145.5 - Student Organizations and Equal Access)
(cf. 6162.8 - Research)

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

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

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

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

Criteria for Approval

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

1. Are obscene, libelous or slanderous (Education Code 48907)

2. Incite students to commit unlawful acts, violate school rules or disrupt the orderly operation of the schools (Education Code 48907)
ADVERTISING AND PROMOTION  (continued)

3. Promote any particular political interest, candidate, party or ballot measure, unless such materials are being distributed at a forum in which candidates or advocates from all sides are presenting their views to the students during school hours or during events scheduled pursuant to the Civic Center Act

(cf. 1160 - Political Processes)
(cf. 1330 - Use of School Facilities)
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

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

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

5. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including but not limited to materials or advertisements for tobacco, intoxicants, and movies or products unsuitable for children

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

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

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

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

(cf. 0000 - Vision)

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

Legal Reference: (see next page)
ADVERTISING AND PROMOTION (continued)

Legal Reference:

**EDUCATION CODE**
7050-7058 Political activities of school officers and employees
35160 Authority of governing boards
35160.1 Broad authority of school districts
35172 Promotional activities
38130-38138 Civic Center Act
48907 Student exercise of free expression

**BUSINESS AND PROFESSIONS CODE**
25664 Advertisements encouraging minors to drink

**U.S. CONSTITUTION**
Amendment 1, Freedom of speech and expression

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

Policy
adopted: May 6, 2008

PALMDALE SCHOOL DISTRICT
Palmdale, California
Community Relations

AR 1325(a)

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 Board of Trustees 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 or designee 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.
Community Relations

USE OF SCHOOL FACILITIES

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

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6145.5 - Student Organizations and Equal Access)

The Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

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

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities

2. Preserve order in school facilities 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

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

(cf. 6115 - Ceremonies and Observances)

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

(cf. 1325 - Advertising and Promotion)

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

(cf. 1330.1 - Joint Use Agreements)

Fees

The Board shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds, including, but not limited to, the multipurpose room(s), playing or athletic field(s), track and field venue(s), tennis court(s), and outdoor basketball court(s). The schedule of fees shall be prepared in accordance with 5 CCR 14037-14041. (5 CCR 14041)

(cf. 9320 - Meetings and Notices)

The Board believes that the use of school facilities or grounds should not result in an expense to the district. The Superintendent or designee shall charge all groups granted the use of school facilities or grounds under the Civic Center Act an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

The Board authorizes the use of school facilities or grounds, without charge, by nonprofit organizations and by clubs or associations organized to promote youth and school activities, including, but not limited to, Girl Scouts, Boy Scouts, Camp Fire USA, YMCA, parent-teacher associations, school-community advisory councils, and recreational youth sports leagues that charge participants no more than an average of $60 per month. Other groups that request the use of school facilities under the Civic Center Act shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041. (Education Code 38134)

The Board authorizes the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of district schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not exceeding direct costs determined in accordance with 5 CCR 14037-14041.

Additionally, when any use of school facilities or grounds is for religious services, the district shall charge an amount at least equal to the district’s direct costs. (Education Code 38134)

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)
USE OF SCHOOL FACILITIES (continued)

Calculating Direct Costs

Direct costs to be charged for community use of each, or each type of, school facility or grounds shall be calculated in accordance with 5 CCR 14038 and may reflect the community’s proportionate share of the following costs: (Education Code 38134; 5 CCR 14038-14041)

1. Capital direct costs calculated in accordance with 5 CCR 14039, including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds

2. Operational direct costs calculated in accordance with 5 CCR 14040, including estimated costs of supplies, utilities, janitorial services, other services performed by district employees and/or contracted workers, and salaries and benefits paid to district employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule. (5 CCR 14041)

Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds. (5 CCR 14042)

Use of School Facility as Polling Place

The Board may authorize the use of school buildings as polling places on any election day, and may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building as a polling place, the Board shall allow its use for such purpose. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as polling places. (Elections Code 12283)

(cf. 6111 - School Calendar)

When a school is used as a polling place, the Superintendent or designee shall provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and shall make a telephone line for Internet access available for use by local elections officials if so requested. He/she shall make a reasonable effort to ensure that the site is accessible to persons with disabilities. (Elections Code 12283)
USE OF SCHOOL FACILITIES  (continued)

The Superintendent or designee shall establish procedures to ensure student safety and minimize disruptions whenever school is in session while the facilities are being used as a polling place.

(cf. 3515.2 - Disruptions)

Legal Reference:

EDUCATION CODE
10900-10914.5 Community recreation programs
32282 School safety plan
37220 School holidays
38130-38138 Civic Center Act, use of school property for public purposes

BUSINESS AND PROFESSIONS CODE
25608 Alcoholic beverage on school premises

ELECTIONS CODE
12283 Polling places: schools

GOVERNMENT CODE
54950-54963 The Ralph M. Brown Act

MILITARY AND VETERANS CODE
1800 Definitions

CODE OF REGULATIONS, TITLE 5
14037-14042 Proportionate direct costs for use of school facilities and grounds

UNITED STATES CODE, TITLE 20
7905 Equal access to public school facilities

COURT DECISIONS
Cole v. Richardson, (1972) 405 U.S. 676
ACLU v. Board of Education of Los Angeles, (1961) 55 Cal.2d 167
Ellis v. Board of Education, (1945) 27 Cal.2d 322

ATTORNEY GENERAL OPINIONS

Management Resources:

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

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

Policy adopted: Palmdale, California
USE OF SCHOOL FACILITIES

Application for Use of Facilities

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

Persons or organizations applying for the use of school facilities or grounds shall submit a facilities use statement indicating that they uphold the state and federal constitutions and do not intend to use school premises or facilities 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 32282, 38131)

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

(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)

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 youth may participate regardless of religious belief or denomination

7. A community youth center

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

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
USE OF SCHOOL FACILITIES (continued)

9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans’ organization

A veterans' organization means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)

10. Other purposes deemed appropriate by the Board of Trustees

Restrictions

School facilities or grounds 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 which is inconsistent with the use of school facilities for school purposes or which interferes with the regular conduct of school or school work

3. Any use which involves the possession, consumption, or sale of drugs or any restricted substances, including tobacco

(cf. 3513.3 - Tobacco-Free Schools)

4. Any use which involves the possession, consumption, or sale of alcoholic beverages, except for special events approved by the Superintendent or designee pursuant to Business and Professions Code 25608 which are covered by a special events permit pursuant to Division 9 of the Business and Professions Code and which will occur at a time when students are not on the grounds. Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to the district and ensure the safety of participants, as determined by the Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

The district may exclude certain school facilities from nonschool use for safety or security reasons.

Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. The district may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds. (Education Code 38134)
USE OF SCHOOL FACILITIES  (continued)

Any group or organization using school facilities or grounds shall be liable for any injuries resulting from its negligence during the use of district facilities or grounds. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk. (Education Code 38134)

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence when using school facilities. (Education Code 38134)

As permitted, the Superintendent or designee may require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

(cf. 3515.21 - Unmanned Aircraft Systems (Drones))
USE OF SCHOOL FACILITIES

PALMDALE SCHOOL DISTRICT

FACILITIES USE STATEMENT

The undersigned, ______________________, is duly authorized by __________(name of organization)________________________, to act on its behalf in requesting the use of school facilities, including, but not limited to, executing any agreement or undertaking required by law and district policy and regulations governing the use of the facilities.

The organization shall comply with all restrictions placed on the use of the school facilities by law or district policy or regulations.

The organization recognizes that, in accordance with Education Code 38134, it is liable for any damage to the school facilities or for any injury to any person due to the organization's negligence in using the school facilities.

(Signed)  (Date)

______________________________  ______________________________
(Organization)
JOINT USE AGREEMENTS

In order to ensure the efficient use of public resources and increase access to needed services, the Board of Trustees may enter into an agreement with any public agency, public institution, and/or community organization to use community facilities for school programs or to make school facilities or grounds available for use by those entities. Such an agreement shall be based on an assessment of student and community needs and may be designed to increase access to spaces for recreation and physical activity, library services, school health centers, preschool programs, child care centers, before- or after-school programs, or other programs that benefit students and the community.

When it is determined that joint use of facilities is in the best interest of the district and community, the Superintendent or designee shall identify a potential partner agency, institution, or organization. He/she shall involve that partner, appropriate district and school staff, and community members in establishing planning processes, goals and priorities for joint use, locations where programs or facilities are most needed, and protocols for ongoing communication and coordination between the partners.

The Superintendent or designee shall work with the partner agency, institution, or organization to develop a written site-specific joint use agreement that delineates the terms and conditions for joint use of the district or community facilities and the responsibilities of all parties. As appropriate, the agreement may address:

1. The underlying philosophy or reasons for entering into the joint use agreement
2. The specific district or community facilities or grounds that will be made available to the other party and areas that will be restricted
3. Priorities for use of the property
4. Hours that the property will be available for use by the district, the partner, or other parties
5. Projected capital costs, if any, and operating costs
   (cf. 7110 - Facilities Master Plan)
   (cf. 7150 - Site Selection and Development)
   (cf. 7210 - Facilities Financing)

6. Resources to be allocated by the district and the partner
   (cf. 3100 - Budget)

7. Rental or other fees, if any, to be charged to either party or third parties using the facilities

8. Responsibilities for management, scheduling, maintenance, on-site supervision, accounting, and other operations

9. Procedures and timelines for requesting use of the facilities

10. Code of conduct for users of the facilities and consequences for violations of the code
    (cf. 3513.3 - Tobacco-Free Schools)
    (cf. 3515.2 - Disruptions)
    (cf. 5131 - Conduct)
    (cf. 5131.5 - Vandalism and Graffiti)

11. Provision for regular inspection and notification of damage, as well as restitution and repair of property
    (cf. 3515.4 - Recovery for Property Loss or Damage)
    (cf. 3517 - Facilities Inspection)

12. Safety and security measures
    (cf. 0450 - Comprehensive School Safety Plan)
    (cf. 3515 - Campus Security)
    (cf. 3516 - Emergencies and Disaster Preparedness Plan)
    (cf. 5142 - Safety)

13. Liability, insurance, and risk management issues
    (cf. 3320 - Claims and Actions Against the District)
    (cf. 3530 - Risk Management/Insurance)
    (cf. 9260 - Legal Protection)

14. Duration of the agreement, process for amending the agreement, and the bases for cancelling or terminating the agreement before the expiration date
JOINT USE AGREEMENTS  (continued)

15. Process for resolving disputes regarding any aspect of the agreement

16. How any equipment purchased or other investments made through the agreement will be disposed of at the termination of the agreement

The agreement shall be reviewed by legal counsel and approved by the Board.

The Superintendent or designee shall provide regular reports to the Board regarding progress toward project goals, including, but not limited to, levels of participation in joint use programs held at school or community facilities, feedback from program participants, and any report of damage to property or harm to individuals resulting from the joint use. As needed, the Superintendent or designee shall recommend amendments to the joint use agreement.

(cf. 0500 - Accountability)

Legal Reference: (see next page)
JOINT USE AGREEMENTS (continued)

Legal Reference:

**EDUCATION CODE**
8482-8484.6 After School Education and Safety Program
8484.7-8484.9 21st Century Community Learning Centers
10900-10914.5 Community recreation programs
17051-17052 Joint use
17077.40-17077.45 Eligibility for joint use funding
17565-17592 Board duties re property maintenance and control
35200-35214 Liabilities
37220 School holidays; use of facilities when school is closed
38130-38138 Civic Center Act, use of school property for public purposes
44808 Exemption from liability when students not on school property

**BUSINESS AND PROFESSIONS CODE**
25608 Alcoholic beverages on school premises

**GOVERNMENT CODE**
814-825.6 Liability of public entities and employees
830-840.6 Liability; dangerous conditions on property
895-895.8 Liability; agreement between public entities
989-991.2 Local public entity insurance

**UNITED STATES CODE, TITLE 20**
7171-7176 21st Century Community Learning Centers
7905 Equal access to public facilities

Management Resources:

**CSBA PUBLICATIONS**
Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010

**NATIONAL POLICY AND LEGAL ANALYSIS NETWORK TO PREVENT CHILDHOOD OBESITY PUBLICATIONS**
Model California Joint Use Agreements
Liability for Use of School Property After Hours: An Overview of California Law, July 2009
Checklist for Developing Joint Use Agreements, March 2009

**PUBLIC HEALTH LAW AND POLICY PUBLICATIONS**
Opening School Grounds to the Community After Hours: A Toolkit for Increasing Physical Activity Through Joint Use Agreements, 2010

**WEB SITES**
CSBA: http://www.csba.org
California Project LEAN (Leaders Encouraging Activity and Nutrition): http://www.californiaprojectlean.org
Cities Counties and Schools Partnership: http://www.ccspartnership.org
Joint Use Statewide Task Force: http://www.jointuse.org
National Policy and Legal Analysis Network: http://www.nplan.org

Policy adopted: PALMDALE SCHOOL DISTRICT Palmdale, California
ACCESS TO DISTRICT RECORDS

The Board of Trustees recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3580 - District Records)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(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)

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through a district-provided device or account or through an employee's or Board member's personal device or account.

(cf. 4040 - Employee Use of Technology)
(cf. 9012 - Board Member Electronic Communications)

The district may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

In order to help maintain the security of district records, members of the public granted access shall examine records in the presence of a district staff member.

Legal Reference: (see next page)
ACCESS TO DISTRICT RECORDS  (continued)

Legal Reference:

EDUCATION CODE
234.7 Student protections relating to immigration and citizenship status
35145 Public meetings
35170 Authority to secure copyrights
35250 Duty to keep certain records and reports
41020 Requirement for annual audit
42103 Publication of proposed budget; hearing
44031 Personnel file contents and inspections
44839 Medical certificates; periodic medical examination
49060-49079 Student records
49091.10 Parental review of curriculum and instruction

GOVERNMENT CODE
3547 Proposals relating to representation
6250-6270 California Public Records Act
6275-6276.48 Other exemptions from disclosure
53262 Employment contracts
54957.2 Minute book record of closed sessions
54957.5 Agendas and other writings distributed for discussion or consideration
8310.3 California Religious Freedom Act
81008 Political Reform Act, public records; inspection and reproduction

CALIFORNIA CONSTITUTION
Article 1, Section 3 Right of access to governmental information

CODE OF REGULATIONS, TITLE 5
430-438 Individual student records

COURT DECISIONS
City of San Jose v. Superior Court (2017) 2 Cal.5th 608
Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282
International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, (2007) 42 Cal.4th 319

ATTORNEY GENERAL OPINIONS

Legal Reference: (see next page)
ACCESS TO DISTRICT RECORDS (continued)

Management Resources:

CSBA PUBLICATIONS
Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS
Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues
Summary of the California Public Records Act, 2004

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

WEB SITES
CSBA: http://www.csba.org
California Office of the Attorney General: https://oag.ca.gov
Institute for Local Government: http://www.cacities.org
State Bar of California: http://www.calbar.ca.gov
ACCESS TO DISTRICT RECORDS

Definitions

*Public records* include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 6252)

(cf. 3580 - District Records)
(cf. 9012 - Board Member Electronic Communications)

*Writing* means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

*Member of the public* means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of such membership, agency, office, or employment. (Government Code 6252)

Public Records

Public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)
   (cf. 3100 - Budget)
   (cf. 3460 - Financial Reports and Accountability)

2. Statistical compilations

3. Reports and memoranda

4. Notices and bulletins

5. Minutes of public meetings (Education Code 35145)
   (cf. 9324 - Minutes and Recordings)

6. Meeting agendas (Government Code 54957.5)
   (cf. 9322 - Agenda/Meeting Materials)

7. Official communications between the district and other government agencies
ACCESS TO DISTRICT RECORDS (continued)

8. District and school plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law

(cf. 0400 - Comprehensive Plans)
(cf. 0420 - School Plans/Site Councils)
(cf. 0440 - District Technology Plan)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
(cf. 3543 - Transportation Safety and Emergencies)
(cf. 7110 - Facilities Master Plan)

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

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

10. Instructional materials including, but not limited to, textbooks (Education Code 49091.10)

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Confidential Public Records

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

1. Preliminary drafts, notes, and interagency or intradistrict memoranda that 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 generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.25)

3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)
ACCESS TO DISTRICT RECORDS (continued)

(cf. 4112.5/4212.5/4312.5) - Criminal Record Check
(cf. 4112.6/4212.6/4312.6 - Personnel Files)

The home addresses, home telephone numbers, personal cell phone numbers, or birth date of employees may only be disclosed as follows: (Government Code 6254.3)

a. To an agent or a family member of the employee

b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties

c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed

Upon written request of any employee, the district shall not disclose the employee's home address, home telephone number, personal cell phone number, or birth date, and the district shall remove this information from any mailing list of the district except a list used exclusively to contact the employee.

(cf. 4140/4240/4340 - Bargaining Units)

d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

(cf. 4154/4254/4354 - Health and Welfare Benefits)

4. Student records, except directory information and other records to the extent permitted under the law, when disclosure is authorized by law

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 5125.3 - Challenging Student Records)

5. Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)

(cf. 6162.51 - State Academic Achievement Tests)
6. 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)

7. 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 an unfair competitive disadvantage to the person supplying the information (Government Code 6254)

8. Library circulation and patron use records of a borrower or patron including, but not limited to, name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to persons acting within the scope of their duties in the administration of the library, to persons authorized in writing by the individual to whom the records pertain, or by court order (Government Code 6254, 6267)

(cf. 6163.1 - Library Media Centers)

9. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)

(cf. 9124 - Attorney)

10. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)

11. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code 6253.5)

(cf. 9223 - Filling Vacancies)

12. Minutes of Board meetings held in closed session (Government Code 54957.2)

(cf. 9321 - Closed Session Purposes and Agendas)

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

14. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code 6254.19)
ACCESS TO DISTRICT RECORDS (continued)

15. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

(cf. 5141.6 - School Health Services)

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

17. Any other records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 6255)
RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS

The Board of Trustees believes that district efforts to provide a high-quality education for students in the community can be enhanced by collaboration with other government and public agencies that are responsible for the health, safety, and well-being of children and youth. The district shall initiate and maintain good working relationships with representatives of local agencies to maximize student and family access to support services that will help students achieve to their highest potential.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.52 - Suicide Prevention)
(cf. 5141.6 - School Health Services)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 5164.2 - Guidance/Counseling Services)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

The Board shall initiate or participate in collaborative relationships with city and county elected officials to design and coordinate multi-agency programs that respond to the needs of children and families and provide more efficient use of district and community resources. To further such collaborations, the Board may establish or participate in formal structures for governance teams to regularly meet and discuss issues of mutual concern.

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

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

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

The Board shall approve the services to be offered by the district, the resources that will be allocated to support collaboration, any use of school facilities for services, and any development or joint use of facilities with other jurisdictions. All agreements with other agencies to coordinate services or share resources shall be in writing. The Board may establish joint powers agreements or memorandums of understanding, when feasible, to formalize the responsibilities and liabilities of all parties in a collaborative activity.

(cf. 1330 - Use of School Facilities)
(cf. 1330.1 - Joint Use Agreements)
(cf. 3100 - Budget)

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

In order to facilitate service delivery or determination of eligibility for services, the district may share information with other appropriate agencies as long as the parent/guardian consents and the information is shared in accordance with laws pertaining to confidentiality and privacy.

(cf. 3553 - Free and Reduced Price Meals)
(cf. 5125 - Student Records)

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

(cf. 0500 - Accountability)

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

(cf. 1100 - Communication with the Public)
(cf. 1160 - Political Processes)
(cf. 9000 - Role of the Board)
(cf. 9322 - Agenda/Meeting Materials)

Legal Reference:  (see next page)
RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS (continued)

Legal Reference:

EDUCATION CODE
8800-8807 Healthy Start support services for children
10900-10914.5 Cooperative community recreation programs
49073 Privacy of student records
49075 Parent/guardian permission for release of student records
49557.2 Sharing of information for MediCal eligibility

HEALTH AND SAFETY CODE
120440 Immunization records; release to local health departments
130100-130155 Early childhood development; First 5 Commission

WELFARE AND INSTITUTIONS CODE
5850-5883 Mental Health Services Act
18961.5 Computerized database; families at risk for child abuse; sharing of information
18980-18983.8 Child Abuse Prevention Coordinating Council
18986-18986.30 Interagency Children's Services Act
18986.40-18986.46 Multidisciplinary services teams
18986.50-18986.53 Integrated day care program
18987.6-18987.62 Family-based services

Management Resources:

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS
Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006
Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006

YOUTH LAW CENTER PUBLICATIONS
Model Form for Consent to Exchange Confidential Information among the Members of an Interagency Collaborative, 1995

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Learning Support: http://www.cde.ca.gov/lss
California Department of Public Health: http://www.cdph.ca.gov
California Department of Social Services: http://www.dss.ca.gov
California State Association of Counties: http://www.csac.ca.gov
Children Now: http://www.childrennow.org
Cities, Counties and Schools Partnership: http://www.ccspartnership.org
First 5 California: http://www.ccfc.ca.gov
League of California Cities: http://www.cacities.org
Youth Law Center: http://www.ylc.org

Policy adopted: PALMDALE SCHOOL DISTRICT
Palmdale, California
WAIVERS

The Governing Board recognizes that circumstances may arise in the operation of the district that require a waiver from state law or regulation. When it is in the interest of district students, the Board may request that the State Board of Education (SBE) waive any provision of state law or regulation which SBE has authority to waive pursuant to Education Code 33050.

Any waiver request to be submitted to SBE shall first be approved by the Board. The Superintendent or designee shall ensure that each proposed waiver request includes all information necessary for the Board to analyze the need for the waiver and make an informed decision.

If the proposed waiver request affects a program that requires the existence of a school site council, the Superintendent or designee shall obtain the school site council's approval of the request before presenting it to the Board. As appropriate, other councils or advisory committees, including bilingual advisory committees, shall be provided adequate opportunity to review a proposed waiver request, and the request shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

(cf. 0420 - School Plans/Site Councils)
(cf. 1220 - Citizen Advisory Committees)

In addition, the Superintendent or designee shall consult with the exclusive representative of district employees in the development of the waiver request, and shall include in the request the exclusive representative's position regarding the waiver. (Education Code 33050, 33051)

(cf. 4140/4240/4340 - Bargaining Units)

A request for a waiver related to a regional occupational center or program operated by a joint powers agency shall be submitted as a joint waiver request with other participating school districts upon approval of a unanimous vote of the governing board of the joint powers agency. (Education Code 33050)

(cf. 6178.2 - Regional Occupational Center/Program)

To receive public testimony on each proposal for a waiver request, the Board shall hold a properly noticed public hearing during a Board meeting. (Education Code 33050)

The notice, which shall state the time, date, location, and subject of the public hearing and invite public testimony, may be printed in a newspaper of general circulation and/or posted at each school and three public places in the district.

(cf. 9320 - Meetings and Notices)
WAIVERS (continued)

If the district determines that a waiver is needed for more than one year, the Board shall reapply to SBE. When the Board has requested and received the same general waiver from SBE for two consecutive years, the Board does not subsequently need to reapply annually provided that the information contained on the request remains current, except that the district shall apply annually for the renewal of any waiver regarding teacher credentialing. (Education Code 33051)

Legal Reference:

EDUCATION CODE
33050-33053 General waiver authority
48800 Attendance at community college
51747.3 Charter school independent study funding
56000-56867 Special education programs
65001 School site councils

Management Resources:

WEB SITES
California Department of Education, Waiver Office: http://www.cde.ca.gov/re/lr/wr
Commission on Teacher Credentialing: http://www.ctc.ca.gov
HOME-BASED SCHOOLING

The district shall consider all requests from parents/guardians who wish their children exempt from compulsory public school attendance.

(cf. 5112.1 - Exemptions from Attendance)

Exemptions requested under Education Code 48224 (Instruction by tutor) shall be granted only when the student is receiving instruction from a certificated teacher.

When home-based instruction is provided by a noncredentialed tutor, the student shall be either participating in an independent study program with a supervising credentialed instructor or enrolled in a private school.

When no request is made for exemption for instruction by tutor, or for enrollment in an independent study program, or when an affidavit registering as a private school has not been filed, the home-based student will be classified as truant in accordance with state law and Board policy.

(cf. 5113 - Absences and Excuses)

Independent Study

The Superintendent or designee shall encourage parents/guardians desiring to teach their children at home to enroll the student(s) in independent study as provided by Palmdale School District. Such enrollment allows continued contact and cooperation between the school system and home-based student. A private school affidavit is not required when children are taught at home through Independent Study.

Through independent study, students may be provided with curriculum guides, state-adopted textbooks, workbooks, equipment, suggestions and assistance as needed.

Because socialization is an important benefit of regular school attendance, students in independent study should be offered field trips and other activities which bring home-based students into group settings on a temporary basis. The Superintendent or designee shall decide the number and type of field trips to be offered to the home-based student.

Admission will be determined by independent study procedures and eligibility requirements.

(cf. 6158 - Independent Study)

Private School

Exemptions requested under Education Code 48222 (attendance in private school) are granted when:

1. The owner or administrative head of the private school has filed with the Superintendent of Public Instruction an affidavit containing the information required by Education Code 33190.
HOME-BASED SCHOOLING  (continued)

2. The private school complies with the provisions of Education Code 48222. This statute includes requirements that:

   a. The home-based student is being instructed in a private full-time day school by persons capable of teaching.

   b. Instruction is offered in the several branches of study required to be taught in public schools.

The district's attendance officer or designee is authorized to arrange visits to private schools in order to determine whether conditions at the private school are in compliance with the provision of Education Code 48222.

District relations with private schools shall be monitored by the Superintendent or designee. The Superintendent or designee may request private schools to submit a description of the course of study offered by the private school, attendance records, and/or a daily time schedule of subjects and classes.

Legal Reference:

EDUCATION CODE
33190 Affidavit by agency conducting private school instruction at elementary or high school level; list of schools
48220 Classes of children exempted
48222 Attendance in private school
48224 Instruction by tutor

Policy
 adopted: December 15, 1992

PALMDALE SCHOOL DISTRICT
Palmdale, California
RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS

The Board of Trustees recognizes that private industry and the schools have a mutual interest in maximizing student achievement in order to prepare students to be productive citizens and contribute to the economic health of the community. The Board shall encourage local business involvement in efforts that support the core mission and goals of the district and promote the academic, social, and physical well-being of students.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 6142.3 - Civic Education)
(cf. 6142.4 - Service Learning/Community Service Classes)

The Board and the Superintendent or designee shall develop strategies to initiate business partnerships and shall communicate with business partners about district needs and priorities. The Superintendent or designee may assign district staff to coordinate community/business outreach efforts on behalf of the district and work to ensure equitable distribution of business involvement across all district schools.

(cf. 9000 - Role of the Board)

Businesses and industry and/or their representatives may support district schools and programs by:

1. Volunteering in the classroom or school, providing special instructional programs or assemblies, and serving as tutors or mentors for individual students

(cf. 1240 - Volunteer Assistance)
(cf. 1250 - Visitors/Outsiders)

2. Donating funds, products, instructional materials, or services that serve an educational purpose

(cf. 1260 - Educational Foundation)
(cf. 3290 - Gifts, Grants and Bequests)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 9270 - Conflict of Interest)

3. Purchasing advertisements in school-sponsored publications or on school property in accordance with law and Board policy

(cf. 1325 - Advertising and Promotion)
(cf. 3312 - Contracts)

4. Serving on advisory committees in order to provide business expertise or perspectives

(cf. 1220 - Citizen Advisory Committees)
(cf. 5030 - Student Wellness)
RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS  (continued)

5. Working with district staff to ensure the relevance and rigor of the district's career technical education program and providing work opportunities for students enrolled in these programs

(cf. 5113.2 - Work Permits)
(cf. 6178 - Career Technical Education)
(cf. 6178.1 - Work Experience Education)

6. Engaging in other activities approved by the Superintendent or designee that are designed to increase student learning or support school operations

The Board urges employers to further support the schools by recognizing their employees' needs as parents/guardians, accommodating their needs for child care, and supporting their involvement with their children's schools.

(cf. 5020 - Parent Rights and Responsibilities)
(cf. 6020 - Parent Involvement)

The Superintendent or designee may publicly acknowledge the support of a business partner in district communications and/or by allowing the use of the business name or logo on donated products or materials, but shall not unduly promote or endorse any commercial activity or products.

The Superintendent or designee shall ensure that staff, students, and parents/guardians have the opportunity to periodically assess the support which local businesses provide our schools. The Superintendent or designee shall regularly report these evaluations to the Board and recommend those individuals and/or businesses whose contributions merit Board commendation.

(cf. 1150 - Commendation and Awards)

The Superintendent or designee shall regularly report to the Board regarding the district's progress in establishing and sustaining business partnerships and the ways in which businesses have supported district programs.

(cf. 0500 - Accountability)

The Board urges employers to further support the schools by recognizing their employees' needs as parents, accommodating their needs for child care, and supporting their involvement with their children's schools.

(cf. 1250 - Visitors/Outsiders)
(cf. 6020 - Parent Involvement)

Legal Reference: (see next page)
RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS  (continued)

Legal Reference:
EDUCATION CODE
8070 Career technical education advisory committee
35160 Authority of governing boards
35160.1 Broad authority of school districts
41030-41037 Gifts and bequests
51760-51769.5 Work experience education
52300-52499.66 Career technical education
UNITED STATES CODE, TITLE 20
2301-2414 Carl D. Perkins Career and Technical Education Act of 2006, especially:
2354 Local plan for career technical education, business involvement

Management Resources:
CSBA PUBLICATIONS
School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006
Maximizing School Board Governance: Community Leadership, 1996
COUNCIL FOR CORPORATE AND SCHOOL PARTNERSHIPS PUBLICATIONS
A How-To Guide for School-Business Partnerships
NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS
Building Business Support for School Health Programs, 1999
WEB SITES
CSBA: http://www.csba.org
California Department of Education, Parents/Family and Community: http://www.cde.ca.gov/ls/pf
Council for Corporate and School Partnerships: http://www.corpschoolpartners.org
National Association of State Boards of Education: http://www.nasbe.org

Policy 
adopted: February 21, 2012

PALMDALE SCHOOL DISTRICT
Palmdale, California