

**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.

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.

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.

*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.

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.

The Superintendent or designee shall utilize a variety of communications methods in order to provide the public with access to information. Such methods may include, but are not limited to, district and school newsletters, web sites, social networking pages or other online communications technologies, direct email 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.

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.

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

The Superintendent or designee shall provide multiple opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to 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.

**Prohibition Against Mass Mailings at Public Expense**

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

**COMMUNICATION WITH THE PUBLIC** (continued)

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

**Comprehensive Communications Plan**

The Superintendent or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for district programs and issues. The plan shall identify specific communications goals aligned with the district's vision and goals for student learning. For each communications goal, the plan shall identify key messages, individuals or groups that can help the district achieve its goal, strategies tailored to each target audience, timelines, persons responsible for each activity, and budget implications.

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

The plan shall incorporate strategies for effective communications during a crisis or other emergency situation that may arise.

The Superintendent or designee shall periodically evaluate the implementation and effectiveness of the district's communications plan.

*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 *Newsletter or mass mailing*

CODE OF REGULATIONS, TITLE 2

18901 *Mass mailings sent at public expense*

18901.1 *Campaign-related mailings sent at public expense*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

**MEDIA RELATIONS**

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

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

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

The district shall not release information that is private or confidential as required by law, Board policy or administrative regulation. No other access to student records or personally identifiable student information may be provided without written parent/guardian permission.

**Interviewing and Photographing Students**

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

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

**Media Communications Plan**

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

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

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

## **MEDIA RELATIONS (continued)**

### **Crisis Communications Plan**

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

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

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

#### *Legal Reference:*

##### EDUCATION CODE

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

*35144 Special meetings*

*35145 Public meetings*

*35160 Authority of governing boards*

*35172 Promotional activities*

##### EVIDENCE CODE

*1070 Refusal to disclose news source*

##### PENAL CODE

*627-627.10 Access to school premises*

##### COURT DECISIONS

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

##### ATTORNEY GENERAL OPINIONS

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

**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.

**Design Standards**

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

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

**Guidelines for Content**

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

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

**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.

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

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

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

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

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

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)

*Legal Reference:*

EDUCATION CODE

35182.5 *Contracts for advertising*

35258 *Internet access to school accountability report cards*

48907 *Exercise of free expression; rules and regulations*

48950 *Speech and other communication*

49061 *Definitions, directory information*

49073 *Release of directory information*

60048 *Commercial brand names, contracts or logos*

GOVERNMENT CODE

3307.5 *Publishing identity of public safety officers*

6254.21 *Publishing addresses and telephone numbers of officials*

6254.24 *Definition of public safety official*

11135 *Nondiscrimination; accessibility to state web sites*

PENAL CODE

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

UNITED STATES CODE, TITLE 17

101-1101 *Federal copyright law*

UNITED STATES CODE, TITLE 20

1232g *Federal Family Educational Rights and Privacy Act*

UNITED STATES CODE, TITLE 29

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

UNITED STATES CODE, TITLE 42

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 *Children's Online Privacy*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*

COURT DECISIONS

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

**DISTRICT AND SCHOOL WEB SITES**

**Guidelines for Content**

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

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

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

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

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

**Roles and Responsibilities**

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

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

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

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

**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.

**DISTRICT-SPONSORED SOCIAL MEDIA**

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

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.

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.

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

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.

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

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

*Legal Reference:*

EDUCATION CODE

1240 County superintendent of schools, duties  
32261 School safety, definitions of bullying and electronic act  
35182.5 Contracts for advertising  
48900 Grounds for suspension and expulsion  
48907 Exercise of free expression; rules and regulations  
48950 Speech and other communication  
49061 Definitions, directory information  
49073 Release of directory information  
60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

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

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 29

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

COURT DECISIONS

Page v. Lexington County School District, (2008, 4th Cir.) 531 F.3d 275  
Downs v. Los Angeles Unified School District, (2000) 228 F.3d 1003  
Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112  
Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37  
Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

NATIONAL LABOR RELATIONS BOARD DECISIONS

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

**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.

**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.

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

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.

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.

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

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

District 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.

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.

**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.

**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.

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)

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.

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.

## **POLITICAL PROCESSES** (continued)

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

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

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

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

### **Legislation**

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.

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

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

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.

## **POLITICAL PROCESSES (continued)**

### **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.

### **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)

#### *Legal Reference:*

##### EDUCATION CODE

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

7054 *Use of district property*

7054.1 *Requested appearance*

7056 *Soliciting or receiving political funds*

35160 *Authority of governing boards*

35172 *Promotional activities*

##### ELECTIONS CODE

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

##### GOVERNMENT CODE

8314 *Unlawful use of state resources*

53060.5 *Attendance at legislative body; expenses*

54953.5 *Right to record proceedings*

54953.6 *Broadcasts of proceedings*

81000-91015 *Political Reform Act, including:*

82031 *Definition of independent expenditure*

##### CODE OF REGULATIONS, TITLE 2

18600-18640 *Lobbyists*

18901.1 *Campaign related mailings sent at public expense*

##### COURT DECISIONS

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

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

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

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

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

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

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

##### ATTORNEY GENERAL OPINIONS

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

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

**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.

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.

*Legal Reference: (see next page)*

## **CITIZEN ADVISORY COMMITTEES (continued)**

*Legal Reference:*

EDUCATION CODE

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

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

52012 *School site council*

GOVERNMENT CODE

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

UNITED STATES CODE, TITLE 42

1751 *Note Local wellness policy*

COURT DECISIONS

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

**CITIZEN ADVISORY COMMITTEES**

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Evergreen School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

**Committee Charge**

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

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

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

**Committees Subject to Brown Act Requirements**

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

**CITIZEN ADVISORY COMMITTEES (continued)**

1. Advisory committees established pursuant to Education Code 56190-56194 related to special education
2. Advisory committees established pursuant to Education Code 8070 related to career technical education
3. Committees established to assist in development of a student wellness policy pursuant to 42 USC 1751 Note
4. Committees established pursuant to Education Code 17387-17391 related to the use or disposition of excess real property
5. Citizens' oversight committees established to examine the expenditure of general obligation bond or schools facilities improvement bond revenues passed with a 55 percent majority of the voters pursuant to Education Code 15278 and 15359.3
6. Other committees created by formal Board of Trustees action

**Committees Not Subject to Brown Act Requirements**

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

1. School site councils established pursuant to Education Code 41507, 41572, or 52852 related to student retention, school or library improvement, or school-based program coordination
2. District or school advisory committees established pursuant to Education Code 52176 related to programs for students of limited English proficiency
3. School advisory committees established pursuant to Education Code 54425(b) related to compensatory education
4. Any district advisory committee established pursuant to Education Code 54444.2 related to migrant education programs
5. School site councils established pursuant to Education Code 62002.5 related to economic impact aid and bilingual education
6. School committees established pursuant to Education Code 11503 related to parent involvement

**CITIZEN ADVISORY COMMITTEES (continued)**

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

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

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

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

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

**SCHOOL-CONNECTED ORGANIZATIONS**

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 district and extracurricular programs, such as athletic teams, debate teams, or musical groups. The Board appreciates the contributions made by such organizations and encourages their interest and participation in supporting district activities and helping to achieve the district's vision for student learning.

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

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

*Legal Reference: (see next page)*

**SCHOOL-CONNECTED ORGANIZATIONS (continued)**

*Legal Reference:*

EDUCATION CODE

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

BUSINESS AND PROFESSIONS CODE

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

GOVERNMENT CODE

12580-12599.7 *Fundraisers for Charitable Purposes Act*

PENAL CODE

319-329 *Lottery, raffle*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in elementary and secondary education programs*  
15500 *Food sales in elementary schools*  
15501 *Food sales in high schools and junior high schools*

CODE OF REGULATIONS, TITLE 11

300-312.1 *Fundraising for charitable purposes*

UNITED STATES CODE, TITLE 20

1681-1688 *Discrimination based on sex or blindness, Title IX*

COURT DECISIONS

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

**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.

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.

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

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

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

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

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

*Legal Reference: (see next page)*

**VOLUNTEER ASSISTANCE (continued)**

*Legal Reference:*

EDUCATION CODE

8482-8484.6 *After School Education and Safety program*

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

35021 *Volunteer aides*

35021.1 *Automated records check*

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

44010 *Sex offense; definition*

44227.5 *Classroom participation by college methodology faculty*

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

45125 *Fingerprinting requirements*

45125.01 *Interagency agreements for criminal record information*

45340-45349 *Instructional aides*

45360-45367 *Teacher aides*

49024 *Activity Supervisor Clearance Certificate*

49406 *Examination for tuberculosis*

GOVERNMENT CODE

3543.5 *Prohibited interference with employees' rights*

HEALTH AND SAFETY CODE

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

LABOR CODE

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

3364.5 *Persons performing voluntary services for school districts*

PENAL CODE

290 *Registration of sex offenders*

290.4 *Information re: sex offenders*

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

CODE OF REGULATIONS, TITLE 22

101170 *Criminal record clearance*

101216 *Health screening, volunteers in child care centers*

UNITED STATES CODE, TITLE 20

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

ATTORNEY GENERAL OPINIONS

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

COURT DECISIONS

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

**VOLUNTEER ASSISTANCE**

**Duties of Volunteers**

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

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

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

**Qualifications**

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

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

"Student activity programs" include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. This requirement shall not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021, including parents/guardians volunteering in a classroom or on a field trip or community members providing noninstructional services. (Education Code 49024)

**VOLUNTEER ASSISTANCE** (continued)

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

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

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

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

All volunteers will work under the direct supervision of credentialed staff.

**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.

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.

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

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.

**Presence of Sex Offender on Campus**

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

*Legal Reference: (see next page)*

**VISITORS/OUTSIDERS (continued)**

*Legal Reference:*

EDUCATION CODE

32210 *Willful disturbance of public school or meeting*

32211 *Threatened disruption or interference with classes; misdemeanor*

32212 *Classroom interruptions*

35160 *Authority of governing boards*

35292 *Visits to schools (board members)*

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

51101 *Parent Rights Act of 2002*

51512 *Prohibited use of electronic listening or recording device*

EVIDENCE CODE

1070 *Refusal to disclose news source*

LABOR CODE

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

PENAL CODE

290 *Sex offenders*

626-626.10 *Schools*

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

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

627.1 *Definitions*

627.2 *Necessity of registration by outsider*

627.7 *Misdemeanors; punishment*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

**VISITORS/OUTSIDERS**

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

Unless otherwise directed by the principal or designee, a staff member shall accompany visitors/outsideers while they are on school grounds.

**Principal's Registration Authority**

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

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

**Appeal Procedure**

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

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

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

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

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

*Legal Reference:*

EDUCATION CODE

33308.1 *Guidelines on procedure for filing child abuse complaints*

35146 *Closed sessions*

44031 *Personnel file contents and inspection*

44811 *Disruption of public school activities*

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

48987 *Child abuse guidelines*

GOVERNMENT CODE

54957 *Closed session; complaints re employees*

54957.6 *Closed session; salaries or fringe benefits*

PENAL CODE

273 *Cruelty or unjustifiable punishment of child*

11164-11174.3 *Child Abuse and Neglect Reporting Act*

WELFARE AND INSTITUTIONS CODE

300 *Minors subject to jurisdiction of juvenile court*

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

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

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

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

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

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

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

**UNIFORM COMPLAINT PROCEDURES**

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or 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, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, complaints involving the implementation of Local Control Funding Formula, the requirements for the development and adoption of a school safety plan, and 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, and special education programs.

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 the 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.

## **UNIFORM COMPLAINT PROCEDURES**

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

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

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

*Legal Reference:*

EDUCATION CODE

*200-262.4 Prohibition of discrimination*

*8200-8498 Child care and development programs*

*8500-8538 Adult basic education*

*18100-18203 School libraries*

*32289 School safety plan, uniform complaint procedures*

*35186 Williams uniform complaint procedures*

*37254 Intensive instruction and services for students who have not passed exit exam*

*41500-41513 Categorical education block grants*

*48985 Notices in language other than English*

*49010-49013 Student fees*

*49060-49079 Student records*

*49490-49590 Child nutrition programs*

*52160-52178 Bilingual education programs*

*52300-52490 Career technical education*

*52500-52616.24 Adult schools*

*52800-52870 School-based program coordination*

*54000-54028 Economic impact aid programs*

## UNIFORM COMPLAINT PROCEDURES

*Legal Reference (continued):*

54100-54145 *Miller-Unruh Basic Reading Act*  
54400-54425 *Compensatory education programs*  
54440-54445 *Migrant education*  
54460-54529 *Compensatory education programs*  
56000-56867 *Special education programs*  
59000-59300 *Special schools and centers*  
64000-64001 *Consolidated application process*  
GOVERNMENT CODE  
11135 *Nondiscrimination in programs or activities funded by state*  
12900-12996 *Fair Employment and Housing Act*  
PENAL CODE  
422.55 *Hate crime; definition*  
422.6 *Interference with constitutional right or privilege*  
CODE OF REGULATIONS, TITLE 5  
3080 *Application of section*  
4600-4687 *Uniform complaint procedures*  
4900-4965 *Nondiscrimination in elementary and secondary education programs*  
UNITED STATES CODE, TITLE 20  
6301-6577 *Title I basic programs*  
6601-6777 *Title II preparing and recruiting high quality teachers and principals*  
6801-6871 *Title III language instruction for limited English proficient and immigrant students*  
7101-7184 *Safe and Drug-Free Schools and Communities Act*  
7201-7283g *Title V promoting informed parental choice and innovative programs*  
7301-7372 *Title V rural and low-income school programs*

**UNIFORM COMPLAINT PROCEDURES**

Except as the Governing Board may otherwise specifically provide in other Board policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, complaints involving the implementation of Local Control Funding Formula, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board policy.

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. 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 uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

**Compliance Officers**

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

Director, Communications and Community Engagement  
3188 Quimby Rd  
San Jose, CA 95148  
408-270-6800

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

**Notifications**

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable

**UNIFORM COMPLAINT PROCEDURES** (continued)

3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
  - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision.
  - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
  - f. Copies of the district's uniform complaint procedures are available free of charge.

**Procedures**

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

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

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

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

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

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

A complaint concerning unlawful discrimination, 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 has 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, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. (5 CCR 4630)

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges and complaints involving the implementation of Local Control Funding Formula may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013)

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

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

### **Step 2: Mediation**

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

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

**UNIFORM COMPLAINT PROCEDURES** (continued)

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

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

**Step 3: Investigation of Complaint**

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

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

In accordance with law, the district shall provide the investigator with access to records and 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 in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

**Step 4: Response**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below, within 60 days of the district's receipt of the complaint. (5 CCR 4631)

**UNIFORM COMPLAINT PROCEDURES** (continued)

**Step 5: Final Written Decision**

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

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

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

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

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

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

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

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

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

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632)

The complainant shall file his/her appeal within 15 calendar days of receiving the district's decision and the appeal shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

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

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

### **Civil Law Remedies**

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

**UNIFORM COMPLAINT PROCEDURES** (continued)

For complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

Board approved: November 14, 2013, June 12, 2014, November 13, 2014

Regulation revised: June 13, 2013, July 1, 2013, September 20, 2013, May 1, 2014, August 2014

Regulation  
approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**  
San Jose, California

## WILLIAMS UNIFORM COMPLAINT PROCEDURES

**Cautionary Notice:** As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Evergreen School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

### Types of Complaints

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

1. Textbooks and instructional materials
  - a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
  - b. A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - d. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Teacher vacancy or misassignment
  - a. A semester begins and a teacher vacancy exists.
  - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
  - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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

**WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

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

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

3. Facilities

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

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

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

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

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

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

### **Filing of Complaint**

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

### **Investigation and Response**

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

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

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

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

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

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

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

### **Reports**

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

### **Forms and Notices**

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

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

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

#### *Legal Reference:*

##### EDUCATION CODE

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

35292.5 Restrooms, maintenance and cleanliness

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

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

##### CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures, especially:

4680-4687 Williams complaints

Board approved: September 12, 2013

Regulation  
approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**  
San Jose, California

**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.

**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:*

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

**ADVERTISING AND PROMOTION**

**Limited Open Forum**

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

1. Distribution of noncommercial materials that publicize services, special events, public meetings or other items of interest to students or parents/guardians
2. Products and materials donated by commercial enterprises for use in the classroom, as long as they serve an educational purpose and do not unduly promote any commercial activity or products. Such materials may bear the name and/or logo of the donor.

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
2. Incite students to commit unlawful acts, violate school rules or disrupt the orderly operation of the schools
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

**ADVERTISING AND PROMOTION (continued)**

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

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

*Legal Reference:*

EDUCATION CODE

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

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

35172 *Promotional activities*

38130-38138 *Civic Center Act*

BUSINESS AND PROFESSIONS CODE

25664 *Advertisements encouraging minors to drink*

U.S. CONSTITUTION

*Amendment 1, Freedom of speech and expression*

COURT CASES

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

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

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

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

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

**USE OF SCHOOL FACILITIES**

The Board of Trustees recognizes that district facilities and grounds are a community resource whose primary purpose is to be used for school programs and activities. The Board authorizes their use by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

All school-related activities shall be given priority in the use of facilities and grounds under the Civic Center Act.

The Superintendent or designee shall maintain procedures and regulations for the use of school facilities and grounds that:

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities.
2. Preserve order in school buildings and on school grounds and protect school facilities, designating a person to supervise this task, if necessary.
3. Ensure that the use of school facilities or grounds is consistent with their use for school purposes and does not interfere with the regular conduct of school work.

The Board authorizes the use of school facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities provided such organizations do not charge any fees to participants. Such use shall not result in any additional expense to the district. In accordance with Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher associations, and school-community advisory councils. Other groups, including nonprofit groups not organized to promote youth and school activities, nonprofit groups organized to promote youth and school activities and who charge participation fees, and for-profit groups, shall be charged at least direct costs.

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. Fair rental value are fees assessed to organizations which consist of direct costs plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized.

**USE OF SCHOOL FACILITIES (continued)**

*Legal Reference:*

EDUCATION CODE

10900-10914.5 *Community recreation programs*

32282 *School safety plan*

37220 *School holidays*

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

BUSINESS AND PROFESSIONS CODE

25608 *Alcoholic beverage on school premises*

MILITARY AND VETERANS CODE

1800 *Definitions*

UNITED STATES CODE, TITLE 20

7905 *Equal access to public school facilities*

COURT DECISIONS

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

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

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

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

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

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

ATTORNEY GENERAL OPINIONS

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

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

**USE OF SCHOOL FACILITIES**

The Board of Trustees of district supports the use of school buildings and grounds for literary, artistic, scientific, recreational, educational or public interest upon such terms and conditions as set forth by board policy and administrative regulation in accordance with limitations, requirements, and restrictions contained in the Education Code. The Superintendent has delegated authority to the Chief Business Officer to approve applications for the use of facilities.

Application for use of a school site's facility must be approved first by the site principal and then approved by the Chief Business Officer.

**Eligibility and Priority for Use**

1. Group A

The Board authorizes the use of school facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities provided such organizations do not charge any fees to participants. Such use shall not result in any additional expense to the district. All nonprofit groups must provide a copy of IRS Form 501c (Certificate of Exempt Status or other acceptable documentation as determined by the district). These groups include, but are not limited to:

- a. Community advisory councils
- b. Youth sports groups such as Youth Baseball, Youth Soccer, Youth Football
- c. Boy Scouts, Girl Scouts and affiliated organizations
- d. Evergreen Elementary Education Foundation/Evergreen United Education Foundation
- e. Other similar groups at the discretion of district administration

2. Group B

Other groups, including nonprofit groups not organized to promote youth and school activities, nonprofit groups organized to promote youth and school activities and who charge participation fees, or for profit groups organized to promote youth and school activities and who charge participation fees may be charged fair rental value. The following are examples of users that fall into the Group B fee category (but not limited to):

After School Program Providers (i.e. YMCA, Chess Programs, Music Programs, Language Programs)

**USE OF SCHOOL FACILITIES (continued)****Fee Schedule**

**Evergreen School District  
Use of School Facilities  
Schedule of Fees**

<b>Facility Use Fee</b>	<b>Group</b>	<b>Group</b>
<b>Rate at Per Hour</b>	<b>A</b>	<b>B</b>
2-Hour Minimum Charge	No	Yes
Classroom	No charge	<b>22.05</b>
Multi-Purpose Room	No charge	<b>44.10</b>
Gym	No charge	<b>66.15</b>
Kitchen	<b>44.10</b>	<b>88.20</b>
Field (Per Day)*	No charge	<b>88.20</b>
Parking Lot (Per Day)*	No charge	<b>13.23</b>
Basketball Court/Black Top (Per Day)*	No Charge	13.23
Restrooms (Plus Custodian Cost – see below)	No Charge	6.50

<b>Staff Costs</b>	<b>Group</b>	<b>Group</b>
<b>Employee Costs Per Hour</b>	<b>A</b>	<b>B</b>
<b>2 hours minimum</b>	Yes	Yes
Custodian (range 32)		
Regular	No Charge	<b>33.07</b>
Overtime	<b>49.61</b>	<b>49.61</b>
Food Service (range 34)		
Regular	<b>35.28</b>	<b>35.28</b>
Overtime	<b>51.81</b>	<b>51.81</b>
Maintenance (range 36)		
Regular	No Charge	<b>38.58</b>
Overtime	<b>58.43</b>	<b>58.43</b>

**Group A:** Non-profit Pupil Related Event with no fee charge to participant, Community Pupil Related Event (including but not limited to ASB, PTA, Girl /Boy/Cub Scout regular meeting)

**Group B:** Profit or Non-profit with fee charge to participant, Community Non-pupil related Meeting

\*The use of a field, parking lot, basketball court/black top does not include the use of restrooms at the site. It is the responsibility of the facility user to provide portable toilets to its participants. If facility user is unable to provide portable toilets, a restroom rental fee of \$6.50/hour and custodial fee of \$49.61/hour will apply.

*Updated Fees Effective 7-1-14*

## **USE OF SCHOOL FACILITIES (continued)**

### **Rules and Regulations for the Use of Facilities for Non-School Purposes**

Forms to be left with principal: Completed applications forms shall be left with the site principal. The requested dates shall be entered on the school's events calendar. When there is question in regard to the use of school facilities the principal will leave the application unsigned and send a note of explanation with it to the district office for final disposition.

Filing dates and cancellations: Applications should be filed at the school at least three weeks in advance of the time of the use of the facility. In the event there is a cancellation, a 24-hour notice by cancellation must be given to the school involved either by telephone or in writing

Protection of school property: School property must be protected from damage and mistreatment and ordinary precaution for cleanliness maintained. Groups shall be responsible for the condition in which they leave the building or premises. In cases where school property has been damaged or abused beyond normal wear, the costs of repair or replacement shall be paid for by the organization involved.

Adult sponsorship: All juvenile organizations and groups seeking use of school premises must have adequate adult sponsorship and supervision of all facilities used including the lavatories.

Assignment of accommodations: Groups will be assigned accommodations suitable to the size of the group.

Summer-use permits: Summer-use permits will be cancelled as of the opening day of school.

Precedence of school functions: School functions will take precedence over previously scheduled meetings of outside organizations. In such cases, the organizations will be so notified by the building principal.

Supervision of cafeteria facilities: A cafeteria employee may be assigned the responsibilities of supervising the use and care of cafeteria equipment where cafeteria facilities are used and the number of adults in the kitchen shall be determined by the cafeteria employee in charge.

Restricted use of school facilities: Use of school facilities for religious or sectarian purpose is permitted by law for temporary use. (Education Code 40040)

Accepted use of school facilities: Public use of school property is available to parent-teacher organizations, character building organizations, and group or clubs of citizens formed for educational, recreational, political, economic, artistic or moral activities.

**USE OF SCHOOL FACILITIES** (continued)

Operation of school equipment: Specialized equipment such as movie projectors, etc., owned by the district shall be approved for use at the discretion of the site administrator.

Denial of use: Organizations not complying with the aforementioned rules will be denied further use of school facilities.

Square dance groups: Square dance groups are to be operated by officers of their own membership and shall engage callers of their own choice.

Presence of district personnel: All civic center activities shall require the presence of authorized personnel at all times. (Education Code 40048, 40050)

Assignment of district personnel: Civic center activities held during regularly assigned hours of district personnel shall be conducted in the presence of employees designated by the principal or district administration.

Duties of assigned personnel: Civic center activities held at times other than hours covered by regular employee assignments may be conducted on the presence of an employee assigned for this purpose. The employee so assigned shall arrange to conduct other school work (cleaning, etc.) in proximity of activities so as to be able to assist when needed and to protect school property.

Setting up facilities: Employees assigned to civic center functions are to properly clean up facilities for use for regular school purpose before the next school day.

Activities requiring additional time: Civic center activities that require additional time in excess of that authorized or those showing improper use of the school facilities should be brought promptly to the attention of the district administration.

Activities of Employee Organizations: Employee organizations shall have the right of access at reasonable times to areas in which the employee works, the right to use institutional bulletin boards, mailboxes and other means of communication, subject to reasonable regulation, and the right to use institutional facilities at reasonable times for the purpose of meetings concerned with the exercise of the rights guaranteed by this chapter. (Government Code 3543.1 (b))

See ETA /district Collective Bargaining Agreement, Article III, Association Rights.

Approval of requests: Request for authorization for work beyond the regularly assigned hours must be approved by the district office.

Board approved: September 12, 2013, July 25, 2014

Regulation revised: July 1, 2013, June 12, 2014

Regulation

approved: March 21, 2013

**EVERGREEN SCHOOL DISTRICT**  
San Jose, California

**RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS**

The Board of Trustees recognizes that agencies at all levels of government share its concern and responsibility for the health, safety, and welfare of youth. The Board and Superintendent or designee shall initiate and maintain good working relationships with representatives of these agencies in order to help district schools and students make use of the resources which governmental agencies can provide.

The district may enter into agreements with other agencies which involve the exchange of funds or reciprocal services. Such agreements shall be approved by the Board and executed in writing.

**Elections/Voter Registration**

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

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

*Legal Reference: (see next page)*

**RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS** (continued)

*Legal Reference:*

EDUCATION CODE

*10900-10914.5 Cooperative community recreation programs*

*12400 Authority to receive and expend federal funds*

*12405 Authority to participate in federal programs*

*17050 Joint use of library facilities*

*17051 Joint use of park and recreational facilities*

*32001 Fire alarms and drills*

*32288 Notice of safety plan*

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

*48902 Notification of law enforcement agencies*

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

*49305 Cooperation of police and California Highway Patrol*

*49402 Contracts with city, county or local health departments*

*49403 Cooperation in control of communicable disease and immunization*

*51202 Instruction in personal and public health and safety*

ELECTIONS CODE

*2145-2148 Distribution of voter registration forms*

*12283 Polling places: schools*

WELFARE AND INSTITUTIONS CODE

*828 Disclosure of information minors by law enforcement agency*

*828.1 School district police department; disclosure of juvenile criminal records*

**WAIVERS**

The Board of Trustees may request that the State Board of Education waive certain provisions of the Education Code, Title 5 regulations, or the federal law when such provisions prevent the district from offering its students the best possible educational program. The Superintendent or designee, advisory committees, or site councils shall identify the need for the Board to submit waiver requests and shall provide the Board with the necessary information to analyze the need for the waiver.

The Board shall hold a properly noticed public hearing on all waiver requests. (Education Code 33050)

The Board shall include the exclusive employee representative in the development of the waiver.

If the waiver affects a program that requires the existence of a school site council, the school site council shall first approve the request.

For general waivers, the request to the State Board of Education shall include a statement as to whether the exclusive employee representative participated in the development of the waiver and the exclusive employee representative's position on the waiver. General waiver requests shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33050)

*Legal Reference:*

*EDUCATION CODE*

*5000-5033 Governing board elections*

*8750-8754 Grants for conservation education*

*10400-10407 Cooperative improvement programs*

*17047.5 Facilities used by special education students*

*17291 Portable school buildings*

*33050-33053 General waiver authority*

*37202 Equity length of time*

*41000-41360 School finance*

*41381 Minimum school day*

*41600-41854 Computation of allowances*

*41920-42842 Budget requirements; local taxation by school districts*

*44520-44534 New program for careers*

*44666-44669 School-Based Management and Advanced Career Opportunities*

*44681-44689 Administrator Training and Evaluation*

*45108.7 Maximum number of senior management positions*

*48660-48666 Community day schools*

*Legal Reference (continued on next page)*

**WAIVERS (continued)**

*Legal Reference: (continued)*

48800 Attendance at community college  
49550-49560 Meals for needy students  
51224.5 Algebra instruction  
51745.6 Charter school independent study ratio  
51870-51874 Educational technology  
52053-52055.55 Immediate Intervention for Underperforming Schools Program  
52055.600-52055.662 High Priority Schools Grant Program  
52080-52090 Class size reduction grade 9  
52122.6-52122.8 Class size reduction - impacted school sites  
52160-52178 Bilingual-Bicultural Education Act of 1976  
52180-52186 Bilingual teacher waiver  
52200-52212 Gifted and Talented Pupils Program  
52340-52346 Career Guidance Centers  
52522 Plans for adult education  
52850-52863 School-Based Coordinated Program  
54000-54028 Disadvantaged Youth Program  
54100-54145 Miller-Unruh Basic Reading Program  
54407 Waiver for compensatory education programs  
56000-56867 Special education programs  
58407 Waiver related to individualized instruction program  
58900-58928 Restructuring demonstration programs  
60119 Public hearing on sufficiency of instructional materials  
60422 Instructional materials funding realignment program  
CODE OF REGULATIONS, TITLE 5  
1032 Academic Performance Index  
3100 Resource specialist caseload waivers  
3945 Cooperative programs  
9531 Instructional materials funding  
11960 Charter school attendance  
11963.4 Charter school percentage funding  
13017 Waivers  
13044 Waivers  
UNITED STATES CODE, TITLE 20  
1400-1482 Individuals with Disabilities Education Act  
7115 Safe and Drug Free Schools, authorized activities

**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.

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.

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
2. Donating funds, products, instructional materials, or services that serve an educational purpose
3. Purchasing advertisements in school-sponsored publications or on school property in accordance with law and Board policy
4. Serving on advisory committees in order to provide business expertise or perspectives
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
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.

The Superintendent or designee may publicly acknowledge the support of a business partner in district communications and/or by allowing the use of the business name or logo on donated products or materials, but shall not unduly promote or endorse any commercial activity or products. He/she also may recommend Board commendation to those individuals and/or businesses that have made extraordinary contributions to the district.

**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*