

COMMUNITY RELATIONS

	CODE		
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<b>1. Communication with the Public.....</b>	<b>1100</b>	<b>BP</b>	<b>E</b>
<b>A. Media Relations.....</b>	<b>1112</b>	<b>BP</b>	
<b>B. District and School Web Sites .....</b>	<b>1113</b>	<b>BP</b>	<b>AR</b>
<b>C. Commendations and Awards .....</b>	<b>1150</b>	<b>BP</b>	<b>AR</b>
<b>D. Political Processes .....</b>	<b>1160</b>	<b>BP</b>	
<b>2. School-Connected Organizations (includes parent/booster clubs).....</b>	<b>1230</b>	<b>BP</b>	<b>AR</b>
<b>3. Volunteer Assistance .....</b>	<b>1240</b>	<b>BP</b>	<b>AR</b>
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<b>C. Uniform Complaint Procedures.....</b>	<b>1312.3</b>	<b>BP</b>	<b>AR</b>
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<b>E. Solicitation of Funds from and by Students.....</b>	<b>1321</b>	<b>BP</b>	<b>AR</b>
<b>F. Advertising and Promotion .....</b>	<b>1325</b>	<b>BP</b>	
<b>G. Use of School Facilities .....</b>	<b>1330</b>	<b>BP</b>	<b>AR</b>
<b>H. Access to District Records (includes procedures and                materials, requests for information, reports, surveys).....</b>	<b>1340</b>	<b>BP</b>	<b>AR</b>
<b>7. Relations between Other Governmental Agencies and the Schools.....</b>	<b>1400</b>	<b>BP</b>	
<b>A. Waivers .....</b>	<b>1431</b>	<b>BP</b>	
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**CONCEPTS AND ROLES**

The Governing Board desires to represent the community and provide leadership in addressing community issues related to education. In order to identify community concerns and enlist support for the schools, the Governing 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 Governing Board and the Superintendent or designee shall work together with city and county agencies and organizations to promote and facilitate coordinated services for children, and shall seek to develop partnerships with local businesses.

*(cf. 1020 - Youth Services)*  
*(cf. 1700 - Relations between Private Industry and the Schools)*

The Governing 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 Governing Board meetings, participate in school activities, and take an active interest in issues that affect the schools. The Governing Board and Superintendent or designee shall keep community members well informed about district needs and accomplishments and shall ensure that they have opportunities to share in developing educational policies, programs and evaluation processes.

*(cf. 0420.5 - School-Based Decision Making)*  
*(cf. 0510 - School Accountability Report Card)*  
*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 1240 - Volunteer Assistance)*  
*(cf. 1312 - Complaints Concerning the Schools)*  
*(cf. 1330 - Use of School Facilities)*  
*(cf. 6020 - Parent Involvement)*  
*(cf. 6141 - Curriculum Development and Evaluation)*  
*(cf. 9323 - Meeting Conduct)*

The Governing 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 Governing Board therefore shall study legislative processes and issues, establish ongoing relationships with state and local leaders and the media, adopt positions on key issues, set priorities for advocacy, and collaborate with other organizations and coalitions in legislative and legal advocacy efforts.

*(cf. 1112 - Media Relations)*  
*(cf. 1160 - Political Processes)*  
*(cf. 9000 - Role of the Board)*

*Legal Reference:*  
EDUCATION CODE  
*35160 Authority of Governing Boards*  
*35172 Promotional activities*

**COMMUNICATION WITH THE PUBLIC**

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

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

**Mass Mailings or Distributions**

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

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

*Legal Reference:*

EDUCATION CODE

35172 Promotional activities

GOVERNMENT CODE

82041.5 Mass mailing

89001 Newsletter or mass mailing

CODE OF REGULATIONS, TITLE 2

18901 Mass mailings sent at public expense

**COMMUNICATION WITH THE PUBLIC**

**CALIFORNIA CODE OF REGULATIONS, TITLE 2**

18901. Mass Mailings Sent At Public Expense

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

**COMMUNICATION WITH THE PUBLIC (continued)**

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

**COMMUNICATION WITH THE PUBLIC (continued)**

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

**COMMUNICATION WITH THE PUBLIC (continued)**

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

**COMMUNICATION WITH THE PUBLIC (continued)**

notice indicating that, in the absence of a response, his/her name will be purged from the mailing list for that newsletter or mass mailing. A notice in the following language shall be deemed to meet this standard:

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

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

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

**AUTHORITY:** Government Code 83112

**REFERENCE:** Government Code 82041.5 and 89001



**MEDIA RELATIONS**

The Governing Board respects the public's right to information and recognizes that the media significantly influence the community's understanding of school programs. In order to develop and maintain positive media relations, the Governing 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 Governing Board meetings and shall receive meeting agendas upon request in accordance with Governing Board policy.

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

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

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 3515.2 - Disruptions)*

**Interviewing and Photographing Students**

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

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

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 media communications plan. This plan may include, but not be limited to, information related to district programs and needs, student awards, school accomplishments and events of special interest.

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

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

*(cf. 1160 - Political Processes)*

**MEDIA RELATIONS (continued)**

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 Governing Board president, Superintendent and public information officer. Other Governing Board members and staff may be asked by the Superintendent or designee to speak to the media on a case-by-case basis, depending on their expertise on an issue.

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

*(cf. 9240 - Board Development)*

**Crisis Communications Plan**

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

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3516 - Emergency and Disaster Preparedness Plan)*

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: (see next page)*

**MEDIA RELATIONS (continued)**

*Legal Reference:*

EDUCATION CODE

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

35144 *Special meetings*

35145 *Public meetings*

35160 *Authority of Governing Boards*

35172 *Promotional activities*

EVIDENCE CODE

1070 *Refusal to disclose news source*

PENAL CODE

627-627.10 *Access to school premises*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

CSBA PUBLICATIONS

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

WEB SITES

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

**DISTRICT AND SCHOOL WEB SITES**

To enhance communication with students, parents/guardians, staff, community members and the public at large, the Governing Board encourages the development and ongoing maintenance of district and school web sites on the Internet. Web sites shall support the educational vision of the district and shall be consistent with the district's plans for communications and media relations.

*(cf. 0000 - Vision)*

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

*(cf. 0440 - District Technology Plan)*

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

*(cf. 1112 - Media Relations)*

*(cf. 3312 - Contracts)*

*(cf. 4040 - Employee Use of Technology)*

*(cf. 5124 - Communication with Parents/Guardians)*

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

*(cf. 6010 - Goals and Objectives)*

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

*(cf. 6162.7 - Use of Technology in Instruction)*

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

The Superintendent or designee shall develop guidelines regarding the content of district and school web sites which shall include standards for the ethical and responsible use of information and technology. These guidelines shall be consistent with law, Governing Board policy and administrative regulation.

District and school web sites shall not include content which is obscene, libelous or slanderous, or which creates a clear and present danger of inciting students to commit unlawful acts on school premises, violate school rules or substantially disrupt the school's orderly operation.

Any links to external sites shall follow the same guidelines applicable to district and school web sites.

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on district or school web sites.

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

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

**Content**

The Superintendent or designee shall ensure that web site content protects the privacy rights of students, parents/guardians, staff, Governing Board members and other individuals.

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

No personal information about students or their parents/guardians, including phone numbers, home addresses or e-mail addresses, shall be published on a district or school web page. Student directory information shall not be published if parents/guardians have requested that it be withheld.

*(cf. 1340 - Access to District Records)*  
*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*  
*(cf. 5145.1 - Privacy)*

Photographs of students shall be used only with written permission from the students' parents/guardians.

Home addresses or telephone numbers of staff members shall not be posted.

District and school web sites shall not post the home address or telephone number of any elected or appointed official without the prior written permission of that individual. (Government Code 6254.21)

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

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

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

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

Staff and students may submit materials for web site publication to the district or school webmaster who shall ensure that the content adheres to district guidelines and policies.

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

35182.5 *Contracts for advertising*

35258 *Internet access to school accountability report cards*

48907 *Exercise of free expression; rules and regulations*

48950 *Speech and other communication*

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 phone numbers of board members*

UNITED STATES CODE, TITLE 17

101-1101 *Federal copyright law*

UNITED STATES CODE, TITLE 20

1232g *Federal Family Educational Rights and Privacy Act (FERPA)*

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.11 *Children's Online Privacy*

COURT DECISIONS

*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

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

**DISTRICT AND SCHOOL WEB SITES**

**Content**

District and school web sites shall provide current and useful information regarding district programs, activities and operations. Such information shall be appropriate for both internal and external audiences.

The content of web sites may include, but not be limited to, district or school news, district mission and goals, agendas and minutes of Governing Board meetings, policy information, messages from the Governing Board or administrators, information about curriculum and instruction, school calendars, student projects, school clubs and activities, lunch menus, transportation schedules, school map, school handbook, parent conferences, educational resources, links to other educational sites and contacts for further information.

The Superintendent or designee shall make the information contained in the School Accountability Report Card accessible on the Internet and shall ensure that such information is updated annually. (Education Code 35258)

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

Student work may be published on a web site 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 newspaper or school newsletter.

Students, staff or other individuals may not use district or school web sites to provide access to their personal web pages or online services.

If any copyrighted material is posted on a district or school web site, the web site shall include a notice crediting the original producer of the material and noting how and when permission to reprint the material was granted.

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

**Roles and Responsibilities**

The district webmaster shall be responsible for the content and publication of the district web site upon approval of the Superintendent or designee. He/she shall review all content before publication, upload content to the district web server, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed to school webmasters.

The school webmaster shall perform similar duties related to the content and maintenance of the school's web site upon approval of the school principal. The principal or school webmaster shall notify the Superintendent or designee regarding the creating and updating of a school web site.

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

**Security**

The web site host computer shall have security procedures that prohibit unauthorized persons from accessing system-level controls or making changes to web site content. To the extent possible, the host computer shall be in a lockable room with restricted access.



**COMMENDATIONS AND AWARDS**

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

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

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

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

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

*(cf. 5126 - Awards for Achievement)*

*Legal Reference:*

EDUCATION CODE

*35160 Authority of Governing Boards*

*35160.1 Broad authority of school districts*

*44015 Awards to employees and students*

**COMMENDATIONS AND AWARDS**

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

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

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

The total cost of an award shall not exceed two-hundred fifty dollars (\$250).

Revised: \_\_\_\_\_ December 5, 2007 \_\_\_\_\_

**POLITICAL PROCESSES**

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. To the extent possible, the Governing Board shall be proactive in defining the district's advocacy agenda based on the needs of the district and the direction set forth in the district's vision and goals.

*(cf. 0000 - Vision)*

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

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

*(cf. 9010 - Public Statements)*

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

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

**Legislation**

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

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

*(cf. 1020 - Youth Services)*

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

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

**Ballot Measures/Candidates**

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

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

*(cf. 9323 - Meeting Conduct)*

**POLITICAL PROCESSES (continued)**

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 Governing Board. (Education Code 7054)

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

*(cf. 1325 - Advertising and Promotion)*

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

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

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

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

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

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

**Legal Advocacy**

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

*(cf. 9124 - Attorney)*

**POLITICAL PROCESSES (continued)**

**Political Forums**

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

(cf. 1330 - Use of School Facilities)

*Legal Reference:*

EDUCATION CODE

7054 Use of district property

7054.1 Requested appearance

7055 Local rules

7056 Soliciting or receiving political funds

7058 Use of forum

35160 Authority of Governing Boards

35172 Promotional activities

GOVERNMENT CODE

50023 Attending legislature to support or oppose legislation

53060.5 Attendance at legislative body; expenses

54953.5 Right to record proceedings

54953.6 Broadcasts of proceedings

81000-91015 Political Reform Act

COURT DECISIONS

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

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

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529, 250 Cal. Rptr. 161, rev.den.

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

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

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

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

OFFICE OF LEGISLATIVE COUNSEL

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

FAIR POLITICAL PRACTICES COMMISSION

FPPC No. 93/345 (1996)

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998

Maximizing School Board Leadership: Community Leadership, 1996

**SCHOOL-CONNECTED ORGANIZATIONS**

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

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

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

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

*Legal Reference:*

EDUCATION CODE

35160 Authority of Governing Boards

38131 Use of civic center by public

38134 Groups which may use school facilities without charge

*Management Resources:*

CDE LEGAL ADVISORIES

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

**SCHOOL-CONNECTED ORGANIZATIONS**

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

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

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

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

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

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

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

School-connected organizations shall present the Superintendent or designee an annual financial statement showing all expenditures and all income from fund-raisers. School-connected organizations automatically grant the district the right to audit their financial records at any time, either by district personnel or by a CPA.

**VOLUNTEER ASSISTANCE**

The Governing Board encourages parents/guardians and other members of the community to share their time, knowledge and abilities with students. Volunteer assistance in schools enriches the educational program, enhances supervision of students and contributes to school safety while strengthening the schools' relationships with the community. The Governing Board also encourages community members to serve as mentors providing support and motivation to students.

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

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

*(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*  
*(cf. 1020 - Youth Services)*  
*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*

The Superintendent or designee shall establish procedures to protect the safety of students and adults. These procedures shall include laws related to tuberculosis testing and may also include laws related to criminal record checks.

Volunteers shall be provided with information about school goals, programs and practices and shall receive an orientation and other training related to their specific responsibilities as appropriate. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that capitalize on their skills and expertise and maximize their contribution to the educational program.

Volunteers shall act in accordance with district policies, regulations and school rules. At their discretion, employees who supervise volunteers may ask any volunteer who violates school rules to leave the campus. Employees also may confer with the principal or designee regarding any such volunteers. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

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



**VOLUNTEER ASSISTANCE (continued)**

Volunteer maintenance work shall be limited to those projects that do not replace the normal maintenance duties of classified staff. The Governing 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 commitments and contracts.

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)

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

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

*Legal Reference: (see next page)*

**VOLUNTEER ASSISTANCE (continued)**

*Legal Reference:*

EDUCATION CODE

35021 Volunteer aides

35021.1 Automated records check

44010 Sex offense; definition

44227.5 Classroom participation by college methodology faculty

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

45125 Fingerprinting requirements

45340-45349 Instructional aides

45360-45367 Teacher aides

49406 Examination for tuberculosis

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

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

3364.5 Persons performing voluntary services for school districts

PENAL CODE

290 Registration of sex offenders

290.4 Information re sex offenders

CODE OF REGULATIONS, TITLE 22

101170 Criminal record clearance

101216 Health screening, volunteers in child care centers

PUBLIC LAW 107-110

1119 Qualifications and duties of paraprofessionals, Title I programs

ATTORNEY GENERAL OPINIONS

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

COURT DECISIONS

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

*Management Resources:*

NATIONAL PTA PUBLICATIONS

National Standards for Parent/Family Involvement Programs, 1997

Building Successful Partnerships: A Guide for Developing Parent and Family Involvement Programs, 2000

WEB SITES

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

National PTA: <http://www.pta.org>

California Partners in Education: <http://www.capie.org>

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

U.S. Department of Education, Partnership for Family Involvement in Education: <http://pfie.ed.gov>

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

**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 whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45343, 45344, 45349)

*(cf. 4222 - Teacher Aides/Paraprofessionals)*

Volunteers may supervise students during lunch and/or breakfast 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 Governing Board policy and administrative regulation.

**Qualifications of Volunteers**

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

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

A person who is required to register as a sex offender pursuant to Penal Code 290 shall not serve as a volunteer instructional aide or as a volunteer nonteaching aide under the direct supervision of a certificated employee. (Education Code 35021)

The Superintendent or designee shall verify by reasonable means that persons serving as volunteer instructional aides and nonteaching volunteer aides are not required to register as a sex offender pursuant to Penal Code 290.

*(cf. 3515.5 - Sex Offender Notification)*

No volunteer shall be assigned to provide supervision or instruction of 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 skin 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)

**VISITORS/OUTSIDERS**

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

To ensure minimum interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the teacher and principal or designee. If a conference is desired, an appointment should be set with the teacher during noninstructional time.

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

*(cf. 1112 - Media Relations)*  
*(cf. 3515.2 - Disruptions)*

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

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

*(cf. 5144 - Discipline)*

*Legal Reference:*

EDUCATION CODE

- 32210 Willful disturbance of public school or meeting
- 32211 Threatened disruption or interference with classes; misdemeanor
- 32212 Classroom interruptions
- 35160 Authority of Governing Boards
- 35292 Visits to schools (board members)
- 51512 Prohibited use of electronic listening or recording device

EVIDENCE CODE

- 1070 Refusal to disclose news source

LABOR CODE

- 230.8 Discharge or discrimination for taking time off

PENAL CODE

- 626-626.10 Schools
- 627-627.10 Access to school premises, especially:
  - 627.1 Definitions
  - 627.2 Necessity of registration by outsider
  - 627.7 Misdemeanors; punishment

ATTORNEY GENERAL OPINIONS

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

**VISITORS/OUTSIDERS**

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

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

**Registration Procedure**

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

1. His/her name, address and occupation
2. His/her age, if less than 21
3. His/her purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

**Denial of Registration**

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

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

*(cf. 3515.2 - Disruptions)*

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

**EDUCATIONAL FOUNDATION**

Because demands on the educational system exceed available public funding, the Governing Board recognizes that members of the community are often willing to make voluntary contributions that will provide needed additional funds for the school district. The Governing Board therefore approves and encourages the creation of an independent educational foundation to actively raise funds that will enhance educational opportunities for our students.

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

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

*(cf. 9140 - Board Representatives)*

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

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

*Legal Reference:*

COURT DECISIONS

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

*Management Resources:*

*California Consortium of Education Foundations, @cceflink.org*

**COMPLAINTS CONCERNING THE SCHOOLS**

The Governing Board believes that the quality of the educational program can improve when the district listens to complaints, considers differences of opinion, and resolves disagreements through an established, objective process.

The Governing Board encourages complainants to resolve problems early and informally whenever possible. If a problem remains unresolved, the individual should submit a formal complaint as early as possible in accordance with appropriate district procedures. District procedures shall be readily accessible to the public.

Individual Governing Board members do not have authority to resolve complaints. If approached directly with a complaint, however, Governing Board members should listen to the complaint and show their concern by referring the complainant to the Superintendent or designee so that the problem may receive proper consideration.

- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 1312.2 - Complaints Concerning Instructional Materials)*
- (cf. 1312.3 - Uniform Complaint Procedures)*
- (cf. 3320 - Claims and Actions Against the District)*

*Legal Reference:*

EDUCATION CODE

35146 *Closed sessions*

GOVERNMENT CODE

950-950.8 *Actions against public employees*

54957-54957.8 *Closed sessions*

CODE OF REGULATIONS, TITLE 5

3080 *Application of section 4600-4671*

4600-4671 *Uniform complaint procedures*

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

The Governing Board accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Governing 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 Governing Board may serve as an appeals body if the complaint is not resolved.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 3515.2 - Disruptions)*

The Governing 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

*Management Resources:*

CDE LEGAL ADVISORIES

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



**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

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

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Governing Board.
4. When a written complaint is received, the employee shall be notified within 10 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 Governing Board regarding the complaint.
8. Before any Governing Board consideration of a complaint, the Superintendent or designee shall submit to the Governing 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 Governing 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 Governing Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Governing Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.

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

12. The decision of the Governing 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, Governing Board policy and administrative regulation.

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

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

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

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

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

*(cf. 6144 - Controversial Issues)*

*Legal Reference:*

*EDUCATION CODE*

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

*Management Resources:*

*CDE PROGRAM ADVISORIES*

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

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

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

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

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

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

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

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

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

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

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

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

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS (continued)**

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

**County or State-Adopted Material**

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

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

**UNIFORM COMPLAINT PROCEDURES**

The Governing Board of the Walnut Valley Unified School District recognizes that the District has primary responsibility for compliance with state and federal laws and regulations governing educational programs. The District shall investigate and seek to resolve complaints alleging failure to comply with such laws or alleging unlawful discrimination, harassment, intimidation, or bullying at the local level. The District shall follow these uniform complaint procedures pursuant to state regulations when addressing complaints alleging failure to comply with:

1. Adult Basic Education (Education Code sections 8500-8538 and 52500-52617);
2. Consolidated Categorical Aid Programs (Education Code sections 64000-64001);
3. Migrant Education (Education Code sections 54440-54445);
4. Vocational Education (Education Code sections 52300-52490);
5. Child Care and Development Programs (Education Code sections 8200-8498);
6. Child Nutrition Programs (Education Code sections 49490-49590);
7. Special Education programs (Education Code sections 56000-56865 and 59000-59300);
8. Federal school safety planning requirements;

*(cf. 0450 – Comprehensive Safety Plan)*

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

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

*(cf. 3320 – Claims and Actions Against the District)*

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

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

*(cf. 6159 - Individualized Education Program)*

*(cf. 6171 - Title I Programs)*

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

*(cf. 6178 – Vocational Education)*

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

*(cf. 6200 - Adult Education)*

**UNIFORM COMPLAINT PROCEDURES (continued)**

9. Laws regarding unlawful discrimination, harassment, intimidation, or bullying in District programs and activities on the basis of sex, sexual orientation, gender, gender identity, gender expression, marital/parental status, ethnic group identification, race or ethnicity, ancestry, nationality, national origin, religion, color, mental/physical disability, age, or genetic information; the perception of one or more such characteristics; or any other characteristic identified in Education Code section 200 or 220, Penal Code section 422.55, and Government Code section 11135; or association with a person or group with one or more of these actual or perceived characteristics; and

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

*(cf. 4030 - Nondiscrimination in Employment)*

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

*(cf. 5131.2 – Bullying)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

10. The prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (Education Code section 49013).

*(cf. 3260 - Fees and Charges)*

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

11. Requirements for Local Control and Accountability Plans (LCAP) (Education Code 52075). This type of complaint may be filed anonymously may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. If an LCAP complainant is not satisfied with the decision of the District, the complainant may appeal to the State Superintendent of Public Instruction (see Appeals, below) and will receive a written appeal decision within 60 days of the State Superintendent's receipt of the appeal.

Complainants are notified that matters listed below under "Referring Complaint to Appropriate Agencies" are not issues covered by these procedures. However, the District may elect to investigate complaints of such matters in accordance with these procedures.

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

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

**UNIFORM COMPLAINT PROCEDURES (continued)**

The confidentiality of the parties involved and the integrity of the process shall be protected to the extent required by law in connection with the investigation of complaints.

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

*(cf. 5125 - Student Records)*

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

**Williams Uniform Complaints**

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; or
4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed on or both parts of the high school exit examination.

*(cf. 1312.4 – Williams Complaint Procedures)*

**Notifications**

The District shall annually notify, in writing, its students, employees, parents/guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of these procedures.

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

*(cf. 3260 – Fees and Charges)*

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

*(cf. 5145.6 – Parental Notifications)*

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant that 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 pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies.
4. Include statements that:
  - a. The District is primarily responsible for compliance with state and federal laws and regulations.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date of the alleged unlawful act(s), or six months from the date the complainant first obtains knowledge of the facts of the alleged unlawful act(s).
  - 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 determination.
  - e. The appeal to the CDE must include a copy of the original 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.

In addition, the District's uniform complaint procedures shall be posted in all District schools and the administrative office, 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 policy, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code sections 234.1, 48985)

Complainants are hereby notified that they may have alternative civil law remedies via governmental agencies such as OCR, DFEH, EEOC, local bar associations, law schools, the State Superintendent of Public Instruction, or mediation services.

The Superintendent or designee shall ensure that employees designated to investigate or direct investigation of 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.

**UNIFORM COMPLAINT PROCEDURES (continued)**

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 – Staff Development)*

*(cf. 4331 – Staff Development)*

**Filing of Complaint**

A written complaint of alleged non-compliance with a federal or state law or regulation governing education programs listed above must be filed with the compliance officer. When the subject matter of a complaint is not covered by this policy, the complainant shall be so advised.

Complaints alleging unlawful discrimination, harassment, intimidation, or bullying may be filed 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 such unlawful conduct.

*(cf. 5131.2 - Bullying)*

The complaint must be filed no later than six months from the date of the alleged discrimination, harassment, intimidation, or bullying or when the complainant first obtained knowledge of the facts of the alleged conduct.

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. The complaint may be filed with the principal of the school. A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code section 49013)

The complaint shall be presented to the compliance officer, who shall maintain a log of complaints received.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, District staff shall assist in filing the complaint.

**Investigation of Complaint**

The compliance officer may designate an outside investigator, as appropriate, to investigate a complaints. The investigator shall be knowledgeable about the laws and programs he or she is assigned to investigate.

**UNIFORM COMPLAINT PROCEDURES (continued)**

In the discretion of the compliance officer/designee, and with the consent of the parties, the compliance officer/designee may undertake a resolution of the dispute via mediation. This step is optional.

The compliance officer/designee shall hold investigative meetings promptly upon receipt of the complaint. Complainant and/or complainant's representatives and the District representatives shall have the opportunity to present any evidence or relevant information.

To ensure that all pertinent facts are discovered, the compliance officer/designee may conduct interviews with other individuals or request others to provide additional information and evidence.

Complainants are advised that while the District will make an effort to protect their privacy and confidentiality, investigation of their complaints may require disclosure of certain information to others. By filing a complaint, complainant authorizes the District to investigate and make disclosures as may be reasonably necessary to the investigation and resolution of the complaint

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 doing so does not obstruct the investigation of the complaint.

Complainants, witnesses, and all other participants are protected by law from retaliation for their participation in the complaint investigation process. A complainant's refusal to provide the compliance officer 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 based on a lack of evidence to support the allegation(s).

In accordance with law, the District shall provide the investigator with access to records and other information related to the allegation(s) in the complaint and shall not 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.

Written Decision

Within 60 days of receiving the complaint, the compliance officer/designee shall prepare and send to the complainant a decision based on the District's investigation. The decision shall be in writing and include:

**UNIFORM COMPLAINT PROCEDURES (continued)**

1. Findings of fact based on the evidence gathered;
2. Conclusion(s) of law, as applicable;
3. The disposition of the complaint;
4. The rationale for such disposition;
5. Corrective actions, if any are warranted;
6. Notice of the complainant's right to appeal the decision to the California Department of Education (CDE); and
7. Procedures to be followed for initiating an appeal to the CDE.

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

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardian. For complaints alleging noncompliance with the laws regarding student fees, such remedies, where applicable, shall include reasonable efforts to ensure full reimbursement to affected students and parents/guardians.

The UCP policies shall ensure that an attempt in good faith will be made by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint.

Completion of the complaint and investigation process will be concluded within 60 days unless the complainant agrees in writing to an extension of time.

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law.

Referring Complaint Issues to Appropriate Agencies

In accordance with 5 C.C.R. 4611, the following complaints shall be referred to the specified agencies for appropriate resolution and are not subject to these complaints

1. Allegations of child abuse:  
Department of Children and Family Services  
425 Shatto Place, Los Angeles, CA 90020

**UNIFORM COMPLAINT PROCEDURES (continued)**

2. Health and safety complaints regarding a Child Development Program:  
Los Angeles County Office of Education  
300 Imperial Highway · Downey, CA 90242
3. Discrimination issues involving child nutrition programs:  
Administrator, U.S. Department of Agriculture Food and Nutrition Service  
3101 Park Center Drive, Alexandria, VA 22302  
(OR)  
Secretary of Agriculture Washington, D.C. 20250  
(OR)  
U.S. Department of Agriculture  
Food and Consumer Service, Western Regional Office  
550 Kearney Street, #400, San Francisco, CA 94108
4. Title IX of the Educational Amendments of 1972:  
United States Office for Civil Rights (OCR)  
U.S. Department of Education, Old Federal Building  
50 United Nations Plaza, Room 239, San Francisco, CA 94102-4987
5. Employment discrimination complaints:  
State Department of Fair Employment and Housing (DFEH)  
2218 Kausen Drive, Suite 100  
Elk Grove, CA 95758
6. Allegations of fraud shall be referred to the responsible State or Federal Department Division Director and its legal office:  
California Department of Education  
P.O. Box 944272, Sacramento, CA 94244-2720

Appeals to the California Department of Education

If a complainant is dissatisfied with the decision, he/she may appeal in writing to the CDE within 15 days of receiving the District's decision.

When appealing, the complainant must specify all the reason(s) for the appeal and must include copies of the original complaint and the District's decision.

Upon notification by the Superintendent of Public Instruction that the District's decision has been appealed, the compliance officer/designee shall forward the following to the Superintendent of Public Instruction:

1. A copy of the original complaint;
2. A copy of the District's decision;

**UNIFORM COMPLAINT PROCEDURES (continued)**

3. A summary of the nature and extent of the investigation conducted by the District, if not covered in the decision;
4. A copy of the investigation file;
5. A report of any action taken to resolve the complaint;
6. A copy of the District's uniform complaint procedure; and
7. Such other relevant information as the Superintendent of Public Instruction may require.

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

Other Available Remedies

Depending on the nature of the complaint, the complainant may also have available civil law remedies, and may consult his/her attorney.

Civil law remedies include, but are not limited to, injunctions, restraining orders, or other remedies or orders. Notwithstanding any other provision of law, a person who alleges, based on state law, that he or she is a victim of discrimination, harassment, intimidation, or bullying may not seek civil remedies, other than injunctive relief or complaints based on federal law, until at least 60 days have elapsed from the filing of an appeal to the CDE. (Education Code section 262.3)

*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*

*48985 Notices in language other than English*

*49010-49013 Student fees*

*49060-49079 Student records*

*49490-49590 Child nutrition programs*

*52060-52077 Local control and accountability plan, especially 52075 Complaint for lack of compliance with local control and accountability plan requirements*

*52160-52178 Bilingual education programs*

*52300-52490 Career technical education*

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference (continued):

EDUCATION CODE

- 52500-52616.24 Adult schools
- 52800-52870 School-based program coordination
- 54400-54425 Compensatory education programs
- 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

- 1221 Application of laws
- 1232g Family Educational Rights and Privacy Act
- 1681-1688 Title IX of the Education Amendments of 1972
- 6301-6577 Title I basic programs
- 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

UNITED STATES CODE, TITLE 29

- 794 Section 504 of Rehabilitation Act of 1973
- UNITED STATES CODE, TITLE 42
- 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
- 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
- 6101-6107 Age Discrimination Act of 1975

- 12101-12213 Title II equal opportunity for individuals with disabilities

CODE OF FEDERAL REGULATIONS, TITLE 28

- 35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

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

Adopted: \_\_\_\_\_ November 18, 2015

**UNIFORM COMPLAINT PROCEDURES**

**Compliance Officers**

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

Assistant Superintendent, Human Resources  
Walnut Valley Unified School District  
800 S. Lemon Ave, Walnut, CA 91789  
(909) 595-1261

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

*(cf. 9124 – Attorney)*

**Notifications**

The Superintendent or designee shall annually provide written notification of the District's Uniform Complaint Procedures to students, employees, parents/guardians, the District Advisory Committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

The Superintendent or designee shall make available copies of the District's Uniform Complaint Procedures free of charge. (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
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The District is primarily responsible for compliance with State and Federal laws and regulations.



**UNIFORM COMPLAINT PROCEDURES (continued)**

- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
- c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination.
- d. The complainant has a right to appeal the District's decision to the CDE by filing a written appeal within 15 days of receiving the District's decision
- e. The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision.

*(cf. 5145.6 – Parental Notification)*

**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. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

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

**Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the District. (5 CCR 4630)

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination.

A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

**UNIFORM COMPLAINT PROCEDURES (continued)**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and 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 the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

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

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

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

**Step 3: Investigation of Complaint**

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

The complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint. (5 CCR 4631)

A complainant's refusal to provide the District's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation may result in the dismissal of the complaint because of lack of evidence to support the allegations. (5 CCR 4631)

**UNIFORM COMPLAINT PROCEDURES (continued)**

The District's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

**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)

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

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

**Step 5: Final Written Decision**

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

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

This report shall include:

1. The findings of fact based on the evidence (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)

**UNIFORM COMPLAINT PROCEDURES (continued)**

5. Corrective actions, if any are warranted (5 CCR 4631)
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 initiation such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)

If an employee is disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of District expectations. The report shall not give any further information as the nature of the disciplinary action.

**Appeal to the California Department of Education**

If dissatisfied with the District's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the District's decision. When appealing to the CDE, the complainant must 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 4631)

Upon notification by the CDE that the complainant has appeals the District's decision, the Superintendent or designee shall forward the following documents to the CDE:

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

**UNIFORM COMPLAINT PROCEDURES (continued)**

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

**Civil Law Remedies**

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 maybe imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4631.

Revised:                     June 1, 2007

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

Williams Case Supplemental Board Policy: 5 CCR 4621 has long required every school district to adopt uniform complaint procedures for the resolution of complaints regarding discrimination or failure to comply with State or Federal law in certain categorical programs. As added and amended by SB 550 (Ch. 900, Statutes of 2004) and AB 2727 (Ch. 903, Statutes of 2004), Education Code 35186 mandates that the District establish policies and procedures regarding deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment. Education Code 35186 requires that the District adopt policies and post notices by January 1, 2005.

**Education Code 35186 was further amended by AB 831 (Ch. 118, Statutes of 2005) to modify language in the notice to (1) eliminate the condition that a complaint could be filed only if a student did not have a book to take home in order “to complete required homework assignments” and (2) require information about teacher vacancy and assignments. SB 512 (Ch. 677, Statutes of 2005) also amended Education Code 35186 to require that the notice be addressed to students and teachers, as well as parents and guardians.**

Education Code 35186, as added, requires a district to use the uniform complaint procedure, with modifications, to identify and resolve complaints regarding those issues listed above. However, Education Code 35186 sets forth different timelines for investigation and resolution of complaints than the timelines specified under the longstanding uniform complaint procedures required by 5 CCR 4600-4671. Therefore, the following regulation creates a “supplemental” uniform complaint procedure to investigate complaints filed pursuant to Education Code 35186. It is recommended that districts use this procedure only for those complaints specified in Education Code 35186 and that existing complaint procedures continue to be used for all other issues.

For procedures related to complaints about employees, other than vacancy or assignment, see Board Policy 1312.1 – Complaints Concerning School Personnel. For complaints concerning the adoption and selection of specific instructional materials, see Board Policy 1312.2 – Selection and Evaluation of Instructional Materials. For regular uniform complaints, see Board Policy 1312.3 – Uniform Complaint Procedures.

Adopted: \_\_\_\_\_ June 6, 2007

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**Types of Complaints**

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

1. Textbooks and instructional materials
  - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or State- or District-adopted textbooks or other required instructional materials to use in class.
  - b. A student does not have access to textbooks or instructional materials to use at home or after school.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - d. A student will be provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

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

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

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

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

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 4682)

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

**WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

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

*(cf. 4112.2 - Certification)*

*(cf. 4113 - Assignment)*

**3. Facilities**

A condition poses an emergency or urgent threat to the health or safety of students or staff.

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

**Filing of Complaint**

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

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 work days from the date the complaint was received. (Education Code 35186)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 work 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)



**WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

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

For any complaint concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 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 (SPI) within 15 days of receiving the District's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

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

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

**Reports**

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

**Forms and Notices**

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

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

Complaint forms will be made available in all school offices and at the District Office.

*Legal Reference: (see next page)*

**WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

*Legal Reference:*

EDUCATION CODE

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School Accountability Report Card

35186 Williams uniform complaint procedure

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4671 Uniform complaint procedures, especially:

4680-4687 Williams complaints

*Management Resources:*

WEB SITES

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

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

Revised: \_\_\_\_\_ June 1, 2007

**SOLICITATION OF FUNDS FROM AND BY STUDENTS**

**Solicitations on Behalf of Charitable Organizations**

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

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

**Solicitations on Behalf of the School**

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

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

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

**All Solicitations**

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

*Legal Reference:*

EDUCATION CODE

51520 Prohibited solicitations on school premises (except such nonpartisan, charitable organizations as approved by the Governing Board)

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

BUSINESS AND PROFESSIONS CODE

17510-17510.7 Charitable solicitations

REVENUE AND TAX CODE

6361 Sales tax exemption for certain sales

CODE OF REGULATIONS, TITLE 8

11706 Dangerous activities and occupations

**SOLICITATION OF FUNDS FROM AND BY STUDENTS**

All selling or soliciting activities must be approved at least 15 days before the activity. If the event involves a contract with a commercial vendor, the contract shall be reviewed by the Superintendent or designee.

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

*(cf. 6116 - Classroom Interruptions)*

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

Individual awards or other incentives which identify donors/participants shall not be used.

In keeping with the concept that school-sponsored activities should raise social awareness as well as funds, at least one of each school's yearly fund-raisers shall be held for the benefit of a worthwhile humanitarian cause rather than to finance school trips or equipment.

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

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

**ADVERTISING AND PROMOTION**

**Limited Open Forum**

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

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

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

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

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

*(cf. 6162.8 - Research)*

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

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

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

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

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

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

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

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

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

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

**ADVERTISING AND PROMOTION (continued)**

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

**Criteria for Approval**

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

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

*(cf. 1160 - Political Processes)*

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

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

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

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

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

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

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

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

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

*(cf. 0000 - Vision)*

**ADVERTISING AND PROMOTION (continued)**

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 Governing Board policy.

*Legal Reference:*

EDUCATION CODE

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

35160 *Authority of Governing Boards*

35160.1 *Broad authority of school districts*

35172 *Promotional activities*

38130-38138 *Civic Center Act*

48907 *Student exercise of free expression*

BUSINESS AND PROFESSIONS CODE

25664 *Advertisements encouraging minors to drink*

U.S. CONSTITUTION

*Amendment 1, Freedom of speech and expression*

COURT CASES

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

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

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

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

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

**USE OF SCHOOL FACILITIES****General Policies**

It shall be the policy of the District to make available for specified public use, in accordance with Education Code Sections 40040-40058, the buildings, grounds, and equipment of the District, when such use is not inconsistent with use for school purposes and in no way interferes with the use and occupancy of the schools, buildings, and grounds of the District. All parties involved in use of a school facility shall work cooperatively to facilitate the use of the facility. Public use shall not be construed to include use of facilities for events not in their nature generally open to the public.

Specified uses shall include:

1. Use for public, literary, scientific, recreational, educational, or public agency meetings, or for the discussion of matters of general or public interest.
2. Use by any church or religious organization for the conduct of religious services for temporary periods when such church or organization has no suitable meeting place for the conduct of religious services.
3. Use by public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.
4. Use for Civic Center purposes as required in Education Code Section 40048 by community clubs, youth organizations, and other organizations formed to carry on recreational activities or other activities pertaining to educational, political, economic, artistic, and moral interest of the citizens of the community.

**Terms and Conditions**

The use of District buildings, grounds, and equipment under this policy shall be under terms and conditions, and subject to limitations, requirements and restrictions set forth in the referenced Education Code sections or in this policy and supporting regulations, and as otherwise may be established by the Governing Board from time to time.

Use of District personal property, such as chairs, tables, and audio visual equipment by or under the supervision of a qualified operator may be authorized, but such equipment shall not be loaned to individuals or community groups for use off the District premises, except that chairs and tables may be used by community groups for activities which are conducted for the benefit of District students or student organizations. Damage costs generated as a result of off-campus use under this provision shall be borne by the using organization.



**USE OF SCHOOL FACILITIES (continued)**

Facilities shall not be used by or for:

1. An individual, group, or organization as prohibited in the Education Code.
2. An individual or group for commercial purposes or private gain unrelated to school activities or to the activities of school-related organizations or community service organizations, except as authorized in 3.b. below, or for performing any act or doing anything that is unsafe or threatens the safe use and enjoyment of the facilities by others.
3. Riding horses, bicycles, motorcycles, go-carts, or any other wheeled vehicles or livestock except as special permission may be granted by the Superintendent or his designee.
4. Any individual, group or organization, which in the opinion of the Superintendent becomes immoral, rowdy, or otherwise objectionable, or damages the facilities or fails to leave them in a clean and neat condition or fails to abide by District policy or regulations or special provisions relating to any particular use. When any such conditions are determined to exist, the using group shall forfeit all privileges given under this authority.
5. An individual, group or organization deemed subversive as defined in the Education Code.

**STATEMENT OF INFORMATION**

For the purpose of determination whether any individual, society, group or organization applying for the use of property of the District intends to violate the provisions of paragraph 5 above, as defined in section 40056 of the Education Code, each applicant shall make and deliver to the District a written statement of information in the following form:

The undersigned states that, to the best of his knowledge, the school property for use of which application is hereby made will not be used for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government of the United States by force, violence, or other unlawful means:

**USE OF SCHOOL FACILITIES (continued)**

That \_\_\_\_\_, the organization on whose behalf he is making application for use of school property, does not, to the best of his knowledge, advocate the overthrow of the government of the United States or of the State of California by force, violence or other unlawful means, and that, to the best of his knowledge, it is not a Communist action organization or Communist front organization required by law to be registered with the Attorney General of the United States. This statement is made under penalties of perjury.

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

**Authorization to Make Application**

Any person applying for use of District property on behalf of any society, group or organization shall be a member of such applicant group and, unless such person is an officer of such organization, must present written authorization from such applicant group to make such application.

**Duration of Authorization**

Any statement of information or written authorization made pursuant to the above requirement shall be valid for a period of not to exceed one year from the date of such statement of information or written authorization.

**Fees for Use of District Facilities**

The district has adopted three schedules of fees for use of District areas and facilities:

1. Free Use

Free use shall be granted to the following groups:

- a. School-sponsored clubs and organizations while engaged in activities specifically approved by the school principal or other responsible official.
- b. Fundraising entertainments or meetings where admission fees charged or contributions solicited are expended solely for the welfare of the students of the District.
- c. Parent-Teacher organizations.
- d. School-Community Advisory Councils.

**USE OF SCHOOL FACILITIES (continued)**

- e. Other public agencies when conducting meetings or other activities when no alternate public area or facility is available and during times when a District employee is present to open and close the facility, or when a fee is paid to cover the cost of said employee.
  - f. Groups organized for the purpose of providing mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, including but not limited to, the American Red Cross.
  - g. Groups or individual activities organized for the purpose of providing any services determined necessary to meet the civic needs of the community. The determination of need shall be made by the Superintendent and/or Governing Board of Trustees.
2. Reduced Fee Use (direct cost only)

For groups and organizations listed below, use shall be granted with a fee not to exceed the following:

- a. The cost of opening and closing the facilities, if no school employees would otherwise be available to perform that function as a part of their normal duties.
- b. The cost of a school employee's presence during the use of the facilities if it is determined that supervision is needed, and if that employee would not otherwise be present as part of his/her normal duties.
- c. The cost of janitorial services, if the services are necessary, and would not have otherwise been performed as part of the janitor's normal duties.
- d. The cost of utilities directly attributable to the organizations use of the facilities.
  - 1) Camp Fire and Scout troops with at least 50% of the members residing within the boundaries of the District.
  - 2) Youth sports organizations, with at least 50% of the members residing within the boundaries of the District.
  - 3) Senior citizens' organizations, with at least 50% of the members residing within the boundaries of the District.

**USE OF SCHOOL FACILITIES (continued)**

- 4) Organizations, clubs or associations organized for cultural activities and general character building or welfare purposes (such as folk and square dancing) and with at least 50% of the members residing within the boundaries of the District.
- 5) Governmental agencies when the specific use is for conducting local, county, state or national elections.

**3. Fee Use**

The following organizations and groups shall pay a fee not to exceed the fair rental value of areas and facilities used (fair rental value means the direct costs to the District plus the amortized costs of the school areas or facilities used for the duration of the activity authorized):

- a. Organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities not qualified for free use as in (1.) or reduced fee in (2.) use.
  - b. Users intending to utilize facilities for profit-making activities.
    - 1) Users intending to utilize facilities for private or exclusive meetings or other activities where the general public is not invited to participate.
    - 2) Users intending to utilize facilities for commercial purpose when such facilities are not needed on a continuing basis for school or District purposes, with the fee being negotiated through a lease arrangement.
4. Church or religious organizations using facilities for temporary periods for the conduct of religious services.

**Charges and Fees**

Those organizations identified above as being entitled to use of school facilities shall be granted such use under the following conditions:

1. Only such times when the buildings are available. (Availability, among other things, means the responsible presence of a District employee or officer.)
2. The Superintendent may, at his discretion, make any arrangements he deems appropriate.

**USE OF SCHOOL FACILITIES (continued)**

Adult Education and ROP programs and classes may be charged a fair rental fee except that the facilities will be made available free of charge only for those adult education classes required to achieve a high school diploma (non-elective) or for those classes offered for U.S. Citizenship achievement.

Necessary expenses in connection with the use of school facilities under this policy, except where fees are levied to cover expenses, shall be paid for out of the General Fund of the District. Fees referred to above shall be in accordance with the current fee schedule, which shall be reviewed and updated annually as of July 1.

**Insurance**

Whenever proposed use of the school grounds or buildings is of such a nature as to make it appropriate in the opinion of the Superintendent or his delegated representative, an applicant for such use of school property under the Civic Center Act shall be required to file, with the District, Certificates of Insurance naming the District as co-insured as evidence that it has and will continue to have during the period of the use, such public liability and property damage insurance as shall protect said applicant and the District, its officers and employees, from all claims for personal injury, including accidental death, as well as from all claims for property damage arising from the activities or use of the facilities by the applicant, in the amounts of \$1,000,000 (one million dollars).

The insurance coverage requirements listed above may be increased in the event an activity is considered by the Superintendent to be of such hazardous or potentially hazardous nature as to make such increases appropriate.

**Implementation**

The Superintendent shall establish and enforce such rules and regulations as are necessary to implement the provisions of this policy, and the use of the schools and grounds of the District is subject to such rules and regulations as the Superintendent shall prescribe from time to time.

**Damage to Adjacent Property**

Any individual, group or organization using District facilities under this authority shall compensate adjacent property owners whose property is damaged as a result of such use.

**USE OF SCHOOL FACILITIES (continued)**

**Hold Harmless Agreement**

Each group, organization or individual applying for use of the property of the District shall execute and deliver, to the District, an agreement holding the District harmless from loss or liability arising out of the use of the facilities by the applicant user.

Adopted: February 7, 2007

**USE OF SCHOOL FACILITIES**

**Terms and Conditions**

The use of school district buildings, grounds and equipment under this policy shall be under terms and conditions and subject to limitations, requirements and restrictions set forth in the referenced Education Code sections or in this policy and supporting regulations, and as otherwise may be established by the Governing Board from time to time.

Use of district personal property, such as chairs, tables and audio visual equipment by or under the supervision of a qualified operator may be authorized but such equipment shall not be loaned to individuals or community groups for use off the district premises, except that chairs and tables may be used by community groups for activities which are conducted for the benefit of district students or student organizations. Damage costs generated as a result of off-campus use under this provision shall be borne by the using organization.

Facilities shall not be used by or for:

1. An individual, group, or organization as prohibited in the Education Code.
2. An individual or group for commercial purposes or private gain unrelated to school activities or to the activities of school-related organizations or community service organizations, except as authorized in C.2 below, or for performing any act or doing anything that is unsafe or threatens the safe use and enjoyment of the facilities by others.
3. Riding horses, bicycles, skateboards, scooters, motorcycles, go-carts, or any other wheeled vehicles or livestock except as special permission may be granted by the Superintendent or his designee.
4. Any individual, group or organization, which in the opinion of the Superintendent becomes immoral, rowdy, or otherwise objectionable, or damages the facilities or fails to leave them in a clean and neat condition or fails to abide by district policy or regulations or special provisions relating to any particular use. When any such conditions are determined to exist, the using group shall forfeit all privileges given under this authority.
5. An individual, group or organization deemed subversive as defined in the Education Code.

**Statement of Information**

For the purpose of determination whether any individual, society, group or organization applying for the use of property of the district intends to violate the provisions of paragraph 5 above, as defined in Section 40056 of the Education Code, each applicant shall make and deliver to the district a written statement of information in the following form:

**USE OF SCHOOL FACILITIES (continued)**

**STATEMENT OF INFORMATION**

The undersigned states that, to the best of his knowledge, the school property for use of which application is hereby made will not be used for the commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government of the United States by force, violence, or other unlawful means:

That \_\_\_\_\_ the organization on whose behalf he is making application for use of school property, does not, to the best of his knowledge, advocate the overthrow of the government of the United States or of the State of California by force, violence or other unlawful means, and that, to the best of his knowledge, it is not a Communist action organization or Communist front organization required by law to be registered with the Attorney General of the United States. This statement is made under penalties of perjury.

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

**Authorization to Make Application**

Any person applying for use of school district property on behalf of any society, group or organization shall be a member of such applicant group and, unless such person is an officer of such organization, must present written authorization from such applicant group to make such application.

**Duration of Authorization**

Any Statement of Information or Written Authorization made pursuant to the above requirement shall be valid for a period of not to exceed one year from the date of such statement of information or written authorization.

**Fees for Use of District Facilities**

The district has adopted three schedules of fees for use of district areas and facilities:

1. Free Use

Free use shall be granted to the following groups:

- a. School-sponsored clubs and organizations while engaged in activities specifically approved by school principal or other responsible official.
- b. Fundraising entertainments or meetings where admission fees charged or contributions solicited are expended solely for the welfare of the students of the district.



USE OF SCHOOL FACILITIES (continued)

- c. Parent-teacher organizations.
  - d. School-community advisory councils.
  - e. Other public agencies when conducting meetings or other activities when no alternate public area or facility is available and during times when a district employee is present to open and close the facility, or when a fee is paid to cover the cost of said employee.
  - f. Groups organized for the purpose of providing mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, including but not limited to, the American Red Cross.
  - g. Groups or individual activities organized for the purpose of providing any services determined necessary to meet the civic needs of the community. The determination of need shall be made by the Superintendent and/or Governing Board of Trustees.
2. Reduced Fee Use (direct costs only)

For groups and organizations listed below, use shall be granted with a fee not to exceed the following:

- a. The cost of opening and closing the facilities, if no school employees would otherwise be available to perform that function as a part of their normal duties.
- b. The cost of a school employee's presence during the use of the facilities, if it is determined that supervision is needed, and if that employee would not otherwise be present as part of his/her normal duties.
- c. The cost of janitorial services, if the services are necessary, and would not have otherwise been performed as part of the janitor's normal duties.
- d. The cost of utilities directly attributable to the organizations use of the facilities.
  - 1) Camp Fire and Scout troops with at least 50% of the members residing within the boundaries of the Walnut Valley Unified School District.
  - 2) Youth sports organizations, with at least 50% of the members. residing within the boundaries of the Walnut Valley Unified School District.
  - 3) Senior citizens' organizations, with at least 50% of the members residing within the boundaries of the Walnut Valley Unified School District.

**USE OF SCHOOL FACILITIES (continued)**

3. Organizations, clubs or associations organized for cultural activities and general character building or welfare purposes (such as folk and square dancing) and with at least 50% of the members residing within the boundaries of the District.
4. Governmental agencies when the specific use is for conducting local, county, state or national elections.

**Fee Use**

The following organizations and groups shall pay a fee not to exceed the fair rental value of areas and facilities used (fair rental value means the direct costs to the district plus the amortized costs of the school areas or facilities used for the duration of the activity authorized):

1. Organizations, clubs, and associations formed for recreational, educational, political, economic, artistic, or moral activities not qualified for free use as in (A) or reduced fee use as in (B).
2. Users intending to utilize facilities for profit-making activities.
  - a. Users intending to utilize facilities for private or exclusive meetings or other activities where the general public is not invited to participate.
  - b. Users intending to utilize facilities for commercial purpose when such facilities are not needed on a continuing basis for school or district purposes, with the fee being negotiated through a lease arrangement.
3. Church or religious organizations using facilities for temporary periods for the conduct of religious services.

**Charges and Fee**

Those organizations identified above as being entitled to use of school facilities shall be granted such use under the following conditions:

1. Only such times when the buildings are available. (Availability, among other things, means the responsible presence of a district employee or officer.
2. The Superintendent may, at his discretion, make any arrangements he deems appropriate.

**USE OF SCHOOL FACILITIES (continued)**

Adult Education and ROP programs and classes may be charged a fair rental fee except that the facilities will be made available free of charge only for those adult, education classes required to achieve a high school diploma (non-elective) or for those classes offered for U.S. Citizenship achievement.

Necessary expenses in connection with the use of school facilities under this policy, except where fees are levied to cover expenses, shall be paid for out of the General Fund of the district. Fees referred to above shall be in accordance with the current fee schedule, which shall be reviewed and updated annually as of July 1.

**Insurance**

Whenever proposed use of the school grounds or buildings is of such a nature as to make it appropriate in the opinion of the Superintendent or his delegated representative, an applicant for such use of school property under the Civic Center Act shall be required to file with the district Certificates of Insurance naming the district as coinsured as evidence that it has and will continue to have during the period of the use, such public liability and property damage insurance as shall protect said applicant and the Walnut Valley Unified School District, its officers and employees, from all claims for personal injury, including accidental death, as well as from all claims for property damage arising from the activities or use of the facilities by the applicant, in the amounts of:

Public Liability Insurance (one person)	\$ 500,000.00
Public Liability Insurance (one accident)	\$500,000.00
Property Damage Insurance	\$100,000.00
or combined single limit insurance of	\$500,000.00
including bodily injury and property damage.	

The insurance coverage requirements listed above may be increased in the event an activity is considered by the Superintendent to be of such hazardous or potentially hazardous nature as to make such increases appropriate.

**Implementation**

The Superintendent shall establish and enforce such rules and regulations as are necessary to implement the provisions of this policy, and the use of the schools and grounds of the district is subject to such rules and regulations as the Superintendent shall prescribe from time to time.

**Damage to Adjacent Property**

Any individual, group or organization using school district facilities under this authority shall compensate adjacent property owners whose property is damaged as a result of such use.

**USE OF SCHOOL FACILITIES (continued)**

**Hold Harmless Agreement**

Each group, organization or individual applying for use of the property of the district shall execute and deliver to the district an agreement holding the district harmless from loss or liability arising out of the use of the facilities by the applicant user

**Use Of Indoor Facilities**

**Application for Use**

1. Applications for use of indoor school facilities shall be made at the Recreation Office. All organizations wishing to use district facilities must complete an application form furnished by the district. Forms are available at the Recreation Office.
2. All applications shall be approved and charges established by the Director of Recreation in accordance with current fee schedule.
3. If a charge is to be made, the fee must be paid in advance of the use except when the fee is based on a percentage of the profits resulting from the use.
4. Applications shall be filed at least 10 working days prior to the time of the use of the facilities.

**General Rules and Regulations**

1. Priority for community use of school grounds or facilities shall be for use by participants in regularly scheduled or special events under the recreation program sponsored by the district, City of Walnut, City of Diamond Bar, and/or Los Angeles County Department of Parks and Recreation.
2. Groups using school grounds or facilities shall confine activities to areas specifically assigned.
3. Groups shall be responsible for the condition in which they leave the school facilities. Failure to leave facilities in a clean condition after use can result in terminating the applicants present or future use. In cases where school property has been damaged, the damage shall be paid for by the organization involved.
4. All juvenile organizations or groups seeking the use of school facilities must have adult supervision.

**USE OF SCHOOL FACILITIES (continued)**

5. Use of the school property shall be under the supervision and control of a duly authorized employee of the district. It shall be that person's duty to see that these rules and regulations are enforced and report any violations or attempted violations to the principal.
6. There shall be no smoking in classrooms, multi-purpose, choral or other rooms or spaces used for civic meetings. Intoxicants or narcotics shall not be used, nor shall profane language, quarreling fighting or gambling be permitted on school premises.
7. Any and all meetings held in school facilities under provision of this policy and regulations except those authorized under CZA of the policy shall be open to the public.
8. When a fee is charged, it shall be in conformance with the schedule adopted by the Governing Board of Trustees. This schedule will be subject to change at the discretion of the Governing Board.
9. An authorized employee of the district shall open the building upon the presentation of application properly authorized.
10. Unless otherwise authorized, all functions shall close by 10:00 p.m. When facilities are used beyond 10:00 p.m., an additional hourly fee will be charged in accordance with the schedule of fees. Allowances may be made for unusual circumstances.
11. A complete set of by-laws, membership lists, or other related information of any group or organization requesting use of school facilities may be requested by the district and shall be presented upon request.
12. Preparations shall not be used on floors for dancing without the written consent of the principal or custodian.
13. When an admission fee is charged by the user, and in the opinion of the district a net profit may result from the use, the district may examine the financial records of the user to determine the appropriate fee to charge.
14. Equipment or furniture shall not be taken from the premises, except by written permission of the school principal and then only if it is to be used for an approved purpose at another facility in the district.

**Special Rules and Regulations**

1. Stage and Auditorium

**USE OF SCHOOL FACILITIES (continued)**

- a. Stage equipment (furniture, lights, curtains, scenery) shall not be moved except by permission of and under the direction of the principal or his/her designee.
  - b. If the stage is to be used, the use must be clearly stated in the request for use, including equipment and personnel needed. Users may be required to provide their own flats for stage sets.
  - c. Kitchen facilities at Walnut High School and Diamond Bar High School may be used for community use only with the approval of the School Operation Manager at the respective school. All cooking and foods preparation in connection with such use shall be done by the high school food services staff under the supervision of the Food Services Manager. A fee shall be paid for such use sufficient to reimburse the district for all costs incurred.
  - d. Use of kitchen facilities at Walnut High School and Diamond Bar High School for school-related activities shall be under the supervision of the School Operations Manager.
  - e. Children under the age of 16 years shall not be permitted in the cooking and preparation area.
  - f. Health standards must be maintained at all times, which includes no smoking in the kitchen.
  - g. The kitchen must be kept locked when not in use.
2. An authorized employee of the district is required to be on duty during civic center use and is responsible for the security of the school.
  3. The district will take all reasonable steps to insure adequate notice in the event that authorized use must be cancelled.
    - a. Cancellation of all or any portion of a previously approved schedule of use shall be imposed only under extraordinary circumstances related to adverse impact upon a school program or activity. Failure to coordinate schedules at the time of initial approval will not be classified as an "extraordinary circumstance."
    - b. Cancellations must be approved by the building principal or the Director of Recreation.

**USE OF SCHOOL FACILITIES (continued)**

- c. Cancellations may be appealed by the scheduled user to the Assistant Superintendent, Educational Program and Services , whose decision shall be final.

**Use Of Outdoor Facilities**

**Application for Use**

1. Requests for use of all outdoor district facilities including district pools and tennis courts shall be made through the Recreation Office for initial approval and will be forwarded to the individual school principal for final approval.
2. Requests for use of baseball, football and soccer fields shall be divided into two periods:  
  
Period 1 - August 1st through January 31st  
  
Period 2 - February 1st through July 31st  
  
Requests for use of fields during Period 1 shall be made no later than June 1 and for Period 2 no later than December 1.
3. After the final date for filing, requests will be acted upon by the Recreation Office. If there is conflict, a meeting may be called to resolve these on an equitable basis.
4. Following the resolution of conflicts, the Recreation Office will forward all requests to the respective school principals for final approval.
5. A master schedule will be developed by the Recreation Director with all schools receiving a copy which will show respective dates, times, and locations of approved requests.
6. Normally, the District will provide using organization or groups with fourteen (14) days written notice of cancellation should the facility become needed for school purposes. However, under certain conditions, athletic fields or other school organizations will find it necessary, without prior notice, to use certain athletic fields or other facilities for practice or other purposes. In the event of such a need, the school group shall have priority and the right to preempt any organization using the field or facility at the time.
7. All activities shall be held at a safe distance from buildings and other structures that might be damaged by balls or other sports equipment.

**USE OF SCHOOL FACILITIES (continued)**

8. Gates shall be used when entering or leaving the facility. Fences shall not be climbed nor gates forced open.
9. Fields shall be vacated at dusk unless other arrangements have been made with the district Recreation Department or school principal.
10. Use of school property for sports or other strenuous activities is prohibited during periods of time when the air quality has been declared "unhealthful" by the A.Q.M.D. It shall be the responsibility of the user to determine that the environment for play is safe.
11. Alterations or markings of the field is prohibited without permission of the school principal or the Recreation Director.
12. Unauthorized use of bicycles, skateboards, and scooters is prohibited on all school facilities.
13. Violations of the rules and regulations may cause cancellation of the facility use privilege.
14. Fields must not be used after a heavy rain; when they are wet; when any use will damage a field or when they are posted as unplayable.
15. There shall be no use of any district fields on Sundays, which are set aside for field recuperation and watering. Exceptions may be made in unusual circumstances by approval of the Recreation Director.
16. Community groups are restricted to the use of designated play areas and shall not use lawns, out-of-bounds areas or other nondesignated areas for playfields.
17. Hitting of golf balls or golf practice of any kind is prohibited on all district property.
18. Dogs and other animals are prohibited from being on all district property unless they are: a) involved in a district-sponsored activity such as obedience or grooming classes; b) seeing-eye dogs; or c) specifically authorized by the school principal.

**Use of Swimming Pools**

1. The Walnut Valley Recreation Department Director shall notify organizations and groups that have expressed an interest in the use of district pools that these facilities may be made available on a fee basis for periods of time not to exceed one year.



**USE OF SCHOOL FACILITIES (continued)**

2. Applicant groups or organizations shall complete the appropriate form for use. Permits for use may be executed by the Recreation Director after being satisfied that:
  - a. There is only one group interested in the facility.
  - b. A permit issued to that particular group or organization will best meet the needs of the community.
  - c. The organization is engaged primarily in providing recreational activities for the benefit of youth.
3. The district shall retain the option to cancel, should the pool become needed for school purposes.
4. The organization or group shall assume all reasonable expenses of use. Any additional cost incurred by the district not covered by the standard fee shall be borne by the user group.
5. The organization or group shall be required to submit to such rules and regulations as may be prescribed, from time to time, by the Walnut Valley Unified School District.
6. The fee for use of district pools shall be in conformance with the schedule adopted by the district Governing Board of Trustees. All fees shall be paid in advance, directly to Walnut Valley Unified School District. Fees may be waived only with the approval of the Walnut Valley Unified School District Governing Board of Trustees.
7. There shall be the appropriate number of lifeguards on duty at each pool whenever in use. The number of lifeguards shall be as prescribed by Los Angeles County Ordinance. The Walnut Valley Unified School District Recreation Department shall provide lifeguards for all recreational swimming. User groups shall provide at their cost lifeguards approved by the Walnut Valley Unified School District Recreation Department.
8. An employee of the district, approved by the Recreation Director, will be present during the operation of each pool whenever in use. The user group shall provide compensation of said employee who may also serve as a lifeguard if qualified. Said employee, and any lifeguards who are employees of the district, shall be paid by the district with funds which will be provided by the user as an addition to the fees charged for use. In the event that approved district employees agree to work without compensations, no additional charge shall be made for those employees. Exceptions to this section must be authorized by the Governing Board of Trustees.
9. A schedule will be maintained by the Walnut Valley Unified School District Recreation Office. When each school has completed its school year scheduling, the remaining dates will be made available to the Walnut Valley Recreation Department.

**USE OF SCHOOL FACILITIES (continued)**

10. A Master Schedule, for the summer months, will be maintained at the Walnut Valley Unified School District Recreation Office.
  
11. Priorities:
  - a. District schools shall have first priority in the use and scheduling of district swimming pools during the regular school year of September through June. The same priority consideration will be given to instructional physical education programs, requiring use of the pools, which are part of the summer school offerings.
  - b. The Walnut Valley Recreation Department will have second priority in the use and scheduling of district swimming pools during the regular school year. Private and public, non-district or city, sponsored aquatic activities will have third priority during the regular school year.
  - c. The Walnut Valley Recreation Department will have first priority in use and scheduling of the district pools following the close of the regular school session and continue through the beginning of the school year.
  - d. The Recreation Department shall provide an operating schedule which provides substantial access to the general public for instruction and public swimming during the summer months.
  - e. Private and public, non-district or city sponsored aquatic programs will have second priority during the summer months.
  
12. Rules and Regulations
  - a. Minimum height of anyone using the pool is 42", unless accompanied by an adult.
  - b. Swim suits or trunks must be worn by all persons in the pool; cut-off bottoms must be hemmed. No long pants are allowed.
  - c. Extreme hair length - hair must be braided, tied back or a swim cap must be worn.
  - d. Showers are required by all pool users before entering the pool area.
  - e. Suntan lotions or body grease may not be used by sunbathers or swimmers.
  - f. Chewing gum, candy, cigarettes, food or beverages are not to be brought into the pool area.

**USE OF SCHOOL FACILITIES (continued)**

- g. Diving masks, swim fins, or related items must have manager's approval before being brought into the pool area.
- h. Entering the water with a bandage of any sort, a skin infection - open cuts or sores, a cold, or sinus trouble is prohibited.
- i. Entering water until a lifeguard is on duty is prohibited. Nonswimmers must stay in shallow end.
- j. Pushing or pulling anyone into the water, or "dunking" another swimmer is prohibited: **NO HORSEPLAY OR RUNNING ON DECKS IS ALLOWED.**
- k. Sitting, playing or hanging on the safety lines is prohibited.
- l. Spitting, spouting of water, or blowing the nose in the pool is prohibited. The gutter is to be used if it is necessary to spit.
- m. If a swimmer should bump into another swimmer, he or she should be sure that the other swimmer is alright before continuing to swim.

**Use of Tennis Court**

- 1. Priorities
  - a. The district shall have the exclusive use, control and benefit of the tennis courts during school hours and during non-school hours for authorized school activities. To clearly establish priority of usage and in order to provide for maximum utilization of the said courts, the following priority of usage shall be established and adhered to:
    - 1st Priority - District sponsored school physical education and tennis sport activities during the school year.
    - 2nd Priority - District and/or district sponsored Community Recreation Program Activities.
    - 3rd Priority - Privately sponsored tennis activities and tennis activities sponsored by public agencies other than the district or city.
  - b. The general public shall be guaranteed access to at least two (2) tennis courts at all times with the exception of those periods of time devoted to school physical education sponsored activities. In addition, the general public shall have exclusive and uninterrupted use of the tennis facilities on a first-come-first-served basis on each Sunday during the calendar year.

**USE OF SCHOOL FACILITIES (continued)**

**Rules And Regulations**

1. A reasonable charge may be assessed against those persons making public use of the tennis courts, such charges being made through metering devices or other arrangements as may be necessary.
2. Tennis courts are available until two hours after dark on a daily basis.
3. The limit on play is one hour when others are waiting. Completion of sets is not guaranteed.
4. Players must be prepared to leave the court immediately upon the expiration of their time regardless of their scoring status.
5. Courts are to be used for tennis only. Skates, skateboards, bicycles and vehicles of all types are prohibited.
6. Appropriate footwear, which will not damage or mar the playing surface, must be worn at all times.
7. Adjustments to the nets, posts or playing surface are prohibited..
8. For additional information, contact the Walnut Valley Recreation Office, 476 South Lemon Road, Walnut, CA 91789. Telephone (714) 595-1261.

**Hold Harmless Agreement**

\_\_\_\_\_ hereinafter identified as User, agrees to indemnify and hold harmless the Walnut Valley Unified School District, hereinafter identified as district, its officers, agents and employees from every claim or demand made, and every liability, loss, damage, or expense, of any nature whatsoever, which may be incurred by reason of:

- (a) Liability for damages for (1) death or bodily injury to persons (2) injury to loss or theft of property, or (3) any other loss, damage or expense arising from either (1) or (2) above sustained by the user or any person, firm or corporation employed by the user upon or in connection with the activity called for in the use of facilities request form except for liability resulting from the sole negligence or willful misconduct of the district, its officers employees, agents or independent contractors who are directly employed by the district and

USE OF SCHOOL FACILITIES (continued)

- (b) Any injury to or death of persons or damage to property caused by any act, neglect, default or omission of the user, or any person, firm, or corporation employed by the user, either directly or by independent contract including all damages due to loss or theft, sustained by any person, firm, or corporation, including the district, arising out of, or in any way connected with the use of district property, if the liability arose from the negligence or willful misconduct of the user or anyone employed by the user, whether directly or by independent contract.
- (c) The user, at its own expense, cost and risk, shall be required to defend any and all actions, suits, or other proceedings that may be brought or instituted against the district, its officers, agents or employees, on any such claim, demand or liability and shall pay or satisfy any judgment that may be rendered against the district, its officers, agents or employees in any action, suits or other proceedings as a result thereof.

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

Fee Schedule - Civic Center Use

The following fees are those to be charged for use of facilities when no extra-ordinary costs are anticipated for added staffing, set-up, clean-up of security.

In addition to the appropriate fee, which is payable in advance of usage, a clean-up/damage deposit may be required at the discretion of the Director of Recreation.

FACILITY	FEES
Multi-Purpose Room	\$64 (2 hrs or less)
Classroom	\$32 (2 hrs or less)
Gymnasium	\$80 (2 hrs or less)
Gym Scoreboard	\$3 per hour
Tennis Courts (6 or fewer courts)	\$60 (2 hrs or less)
Tennis Courts Individual court use, evenings and weekends	\$1.50 per hour
Kitchen	\$60 (2 hrs or less)

**USE OF SCHOOL FACILITIES (continued)**

Playing Fields/School Playgrounds**	
a) Social or Recreational Use	\$30 (2 hrs or less)
b) Youth Sports Organized Leagues	\$7.50/if 1 Participant/Season \$10/Family/Season
Playing Field Lights	\$2.75 per hour
Football Stadium	\$80 (2 hrs or less)
Football Stadium with Lights	\$100 (2 hrs or less)
Football Scoreboard	\$4 per hour
Swimming Pool	\$60 (2 hrs or less)
Diamond Bar Arts Center	TBN
Walnut High School Arts Center	TBN

**Mandatory Fees**

District Police Fee	\$27 per hour
Custodial Fee	\$24.50 per hour

Fees for use beyond the minimum shall be assessed for each hour or fraction thereof beyond the minimum time period.

\*\*Participants from Youth Sports Organizations qualifying under Section B of the policy are assessed a seasonal fee (to be paid by the organization) of \$7.50 per participant, or a maximum of \$10.00 per family with multiple participants in that same organization, for the use of playing fields facilities. "Seasonal" is defined as the season of sport for that organization. The organization shall determine the number of participants who are regularly scheduled during the season on district playing fields, both practice and scheduled games, and report that number to the district. The invoice for seasonal fees will be based on that reported number.

**Prohibition of Golfing Activities on District Property**

1. No person shall be allowed to engage in any form of golfing activities upon any district property.
2. All district properties shall be posted with signs stating "All Golfing Activities Prohibited."

**USE OF SCHOOL FACILITIES (continued)**

3. The Superintendent shall implement this policy with appropriate regulations.
4. The following is prohibited on district property.
  - a. Any form of golfing activities.
5. Any person observed engaging in golfing activities shall be advised of this policy and shall be warned that continued activity would be in violation of Section 602 of the California Penal Code (Trespassing).
6. The regulations shall be enforced by district security personnel under the direction of the Director of Security.

**ACCESS TO DISTRICT RECORDS**

The Governing Board recognizes the right of citizens to have access to public records of the district. With reasonable notice, the Governing Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of state and federal law. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.

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

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

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

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

*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*

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

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

*(cf. 5125 - Student Records)*

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

*(cf. 6162.5 - Student Assessment)*

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

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

*Legal Reference: (see next page)*



**ACCESS TO DISTRICT RECORDS (continued)**

*Legal Reference:*

EDUCATION CODE

35145 *Public meetings*

35170 *Authority to secure copyrights*

35250 *Duty to keep certain records and reports*

42103 *Publication of proposed budget; hearing*

44031 *Personnel file contents and inspections*

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

49060-49079 *Pupil records*

49091.10 *Parental review of curriculum and instruction*

52015 *Ongoing evaluation and modification of school improvement plans*

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

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

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

GOVERNMENT CODE

3547 *Proposals relating to representation*

6250-6268 *California Public Records Act*

53262 *Employment contracts*

54957.2 *Minute book record of closed sessions*

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

81008 *Public records; inspection and reproduction*

CODE OF REGULATIONS, TITLE 5

430-438 *Individual pupil records*

COURT DECISIONS

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

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

ATTORNEY GENERAL OPINIONS

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

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

**ACCESS TO DISTRICT RECORDS**

**Records Open to the Public**

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

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

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

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

*(cf. 3100 - Budget)*

2. Statistical compilations (Government Code 6252)

3. Reports and memoranda (Government Code 6252)

4. Notices and bulletins (Government Code 6252)

5. Minutes of public meetings (Government Code 6252)

*(cf. 9324 - Minutes and Recordings)*

6. Meeting agendas (Government Code 6252, 54957.5)

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

7. Official communications between governmental branches (Government Code 6252)

8. School-based program plans (Education Code 52850, 54722)

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

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

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

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

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

**ACCESS TO DISTRICT RECORDS (continued)**

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

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

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

*(cf. 9270 - Conflict of Interest)*

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

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

*(cf. 4141/4241 - Collective Bargaining Agreement)*

**Confidential Records**

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

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)

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

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

2. Records specifically prepared for litigation to which the district is a party or to claims made pursuant to the Tort Claims Act, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1998))

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

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

*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*

*(cf. 5125 - Student Records)*

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

**ACCESS TO DISTRICT RECORDS (continued)**

The home addresses and home telephone numbers of employees may be disclosed only as follows: (Government Code 6254.3)

- a. To an agent or a family member of the individual to whom the information pertains
  - b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
  - c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed
  - d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
4. Test questions, scoring keys and other examination data except as provided by law (Government Code 6254)

*(cf. 6162.5 - Student Assessment)*

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

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

5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)
6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)
7. Library circulation records kept for the purpose of identifying the borrower of items available in the library (Government Code 6254)

*(cf. 6163.1 - Library Media Centers)*

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

**ACCESS TO DISTRICT RECORDS (continued)**

9. Recall petitions or petitions for the reorganization of school districts (Government Code 6253.5)
10. The minutes of Governing Board meetings held in closed session (Government Code 54957.2)

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

11. Computer software developed by the district (Government Code 6254.9)
12. Written instructional textbooks or other materials for which providing a copy would infringe a copyright or would constitute an unreasonable burden on the operation of the district (65 Ops.Cal.Atty.Gen. 185 (1981))

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

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

**Inspection of Records and Requests for Copies**

Public records are open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by every person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

Every person may request a copy of any district record open to the public and not exempt from disclosure. (Government Code 6253)

Within 10 days of receiving any request for a copy of records, the Superintendent or designee shall determine whether the request seeks copies of disclosable public records in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances means the following, but only to the extent reasonably necessary to properly process the request: (Government Code 6253)

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request

**ACCESS TO DISTRICT RECORDS (continued)**

3. The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the district having substantial subject matter interest therein
4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

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

If any person requests a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested so long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals
2. The request would require data compilation, extraction, or programming to produce the record

**Assistance in Identifying Requested Records**

If the Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

**ACCESS TO DISTRICT RECORDS (continued)**

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, Item #1 above will be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

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

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

*(cf. 1020 - Youth Services)*

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

*(cf. 3515.2 - Disruptions)*

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

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

*(cf. 5131.4 - Campus Disturbances)*

*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*(cf. 5141.22 - Infectious Diseases)*

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

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

*(cf. 5145.11 - Questioning and Apprehension)*

*(cf. 5145.12 - Search and Seizure)*

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

*(cf. 9311 - Board Policies)*

*Legal Reference: (see next page)*



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

*Legal Reference:*

EDUCATION CODE

- 10900-10914.5 Cooperative community recreation programs*
- 12400 Authority to receive and expend federal funds*
- 12405 Authority to participate in federal programs*
- 17050 Joint use of library facilities*
- 17051 Joint use of park and recreational facilities*
- 32001 Fire alarms and drills*
- 35160 Authority of governing boards*
- 35160.1 Broad authority of school districts*
- 48902 Notification of law enforcement agencies re student violations*
- 48909 District attorney may give notice re student drug use, sale or possession*
- 49305 Cooperation of police and California Highway Patrol (re Safety Patrols)*
- 49402 Contracts with city, county or local health departments*
- 49403 Cooperation in control of communicable disease and immunization*
- 51202 Instruction in personal and public health and safety (re: fire prevention)*

ELECTIONS CODE

- 12283 Polling places: schools*

WELFARE AND INSTITUTIONS CODE

- 828 Disclosure of information re minors by law enforcement agency*
- 828.1 School district police department; disclosure of juvenile criminal records*

**WAIVERS**

When certain provisions of Education Code or 5 CCR prevent the district from offering its students the best possible educational program, the Governing Board may request the State Governing Board to waive these provisions. District administrators, staff, advisory committees, and councils shall identify the need for waiver requests and provide the Governing Board information needed to make the waiver request.

**General Waiver Requests**

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

*(cf. 9320 - Meetings and Notices)*

The Governing Board shall include the exclusive employee representative in the development of the waiver and shall seek the participation of appropriate councils or advisory committees.

*(cf. 1220 - Citizen Advisory Committees)*

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

A waiver request must include a statement as to whether the exclusive employee representative participated in the development of the waiver and the exclusive employee representative's position on the waiver. Waiver requests shall include a written summary of any objections to the request by the councils or advisory committees. (Education Code 33051)

If the waiver affects a program that requires the existence of a school site council, the school site council must approve the request. (Education Code 33051)

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

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

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

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

**Specific Waiver Requests**

The Governing Board shall hold a properly noticed public hearing on all specific waiver requests when required by law or when the Governing Board desires community participation in the development of the waiver.

The Governing Board shall include the exclusive employee representative, school site council, advisory committees and councils in the development of specific waivers when required by law or when affected by the waiver request.

**WAIVERS (continued)**

The Governing Board may grant, in whole or in part, any request for waiver when the facts indicate that failure to grant the waiver would hinder the implementation of the student's individualized education program or compliance by a district, special education local plan area, or county office with federal mandates for a free, appropriate education for children or youth with disabilities. (Education Code 56101)

*Legal Reference:*

EDUCATION CODE

- 8750-8754 *Grants for conservation education*
- 10400-10407 *Cooperative improvement programs*
- 17047.5 *Facilities used by special education students*
- 17291 *Portable school buildings*
- 33050-33053 *General waiver authority*
- 41000-41360 *School finance*
- 41381 *Minimum school day*
- 41600-41854 *Computation of allowances*
- 41920-42842 *Instructional television; guaranteed yield program; financial statements of school districts; budget requirements; local taxation by school districts*
- 44520-44534 *New program for careers*
- 44666-44669 *School-Based Management and Advanced Career Opportunities for Classroom Teachers*
- 44670.1-44671.5 *Local Staff Development Programs*
- 44681-44689 *Administrator Training and Evaluation*
- 45108.7 *Maximum number of senior management positions*
- 51870-51874 *Educational Technology*
- 52000-52049 *School Improvement Plans*
- 52033 *Waiver on request of school site council*
- 52122.6-52122.8 *Class size reduction - impacted school sites*
- 52160-52178 *Bilingual-Bicultural Education Act of 1976*
- 52180-52186 *Bilingual teacher waiver*
- 52200-52212 *Gifted and Talented Pupils Program*
- 52340-52346 *Career Guidance Centers*
- 52850-52863 *School-Based Coordinated Program*
- 54000-54041 *Disadvantaged Youth Program*
- 54100-54145 *Miller-Unruh Basic Reading Program*
- 54407 *Waiver for compensatory education programs*
- 54665 *Waiver for dropout prevention program*
- 54720-54734 *School-Based Pupil Motivation and Maintenance*
- 56000-56885 *Special education programs*
- 58407 *Waiver related to individualized instruction program*
- 58603 *Waiver for compensatory education programs*
- 58900-58928 *Restructuring demonstration programs*

CODE OF REGULATIONS, TITLE 5

- 3100 *Resource specialist caseload waivers*
- 13017 *Waivers*
- 13044 *Waivers*

UNITED STATES CODE, TITLE 20

- 1400-1487 *Individuals with Disabilities in Education Act*

**RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS**

The Governing Board encourages representatives of private industry to participate with the schools in preparing our students for challenges they will meet in the future. Working together as partners, business and the schools should seek to educate citizens who can contribute to the productive workforce on which our economy depends.

The Superintendent or designee shall invite local employers to serve on advisory committees, help design regular, vocational and technical programs, and provide needs assessments, program evaluations, and/or staff development for school managers and teachers. Businesses may also provide classroom assistance, individual tutoring, incentive and recognition programs, work experience opportunities, apprenticeship programs and employment opportunities. The Governing Board recognizes that staff members need adequate time to plan these activities in cooperation with the business volunteers.

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 1240 - Volunteer Assistance)*  
*(cf. 6178 - Vocational Education)*

The Governing Board also encourages private industries to contribute funds and equipment to further the district's educational programs. To prepare for an increasingly technological job market, students especially need access to equipment that meets current business standards.

*(cf. 1260 - Educational Foundation)*  
*(cf. 3290 - Gifts, Grants and Bequests)*

The Governing Board urges employers to further support the schools by recognizing their employees' needs as parents, accommodating their needs for child care, and supporting their involvement with their children's schools.

*(cf. 1250 - Visitors/Outsiders)*  
*(cf. 6020 - Parent Involvement)*

The Superintendent or designee shall ensure that staff, students, and parents/guardians have the opportunity to periodically assess the support which local businesses provide our schools. The Superintendent or designee shall regularly report these evaluations to the Governing Board and recommend those individuals and/or businesses whose contributions merit Governing Board commendation.

*(cf. 1150 - Commendations and Awards)*

*Legal Reference: (see next page)*

**RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS (continued)**

*Legal Reference:*

*EDUCATION CODE*

*35160 Authority of Governing Boards*

*35160.1 Broad authority of school districts*

*52376 High school vocational courses; requirements*