

ARTICLE 1

COMMUNITY RELATIONS

(Series 1000)

NOTE: The CSBA comprehensive index/table of contents is widely used by districts throughout the state. It provides a standard index system designed to accommodate future policies/regulations and at the same time provides a table of contents for this manual. This manual contains only those Board policies (BP), administrative regulations (AR) and exhibits (E) specified in the right-hand column.

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COMMUNITY RELATIONS

(Series 1000)

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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 school, the Board shall establish effective two-way communication systems between the school and the community.

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

*(cf. 1020 - Youth Services)*

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

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

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

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

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1240 - Volunteer Assistance)*

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

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

*(cf. 6020 - Parent Involvement)*

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

*(cf. 9323 - Meeting Conduct)*

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

*(cf. 1112 - Media Relations)*

*(cf. 1160 - Political Processes)*

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

*Legal Reference: (see next page)*

**CONCEPTS AND ROLES** (continued)

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

*35172 Promotional activities*

Policy  
adopted: April 9, 2002  
**Community Relations**

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California  
BP 1020(a)

## **YOUTH SERVICES**

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

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

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

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

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

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

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

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 1160 - Political Processes)*

*(cf. 1240 - Volunteer Assistance)*

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

*(cf. 5136 - Gangs)*

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

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

*(cf. 5141.41 - Child Abuse Prevention)*

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

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

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

*(cf. 6020 - Parent Involvement)*

*(cf. 6164.2 - Guidance/Counseling Services)*

*(cf. 6171 - Title I Programs)*

*Legal Reference: (see next page)*

## **YOUTH SERVICES (continued)**

### *Legal Reference:*

#### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

58700-58702 Tutoring and homework assistance program

#### WELFARE AND INSTITUTIONS CODE

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

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

18986.11-18986.15 County interagency collaboration

18986.40-18986.46 Integrated children's services programs

### *Management Resources:*

#### CSBA PUBLICATIONS

*Collaboration for Kids*, March 1995

#### YOUTH LAW CENTER PUBLICATIONS

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

## COMMUNICATION WITH THE PUBLIC

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

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

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

### **Mass Mailings or Distributions**

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

#### *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*

Policy  
adopted: April 9, 2002  
**Community Relations**

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California  
BP 1112(a)

## **MEDIA RELATIONS**

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

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

*(cf. 9322 - Agenda/Meetings and Notices)*

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

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 3515.2 - Disruptions)*

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

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

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

*(cf. 5125 - Student Records)*

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

*(cf. 9010 - Public Statements)*

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

## **Interviewing and Photographing Students**

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

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



## **MEDIA RELATIONS (continued)**

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

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

### **Media Communications Plan**

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

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

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

*(cf. 1160 - Political Processes)*

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

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

*(cf. 9240 - Board Development)*

### **Crisis Communications Plan**

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

*(cf. 0450 - Comprehensive Safety Plan)*

## **MEDIA RELATIONS** (continued)

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

### *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.4<sup>th</sup> 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>

Policy  
adopted: April 9, 2002  
Revised: October 12, 2004

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California

**DISTRICT AND SCHOOL WEB SITES**

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

- (cf. 0000 - Vision)*
- (cf. 0440 - District Technology Plan)*
- (cf. 1100 - Communication with the Public)*
- (cf. 1112 - Media Relations)*
- (cf. 1114 - District-Sponsored Social Media)*
- (cf. 6020 - Parent Involvement)*

**Design Standards**

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

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

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

**Web Site Content**

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

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

- (cf. 1325 - Advertising and Promotion)*

**Privacy Rights**

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

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

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

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

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

Photographs of individual students shall not be published on district or school web sites accompanied by the student's name or other personally identifiable information without the prior written consent of the student's parent/guardian.

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

Employees' home addresses, personal telephone numbers, and personal email addresses shall not be posted on district or school web sites.

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

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

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

*Legal Reference:*

EDUCATION CODE

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

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

BUSINESS AND PROFESSIONS CODE

22580-22582 Digital privacy

22584-22585 Student Online Personal Information Protection Act

22586 Preschool and prekindergarten privacy

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers

6254.21 Publishing addresses and telephone numbers of officials

6254.24 Definition of public safety official

11135 Nondiscrimination; accessibility to state web sites

PENAL CODE

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

UNITED STATES CODE, TITLE 17

101-122 Subject matter and scope of copyright

504 Penalties for copyright infringement

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 29

705 Definitions; Vocational Rehabilitation Act

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

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.12 Children's Online Privacy

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

104.1-104.61 Nondiscrimination on the basis of disability

COURT DECISIONS

City of San Jose v. Superior Court, (2017) 2 Cal.5th 608

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

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter, May 26, 2011

Joint Dear Colleague Letter: Electronic Book Readers, June 2010

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

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

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

Web Content Accessibility Guidelines, December 2008

WEB SITES

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

California Department of Education, Web Accessibility Standards:

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

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

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>

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

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

Policy

adopted: May 26, 2005

Revised: December 12, 2017

**COLUMBIA UNION SCHOOL DISTRICT**

Columbia, California

**DISTRICT AND SCHOOL WEB SITES**

**Design Standards**

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

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

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

**Web Site Content**

As applicable, district and school web sites shall provide current information regarding the district's mission and goals, district/school programs and operations, district/school news, agendas and minutes of Governing Board meetings, School Accountability Report Cards, school calendars, and links to educational resources.

*(cf. 0440 - District Technology Plan)*  
*(cf. 0510 - School Accountability Report Card)*  
*(cf. 1100 - Communication with the Public)*  
*(cf. 9322 - Agenda/Meeting Materials)*

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

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

Any copyrighted material to be posted on a district or school web site shall be submitted to the Superintendent or designee together with the permission of the copyright owner to reprint the material. Any copyrighted material submitted without the copyright owner's permission shall only

## **DISTRICT AND SCHOOL WEB SITES**

be posted on a district or school web site if the Superintendent or designee determines that the material is in the public domain or that the intended use meets the criteria for fair use or another exception pursuant to 17 USC 107-122. When any copyrighted material is posted, the web site shall include a notice crediting the copyright owner and, as necessary, shall note that permission to reprint the material was granted.

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

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

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

### **Roles and Responsibilities**

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

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

### **Security**

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

Regulation  
approved: May 26, 2005  
Revised: December 12, 2017

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California

**COMMENDATIONS AND AWARDS**

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

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

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

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

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

*(cf. 5126 - Awards for Achievement)*

*Legal Reference:*

EDUCATION CODE

*35160 Authority of governing boards*

*35160.1 Broad authority of school districts*

*44015 Awards to employees and students*



**COMMENDATIONS AND AWARDS**

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

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

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

**POLITICAL PROCESSES**

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

*(cf. 0000 - Vision)*

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

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

*(cf. 9010 - Public Statements)*

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

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

**Legislation**

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

Because local governments also make decisions which impact the district's school, the 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 school.

*(cf. 1020 - Youth Services)*

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

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

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

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

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

**POLITICAL PROCESSES** (continued)

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

*(cf. 1100 - Communication with the Public)*  
*(cf. 1112 - Media Relations)*

**Ballot Measures/Candidates**

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

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

*(cf. 9323 - Meeting Conduct)*

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

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

*(cf. 1325 - Advertising and Promotion)*

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

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

**POLITICAL PROCESSES** (continued)

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

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

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

**Legal Advocacy**

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

*(cf. 9124 - Attorney)*

**Political Forums**

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

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

*Legal Reference: (see next page)*

**POLITICAL PROCESSES** (continued)

*Legal Reference:*

EDUCATION CODE

7054 *Use of district property*

7054.1 *Requested appearance*

7055 *Local rules*

7056 *Soliciting or receiving political funds*

7058 *Use of forum*

35160 *Authority of governing boards*

35172 *Promotional activities*

GOVERNMENT CODE

50023 *Attending legislature to support or oppose legislation*

53060.5 *Attendance at legislative body; expenses*

54953.5 *Right to record proceedings*

54953.6 *Broadcasts of proceedings*

81000-91015 *Political Reform Act*

COURT DECISIONS

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

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

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

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

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

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

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

OFFICE OF LEGISLATIVE COUNSEL

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

FAIR POLITICAL PRACTICES COMMISSION

*FPPC No. 93/345 (1996)*

CSBA PUBLICATIONS

*Political Activities of School Districts: Legal Issues*, 1998

*Maximizing School Board Leadership: Community Leadership*, 1996

**CITIZEN ADVISORY COMMITTEES**

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

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

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

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

*(cf. 3350 - Travel Expenses)*

*Legal Reference:*

EDUCATION CODE

8070 Vocational education advisory committee

11503 Parent involvement program

35147 School site councils and advisory committees

35172 Promotional activities

44032 Travel expense payment

44033 Automobile allowances

52012 School site council

52065 American Indian advisory committee

52176 Advisory committees (LEP program)

52852 Site council, school-based program coordination

54425 Advisory committees; compensatory education

54444.1-54444.2 Services to migrant children; parent advisory councils

54724 Site council, motivation and maintenance program

56190-56194 Community advisory committee, special education

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

GOVERNMENT CODE

820.9 Members of local public boards not vicariously liable

54950-54963 Meetings

Policy

adopted: April 9, 2002

Revised: March 11, 2003

**COLUMBIA UNION SCHOOL DISTRICT**

Columbia, California

**CITIZEN ADVISORY COMMITTEES**

**Committee Charge**

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

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

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

**Committees Subject to Brown Act Requirements**

The following citizen advisory committees shall comply with open meeting, notice and public participation requirements of law/(the Brown Act):

- (cf. 9320 - Meetings and Notices)*
- (cf. 9321 - Closed Session Purposes and Agendas)*
- (cf. 9321.1 - Closed Session Actions and Reports)*
- (cf. 9323 - Meeting Conduct)*

1. Advisory committees created by Board action

*(cf. 9130 - Board Committees)*

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

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

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

*(cf. 6172 - Gifted and Talented Student Program)*

**CITIZEN ADVISORY COMMITTEES** (continued)

4. Advisory committees established pursuant to Education Code 8070 related to vocational education

*(cf. 6178 - Vocational Education)*

**Committees Not Subject to Brown Act Requirements**

Note: Pursuant to Education Code 35147, school site councils and some advisory committees are exempt from open meeting law requirements but must comply with other, less complex procedural requirements as specified. Advisory committees created by the Superintendent or designee do not report to the Board and are not subject to open meeting laws. Committees composed solely of Board members who are less than a quorum of the Board are also exempt from open meeting laws in limited circumstances; see BB 9130 - Board Committees.

The following councils and advisory committees are exempted from the Brown Act and must conform with procedural meeting requirements established in Education Code 35147:

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

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

2. Any advisory committee established pursuant to Education Code 52065

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

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

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

*(cf. 6171 - Title I Programs)*

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

*(cf. 6175 - Migrant Education Program)*

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

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



**CITIZEN ADVISORY COMMITTEES** (continued)

*(cf. 6020 - Parent Involvement)*

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

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

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

Any materials provided to a school site council shall be made available to any member of the public upon request. (Education Code 35147)

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

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

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

Regulation  
approved: April 9, 2002  
Revised: March 11, 2003

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California

**SCHOOL-CONNECTED ORGANIZATIONS**

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

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

*(cf. 6020 - Parent Involvement)*

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

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

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

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

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

*(cf. 3554 - Other Food Sales)*

*(cf. 5030 - Student Wellness)*

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

*(cf. 6145.2 - Athletic Competition)*

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

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

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

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

*(cf. 3452 - Student Activity Funds)*

## **SCHOOL-CONNECTED ORGANIZATIONS** (continued)

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

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

(cf. 3260 - Fees and Charges)

### *Legal Reference:*

#### EDUCATION CODE

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

#### BUSINESS AND PROFESSIONS CODE

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

#### GOVERNMENT CODE

12580-12599.7 Fundraisers for Charitable Purposes Act

#### PENAL CODE

319-329 Lottery, raffle

#### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs  
15500 Food sales in elementary schools  
15501 Food sales in high schools and junior high schools  
15575-15578 Requirements for foods and beverages outside the federal meals program

#### CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

#### UNITED STATES CODE, TITLE 20

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

#### CODE OF FEDERAL REGULATIONS, TITLE 7

210.11 Competitive food services  
220.12 Competitive food services

#### COURT DECISIONS

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

*Management Resources: (see next page)*

**SCHOOL-CONNECTED ORGANIZATIONS** (continued)

*Management Resources:*

*FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS*

*2015 ASB Accounting Manual, Fraud Prevention Guide and Desk Reference*

*WEB SITES*

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

*California Office of the Attorney General, charitable trust registry:*

*<http://caag.state.ca.us/charities>*

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

*Fiscal Crisis and Management Assistance Team (FCMAT); <http://www.fcmat.org>*

**SCHOOL-CONNECTED ORGANIZATIONS**

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

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

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

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

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

**SCHOOL-CONNECTED ORGANIZATIONS** (continued)

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

1. The organization shall not act as an agent of the district or school.
2. The organization shall not use the district's tax-exempt status and identification number. It shall be responsible for its own tax status, accounting, internal controls, financial reporting, retention of records, and other operations.
3. The organization shall use a separate name and logo. Any use of a name or logo affiliated with the district, a district school, or a school team shall require the prior consent of the Superintendent or designee.
4. Funds of the school-connected organization shall not be co-mingled with district funds, including associated student body funds.
5. The organization shall not hire or directly pay any district employee. If a school-connected organization wishes to pay for additional and/or extracurricular services, the person to provide the services shall be hired through the district's personnel department, provided the Board approves the position. At their discretion, employees may volunteer to perform activities for school-connected organizations during nonworking hours.

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

**VOLUNTEER ASSISTANCE**

The Governing Board encourages parents/guardians and other members of the community to share their time, knowledge and abilities with our students. Community volunteers in our school enrich the educational program and strengthen the school's relationships with homes, businesses, public agencies and private institutions. The presence of volunteers in the classroom and on school grounds also enhances supervision of students and contributes to school safety.

The Superintendent or designee may authorize the use of volunteers and shall establish procedures to protect the safety of students and adults in accordance with laws related to tuberculosis testing, fingerprinting and criminal records checks.

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

Volunteers shall act in accordance with district policies, regulations and school rules. At his/her discretion, a staff member who supervises volunteers may ask any volunteer who violates school rules to leave the campus. Staff members also may confer with the Superintendent 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. 5144 - Discipline)*

*(cf. 6144 - Controversial Issues)*

Volunteer maintenance work shall be limited to those projects which do not replace the normal maintenance duties of classified staff. The Board nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school, meet a specific need, comply with established building and safety codes, 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 Board encourages principals to develop a means for recognizing the contributions of each of the school's volunteers.

*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 aide act, especially:*

45360-45367 *Teacher aides*

49406 *Examination for tuberculosis*

GOVERNMENT CODE

3100-3109 *Oath or affirmation of allegiance*

3543.5 *Prohibited interference with employees' rights*

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

HEALTH AND SAFETY CODE

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

LABOR CODE

3364.5 *Persons performing voluntary services for school districts*

PENAL CODE

290 *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*

UNITED STATES CODE, TITLE 20

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

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

*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>*

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

*U.S. Department of Education, Partnership for Family Involvement in Education:*

*<http://www.pfie.ed.gov>*

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

Policy

adopted: April 9, 2002

Revised: March 11, 2003

**COLUMBIA UNION SCHOOL DISTRICT**

Columbia, California



**VOLUNTEER ASSISTANCE**

**Definitions**

*Volunteer nonteaching aides* 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)

*Volunteer instructional aides* 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. An instructional aide need not perform his/her duties in the physical presence of the teacher, but the teacher retains responsibility for the instruction and supervision of students in his/her charge. (Education Code 45343, 45344)

*Facilities project volunteers* may work on short-term facilities projects pursuant to Governing Board policy.

**Sex Offender Checks**

Before authorizing any person to serve as a volunteer nonteaching aide or a volunteer instructional aide, the Superintendent or designee may ask a local law enforcement agency to conduct an automated records check or may call the Department of Justice to determine that the individual is not a registered sex offender. Volunteers shall be informed that the district may conduct this records search.

**Tuberculosis Testing**

All volunteer instructional aides shall submit evidence that they are free from active tuberculosis at least once every four years pursuant to Education Code 49406. (Education Code 45106, 45347, 45349, 49406)

All volunteers in child care and development programs shall be tested for tuberculosis within 60 days before or within seven days after the volunteer service begins. Staff shall also maintain annual follow-up reports indicating that the volunteer is free from tuberculosis. (5 CCR 18168)

**VOLUNTEER ASSISTANCE** (continued)

**Basic Skills Proficiency**

All volunteer instructional aides shall give evidence of basic skills proficiency. (Education Code 45344.5, 45349)

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

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

**Volunteer Facilities Projects**

All volunteer facilities projects shall have approximate start and completion dates and must be approved by the Superintendent or designee in advance.

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

1. Alterations, additions or repairs to buildings and grounds
2. Construction involving wall or roof penetration, drilling or nailing
3. Structural modifications
4. Electrical, electronic, plumbing, or heating and cooling work
5. Painting
6. Installation of carpet
7. Installation of playground equipment and benches
8. Installation of sprinkler systems
9. Paving
10. Installation of marquees and signs
11. Tree planting, pruning or removal

**VOLUNTEER ASSISTANCE** (continued)

The Superintendent or designee shall ensure that the above projects comply with health and safety codes, building codes, fire codes, environmental laws and agreements with employee bargaining units. The district will provide on-site assistance and supervision for such projects, depending upon their complexity and the expertise of the volunteers. Projects shall be inspected upon completion to ensure that the work was done satisfactorily. Electrical, electronic, heating, ventilation, air conditioning, plumbing, welding and structural work must be done by a licensed contractor or performed under the supervision of a skilled district maintenance employee with knowledge of the trade involved.

*(cf. 3514 - Environmental Safety)*

*(cf. 3514.1 - Hazardous Substances)*

*(cf. 7111 - Evaluating Existing Buildings)*

*(cf. 7140 - Architectural and Engineering Services)*

**Workers' Compensation**

Unsalaries volunteers shall be considered employees of the district for workers' compensation insurance purposes. If injured while serving as volunteers in the district, they should file workers' compensation insurance forms provided by the district office.

**VISITORS**

The Governing Board encourages parents/guardians and interested members of the community to visit the school 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 Superintendent 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 Superintendent or designee may design a visible means of identification for visitors while on school premises.

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

*(cf. 5144 - Discipline)*

*Legal Reference:*

EDUCATION CODE

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

EVIDENCE CODE

- 1070 Refusal to disclose news source

LABOR CODE

- 230.8 Discharge or discrimination for taking time off

PENAL CODE

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

ATTORNEY GENERAL OPINIONS

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

**VISITORS**

The Superintendent or designee shall post at every entrance to the 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 Superintendent or designee, a staff member shall accompany visitors while they are on school grounds.

**Registration Procedure**

In order to register, visitors shall, upon request, furnish the Superintendent 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 Superintendent 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 Superintendent 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)*

**VISITORS/OUTSIDERS** (continued)

2. The Superintendent 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 Superintendent 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)

**Appeal Procedure**

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

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

**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 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 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 Board supports foundation allocations that serve the district school.

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

*Legal Reference:*

COURT DECISIONS

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

**COMPLAINTS CONCERNING THE SCHOOL**

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 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 Board members do not have authority to resolve complaints. If approached directly with a complaint, however, 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 Board desires that complaints be resolved expeditiously without disrupting the educational process.

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

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

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

*Legal Reference:*

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

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

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

*Management Resources:*

CDE LEGAL ADVISORIES

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

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

**Complaint Procedures**

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

Contract language takes precedence for certificated employees.

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is made. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.
2. If a complainant is unable or unwilling to resolve the complaint directly with the person involved, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. When a written complaint is received, the employee shall be notified in accordance with collective bargaining agreements.
4. All complaints related to district personnel other than administrators shall be submitted in writing to the immediate supervisor or the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to a Board member or to the Superintendent shall be initially filed in writing with the Board.
5. A written complaint must include:
  - a. The name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it and

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES** (continued)

- c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. The person responsible for investigating complaints will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 working days.
7. The complainant may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 working days. Complainants should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not be limited to:
  - a. The name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense
  - c. A copy of the signed original complaint
  - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to present all available evidence and allow every opportunity for explaining and clarifying the issue.
11. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than closed session. This notice shall be delivered personally or by mail at least 24 hours before the time of the session, and the employee may request that the complaints or charges be heard in open session. Complaints concerning Board members shall be addressed in open session unless a closed session is warranted pursuant to Education Code 35146 or 48918 or Government Code 54957 or 54957.6. (Government Code 54957)

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

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

12. Any decision of the Board shall be final.

**Complaints Regarding Child Abuse**

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

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

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

Note: Penal Code 11165.14 requires local child protective agencies to investigate child abuse complaints filed by parents/guardians and to transmit a substantiated report of the investigation to the appropriate school Board. The Board is then required to follow the procedures of Education Code 44031 related to placing this information in the employee's personnel file. Upon filing formal charges or upon conviction, the district may take disciplinary action in accordance with law, district policies, regulations and/or collective bargaining agreements; see BP/AR 5141.4 - Child Abuse Reporting Procedures.

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 4144/4244/4344 - Complaints)*

Note: Pursuant to Penal Code 11165.12, child protective agencies may find complaints from parents/guardians or the public to be either false or improbable, or the complained-of actions may be found to be accidental or not within the definition of child abuse. Pursuant to Penal Code 11172, persons who are not mandated by law to report child abuse are liable for any damages caused when they make a report of child abuse known to be false or with reckless disregard for truth or falsity.

## **COLUMBIA UNION SCHOOL DISTRICT**

### **COMPLAINT CONCERNING DISTRICT EMPLOYEES**

Please read the procedures for filing a complaint and be sure to follow the process completely. The district encourages every effort to resolve the complaint at the earliest possible stage.

1. Meet with the employee against whom the complaint is lodged.
2. If not resolved at this level, put the complaint in writing and direct it to the Superintendent. Use the attached form.
3. The written complaint must be filed within thirty (30) days of the event giving rise to the complaint.
4. Upon receipt of the written complaint and signed form, the Superintendent will:
  - a. Notify the affected employee in writing.
  - b. Provide a copy of the complaint.
  - c. Investigate and review.
  - d. Respond to all parties within thirty (30) days of receipt of the complaint.

The Superintendent's decision shall be final unless the complainant, the employee, or the Superintendent requests a closed hearing before the board on the complaint. Such a request shall be made in writing to the Superintendent within ten (10) working days of receipt of the Superintendent's decision. The employee may request an open hearing.

If the complainant fails to put the complaint in writing, it will be considered by the district as a dropping of the complaint.

DISTRICT COMPLAINT FORM

To: District Superintendent

From: Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Name of person against whom the complaint is made: \_\_\_\_\_

Date incident occurred: \_\_\_\_\_

Nature of complaint: Describe in your own words the complaint against the employee. Include all names, dates and places necessary for a complete understanding of the complaint. You may use additional pages or attach a typed response.

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

Has the complaint been registered or discussed with: (check all that apply)

- Employee against whom complaint is filed      Date: \_\_\_\_\_
- Employee's Supervisor      Date: \_\_\_\_\_
- Principal      Date: \_\_\_\_\_

What was the outcome of the discussion (s)?

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

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

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

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

**What is Child Abuse and What is Not Child Abuse**

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

It also means the sexual abuse of a child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## **Community Relations**

E 1312.1(e)

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

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

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

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

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

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

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

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

*(cf. 6144 - Controversial Issues)*

*Legal Reference:*

EDUCATION CODE

*18111 Exclusion of books by governing board*

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

*60000 Power of governing board to select instructional materials*

*60040-60047 Content requirements for instructional materials*

*60200-60206 Elementary school material - selection and adoption*

*60400 Secondary school textbooks - selection and adoption*

*Management Resources:*

CDE PROGRAM ADVISORIES

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

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

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

Complaints must be presented in writing to the Superintendent or designee. 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 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 or the 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 Superintendent and five or more staff members selected by the Superintendent 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.

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS** (continued)

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.

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

**County or State-Adopted Material**

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

If the questioned material has been adopted by the State of California, the complainant may choose to forward his/her complaint to the Department of Education for consideration.

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

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

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

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

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

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

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

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

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

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

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

**UNIFORM COMPLAINT PROCEDURES**

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

**Complaints Subject to the UCP**

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

1. Any complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, After School Education and Safety programs, agricultural vocational education, American Indian education centers and early childhood education program assessments, bilingual education, peer assistance and review programs for teachers, career technical and technical education and training programs, child care and development programs, child nutrition programs, compensatory education, consolidated categorical aid programs, Economic Impact Aid, English learner programs, federal education programs in Title I-VII, migrant education, Regional Occupational Centers and Programs, school safety plans, special education programs, State Preschool Programs, Tobacco-Use Prevention Education programs, and any other district-implemented program which is listed in Education Code 64000(a)

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

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 5131.62 - Tobacco)*

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

*(cf. 5148.2 - Before/After School Programs)*

*(cf. 5148.3 - Preschool/Early Childhood Education)*

*(cf. 6159 - Individualized Education Program)*

*(cf. 6171 - Title I Programs)*

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

*(cf. 6175 - Migrant Education Program)*

*(cf. 6178 - Career Technical Education)*

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

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

*(cf. 6200 - Adult Education)*

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or

**UNIFORM COMPLAINT PROCEDURES** (continued)

other person participating in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

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

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

*(cf. 3260 - Fees and Charges)*

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

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

*(cf. 0460 - Local Control and Accountability Plan)*

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

*(cf. 6173.1 - Education for Foster Youth)*

**UNIFORM COMPLAINT PROCEDURES** (continued)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

*(cf. 6173 - Education for Homeless Children)*  
*(cf. 6173.2 - Education of Children of Military Families)*  
*(cf. 6173.3 - Education for Juvenile Court School Students)*

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

*(cf. 6152 - Class Assignment)*

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

*(cf. 6142.7 - Physical Education and Activity)*

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

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or



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

bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

*(cf. 5125 - Student Records)*

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

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

*(cf. 3580 - District Records)*

### **Non-UCP Complaints**

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

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

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

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

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

**UNIFORM COMPLAINT PROCEDURES** (continued)

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.

Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination  
 222 Reasonable accommodations; lactating students  
 8200-8498 Child care and development programs  
 8500-8538 Adult basic education  
 18100-18203 School libraries  
 32280-32289 School safety plan, uniform complaint procedures  
 33380-33384 California Indian Education Centers  
 35186 Williams uniform complaint procedures  
 44500-44508 California Peer Assistance and Review Program for Teachers  
 48853-48853.5 Foster youth  
 48985 Notices in language other than English  
 49010-49013 Student fees  
 49060-49079 Student records  
 49069.5 Rights of parents  
 49490-49590 Child nutrition programs  
 49701 Interstate Compact on Educational Opportunity for Military Children  
 51210 Courses of study grades 1-6  
 51223 Physical education, elementary schools  
 51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements  
 51226-51226.1 Career technical education  
 51228.1-51228.3 Course periods without educational content  
 52060-52077 Local control and accountability plan, especially:  
 52075 Complaint for lack of compliance with local control and accountability plan requirements  
 52160-52178 Bilingual education programs  
 52300-52462 Career technical education  
 52500-52616.24 Adult schools  
 54000-54029 Economic Impact Aid  
 54400-54425 Compensatory education programs  
 54440-54445 Migrant education  
 54460-54529 Compensatory education programs  
 56000- 56865 Special education programs  
 59000-59300 Special schools and centers  
 64000-64001 Consolidated application process

GOVERNMENT CODE

**UNIFORM COMPLAINT PROCEDURES (continued)**

11135 *Nondiscrimination in programs or activities funded by state*

12900-12996 *Fair Employment and Housing Act*

HEALTH AND SAFETY CODE

104420 *Tobacco-Use Prevention Education*

PENAL CODE

422.55 *Hate crime; definition*

422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 2

11023 *Harassment and discrimination prevention and correction*

CODE OF REGULATIONS, TITLE 5

3080 *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*

6301-6576 *Title I basic programs*

6801-7014 *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*

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

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*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 *Nondiscrimination on basis of disability; complaints*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy Act*

100.3 *Prohibition of discrimination on basis of race, color or national origin*

104.7 *Designation of responsible employee for Section 504*

CODE OF FEDERAL REGULATIONS, TITLE 34

106.8 *Designation of responsible employee for Title IX*

106.9 *Notification of nondiscrimination on basis of sex*

110.25 *Notification of nondiscrimination on the basis of age*

**Management Resources:**

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Sample UCP Board Policies and Procedures*

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*Dear Colleague Letter: Title IX Coordinators, April 2015*

*Dear Colleague Letter: Bullying of Students with Disabilities, August 2013*

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001*

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

*Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National*

**UNIFORM COMPLAINT PROCEDURES** (continued)

*Origin Discrimination Affecting Limited English Proficient Persons, 2002*

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>

U.S. Department of Justice: <http://www.justice.gov>

Policy  
adopted: April 9, 2002  
Revised: 03/11/03  
Revised: 12/12/2017  
Revised: April 10, 2018

COLUMBIA UNION SCHOOL DISTRICT  
Columbia, California

**UNIFORM COMPLAINT PROCEDURES**

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 1312.2 - Complaints Concerning Instructional Materials)*
- (cf. 1312.4 - Williams Uniform Complaint Procedures)*
- (cf. 4030 - Nondiscrimination in Employment)*

**Compliance Officers**

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

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

\_\_\_\_\_  
(title or position)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(telephone number)

\_\_\_\_\_  
(email)

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

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

The Superintendent or designee shall ensure that employees assigned to investigate and resolve

**UNIFORM COMPLAINT PROCEDURES** (continued)

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

*(cf. 4331 - Staff Development)*

*(cf. 9124 - Attorney)*

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

**Notifications**

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

The Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. The notification shall include information regarding the prohibition of discrimination, harassment, intimidation, and bullying; unlawful student fees; local control and accountability plan (LCAP) requirements; and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families. (Education Code 262.3, 48853, 48853.5, 49010-49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

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

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 3260 - Fees and Charges)*

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

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6173 - Education for Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6173.2 - Education of Children of Military Families)*

*(cf. 6173.3 - Education for Juvenile Court School Students)*

**UNIFORM COMPLAINT PROCEDURES** (continued)

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 antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
  - e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.
- f. A student enrolled in a public school shall not be required to pay a fee for his/her

**UNIFORM COMPLAINT PROCEDURES** (continued)

participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

- g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
- i. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to:
  - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
  - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency
  - (3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
- j. The complainant has a right to appeal the district's decision to CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
 

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.
- k. The appeal to CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- l. Copies of the district's UCP are available free of charge.



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

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

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

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

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

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

### **District Responsibilities**

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

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

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

All complainants shall be protected from retaliation.

### **Filing of Complaints**

**UNIFORM COMPLAINT PROCEDURES** (continued)

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

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

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

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to the UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When

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

honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

### **Mediation**

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

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

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

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

### **Investigation of Complaint**

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

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

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint,

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

and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

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

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

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

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

### **Report of Findings**

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

### **Final Written Decision**

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be

**UNIFORM COMPLAINT PROCEDURES** (continued)

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

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

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

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

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

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

**UNIFORM COMPLAINT PROCEDURES** (continued)

- a. The manner in which the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

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

- a. The corrective actions imposed on the respondent
- b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
- c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

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

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

**UNIFORM COMPLAINT PROCEDURES** (continued)

2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

**Corrective Actions**

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

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

**UNIFORM COMPLAINT PROCEDURES** (continued)

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

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

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

**Appeals to the California Department of Education**

Any complainant who is dissatisfied with the district's final written decision of a complaint



**UNIFORM COMPLAINT PROCEDURES** (continued)

regarding any specified federal or state educational program subject to the UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

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

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

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

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

Regulation  
approved: April 9, 2002  
Revised: November 14, 2017  
Revised: April 10, 2018

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**Types of Complaints**

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186)

1. 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 instructional materials to use at home or after school in order to complete required homework assignments.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

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

2. Teacher vacancy or misassignment
  - a. A semester begins and a vacancy exists.

*Vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (Education Code 33126)
  - 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.

*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)

**WILLIAMS UNIFORM COMPLAINT PROCEDURES** (continued)

(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, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72)

**Filing of Complaint**

A complaint alleging any condition(s) specified above shall be filed with the principal or designee. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education Code 35186)

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

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

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled hearing. (Education Code 36186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 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. (Education Code 35186)

**WILLIAMS UNIFORM COMPLAINT PROCEDURES** (continued)

Complaints and written responses shall be public records. (Education Code 35186)

*(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)

**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)

*Legal Reference:*

EDUCATION CODE

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School Accountability Report Card

35186 Alternative uniform complaint procedure

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4671 Uniform complaint procedures

*Management Resources:*

WEB SITES

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

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

Regulation  
approved: February 15, 2005  
Revised: September 27, 2005

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**NOTICE TO PARENTS/GUARDIANS:  
COMPLAINT RIGHTS**

Parents/Guardians:

Education Code 35186 requires that the following notice be posted in your child's classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home to complete required homework assignments.
2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that assures that it is clean, safe and functional as determined by the Office of Public School Construction.
3. There should be no teacher vacancies or misassignments as defined in Education Code 35186(h)(1) and (2) and the district's administrative regulation AR 1312.4.
4. To file a complaint regarding the above matters, complaint forms can be obtained at the principal's office, district office, or can be downloaded from the California Department of Education's website [www.cde.ca.gov](http://www.cde.ca.gov).

**COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE**

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested?  Yes  No

Contact Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

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

School: \_\_\_\_\_

Course or grade and teacher's name: \_\_\_\_\_

Room Number or Name of Room: \_\_\_\_\_ Date problem was observed: \_\_\_\_\_

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

Specific issue(s) of the complaint: Please check all that apply:

1. Textbooks and instructional materials:
  - A student does not have standards-aligned textbooks or instructional materials or state-or district-adopted textbooks or other required materials to use in class.
  - A student does not have access to instructional materials to use at home or after school.
  - Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Teacher vacancy or misassignment:
  - A semester begins and a teacher vacancy exists, as defined in Education Code 35186 and AR 1312.4.
  - A teacher lacks credentials or training to teach English learners or is assigned to teach a class with more than 20% English learners in the class.
  - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. Facility conditions:
  - A condition exists that poses an emergency or urgent threat to the health or safety of students or staff as defined in AR 1312.4.

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

\_\_\_\_\_

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

Don Foster, Principal  
Columbia Elementary School  
22540 Parrotts Ferry Road  
Columbia, CA 95310

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

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

Exhibit

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California

version: February 15, 2005

Revised: September 27, 2005

## SOLICITATION OF FUNDS FROM AND BY STUDENTS

### Solicitations on Behalf of Charitable Organizations

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

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

### Solicitations on Behalf of the School

With the approval of the 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 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.

School wide fundraisers extending to door to door sales of products in the community shall be limited to no more than two annually.

All fund-raising activities must be concluded within the time frame approved by the administrator.

In keeping with the concept that school-sponsored activities should raise social awareness as well as funds, an additional fund-raiser may be held each year 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.

Exceptions would include small group fundraisers within the school for specific purposes, services, dinners, etc.

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.

**Fund Raiser Guidelines for Field Trips**

The Board recognizes that field trips broaden and make relevant the classroom curriculum. It recognizes that classes need to support the trips through various fund raising events.

The Board sets forth the following guidelines for fund raising activities and expenses:



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

1. A permission slip should be signed by a parent prior to sale.
2. The policy that all students may participate on the trip if they can't afford it and regardless of how much or little they raise on their own should be made known.
3. Give parents a choice of paying for a trip instead of having the student sell things.
4. Off-campus selling should be discouraged below 4<sup>th</sup> grade.
5. Selling should not be assigned as homework.
6. Sellers who haven't sold "enough" should not be advised to go back and try again against their will.
7. Community service fund raisers such as dinners, car washes, recycling, dances, etc. are encouraged.

Fund raisers shall generate funds for field studies only.

Funds left over after the trips have been taken shall stay in the grade level and be carried over to the next year for field trip purposes.

**ADVERTISING AND PROMOTION**

**Distribution of Noncommercial Materials**

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

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

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

**Distribution of Political Materials**

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

**Distribution of Commercial Materials/Advertising**

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

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

**ADVERTISING AND PROMOTION** (continued)

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

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

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

Products and materials donated by commercial enterprises may be used in the classroom as long as they serve an educational purpose and do not unduly promote any commercial activity or products. Such materials may bear the name or logo of the donor. The use of such materials does not imply district endorsement of any identified commercial products or services.

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

*Legal Reference:*

EDUCATION CODE

7050-7058 Political activities of school officers and employees

35160 Authority of governing boards

35160.1 Broad authority of school districts

35172 Promotional activities

38130-38138 Civic Center Act

48907 Student exercise of free expression

BUSINESS AND PROFESSIONS CODE

25664 Advertisements encouraging minors to drink

COURT DECISIONS

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

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

**ADVERTISING AND PROMOTION**

**Distribution of Materials**

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

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

*(cf. 6162.8 - Research)*

**Prohibitions**

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

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

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

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

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

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

*(cf. 6000 - Concepts and Roles)*

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

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

**ADVERTISING AND PROMOTION** (continued)

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

*(cf. 6161.11 - Supplementary Instructional Materials)*

The district school shall not distribute unsolicited merchandise for which an ensuing payment is requested.

**USE OF SCHOOL FACILITIES**

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

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

All school-related activities (clubs, class events, etc.) shall be given priority in the use of facilities under the Civic Center Act. Thereafter, the use of facilities shall be on a first-come, first-served basis.

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

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

**Fair Rental Value**

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

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

10900-10914.5 *Community Recreation Programs*

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

COURT DECISIONS

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

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

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

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

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

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

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

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

CDE LEGAL ADVISORIES

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

**USE OF SCHOOL FACILITIES**

**Application for Use of Facilities**

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

1. Encourage and assist groups desiring to use school facilities for approved activities.
2. Preserve order in school buildings and on school grounds, and protect school facilities. If necessary, a person may be designated to supervise this task.
3. Ensure that the use of facilities or grounds is not inconsistent with the use of the school facilities or grounds for school purposes and does not interfere with the regular conduct of school work.

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

Persons or organizations applying for the use of school facilities shall submit a statement of information indicating that the organization upholds the state and federal constitutions and does not intend to use school premises to commit unlawful acts.

**Civic Center Use**

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

1. Public, literary, scientific, recreational, educational or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination



**USE OF SCHOOL FACILITIES** (continued)

7. A community youth center

*(cf. 1020 - Youth Services)*

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

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

9. Other purposes deemed appropriate by the Governing Board

**Fees for Use of School Facilities**

Fees for the use of school facilities and grounds shall be charged in accordance with the following classifications:

1. Free Use: When an alternative location is not available, the Board shall not charge any fees for the use of school facilities or grounds by nonprofit organizations or clubs/associations which promote youth and school activities.

These groups include, but are not limited to: Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher's associations, and school/community advisory councils.

After eight hours of free use, the above groups must certify to the district that an alternative location as identified by the district is unavailable for their activity. If an alternative location is available, the district may grant the use of school facilities and charge direct costs for such use.

Should any of the above groups prefer to use school facilities at a time when custodial services are not normally available, the district may charge a fee. The principal or designee shall first ensure the availability of other times during the week when the facility could be provided without charge, and this availability shall be pointed out to the free-use group.

2. Direct-Costs Fee: Activities other than those specified for free use or fair rental value shall be charged a fee not to exceed direct costs to the district. Direct costs include supplies, utilities, janitorial services, services of other district employees and salaries paid to district employees necessitated by the organization's use of school facilities.

**USE OF SCHOOL FACILITIES** (continued)

The following activities shall be charged direct costs:

- a. Activities of religious groups.
- b. Charitable fund-raising activities which are not beneficial to youth or public school activities of the district, as determined by the Board.
- c. Senior citizen groups.
- d. Public agencies

In lieu direct costs, the district may enter into a written joint-powers agreement with local public agencies.

*(cf. 1410 – Local Agencies)*

- e. Activities not previously identified which do not fall within the free-use or fair-rental-value classifications and which are included here through subsequent Board actions
3. Fair-Rental-Value Fee: Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. Fair rental value includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity. (Education Code 38134)

**Priority of Users**

Applications for use of school facilities shall be given preference in the following order:

1. In-school uses (clubs, class events, etc.)
2. Contracted uses.
3. School support groups, youth and senior citizens groups.
4. Public agencies and public affairs groups.
5. Community recreational and cultural groups (nonprofit).
6. Nonprofit special interest groups (Audubon Society, etc.).

**USE OF SCHOOL FACILITIES** (continued)

7. Private, nonschool-connected classes and educational events.
8. Profit-making or commercial events, out-of-town groups, etc.

**Restrictions**

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

1. Any use by an individual or group for the commission of any crime or any act prohibited by law
2. Any use of school facilities or grounds which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or school work
3. Any use which is discriminatory in the legal sense

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

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

*(cf. 3513.3 - Tobacco-Free Schools)*

**Damage and Liability**

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

Any group using school facilities shall be liable for any injuries resulting from its negligence during such use. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk.

Groups other than those that promote youth and school activities shall be required to include the district as additional insured on their liability policies.

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

**STATEMENT OF INFORMATION**

**Use of Facilities**

The COLUMBIA UNION SCHOOL DISTRICT encourages the use of its buildings and facilities by school and community organizations when such use is not in conflict with the regular educational program. Such use shall be in accordance with established policy and under the supervision of the District Superintendent or his designated representative.

The following categories, in priority, will be used when considering group or organization requests for use of facilities:

Category I: Any school related organization under direct supervision of the school or an organization which has as its main objective the improvement of education and/or the welfare of the local district and its youth. These groups include, but are not limited to: Girl Scouts, Boy Scouts, 4-H, Camp Fire, Young Astronauts, PTA, School Site Council, etc. Use of facilities by school related organizations according to AR 1330(b) Fees for Use of School Facilities.

Category II: Activities other than those specified for free use or fair rental value shall be charged a fee not to exceed direct costs to the district. Direct costs include supplies, utilities, janitorial services, services of the other district employees and salaries paid to district employees necessitated by the organization's use of school facilities.

Category III: Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students. Fair rental value includes direct costs plus the amortized costs of the facilities or grounds used for the duration of the activity. (Education Code 38134)

Insurance: Organizations and groups should plan to submit proof of liability insurance coverage of a minimum of \$1,000,000, and a separate endorsement naming Columbia Union School District as an additional insured on the organization's liability coverage.

Applications: Applications for use of facility must be completed prior to use. The applications are for one year only.

The Board reserves the right to withhold use of public facilities under its jurisdiction when the terms of this policy have been broken or abused. A copy of the District's policy for use of facilities shall be provided each organization granted use of the District's facilities.

**COLUMBIA UNION SCHOOL DISTRICT  
USE OF FACILITIES APPLICATION AND PERMIT**

USER GROUP NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

REQUESTED BY (OFFICER): \_\_\_\_\_

ROOMS AND/OR EQUIPMENT REQUESTED (BE SPECIFIC):			
<input type="checkbox"/> CAFETERIA	<input type="checkbox"/> KITCHEN	<input type="checkbox"/> GYM/MULTI-USE	<input type="checkbox"/> AMPHITHEATRE
_____ NUMBER OF TABLES	<input type="checkbox"/> UPPER FIELD	<input type="checkbox"/> LOWER FIELD	<input type="checkbox"/> PA EQUIPMENT
_____ NUMBER OF CHAIRS	<input type="checkbox"/> PARKING LOT	<input type="checkbox"/> OTHER: _____	

PURPOSE OF MEETING/EVENT: \_\_\_\_\_

DATES DESIRED: \_\_\_\_\_ EXPECTED ATTENDANCE: \_\_\_\_\_ ADULTS \_\_\_\_\_ KIDS TOTAL: \_\_\_\_\_

WILL AN ADMISSION CHARGE OR COLLECTION BE MADE?  YES  NO AMOUNT: \_\_\_\_\_ PROCEEDS USED FOR: \_\_\_\_\_

It is district policy that a district employee is on duty while school facilities are being used. If an employee is arranged to cover outside of his/her normal working hours, you will be asked to pay for the employee's time. User group agrees that the district makes no representations or warranties as to the condition or suitability of the facilities and agrees to use the facilities "as is." User group acknowledges it will inspect the facilities before use to determine suitability and note any possible hazards that could lead to bodily injury or property damage.

Any Group using the facilities of the Columbia Union School District shall be required to provide a Certificate of General Liability Insurance with a minimum limit of \$1,000,000 per occurrence and name the District an "Additional Insured", by separate endorsement to the liability insurance policy, for the period of the facility use.

**HOLD HARMLESS AGREEMENT**

The undersigned, on behalf of the user group, agrees to defend, indemnify, and hold harmless the Columbia Union School District, its Board of Trustees, agents, and employees from and against all liability, costs, losses, claims, actions, and judgments arising from bodily injury, personal injuries, property damage or otherwise, however caused, that may arise during use of facilities.

The undersigned agrees to be personally responsible for enforcement of state laws, Board Policy and the rules and regulations of this district including prohibiting the use of tobacco and any possession or use of alcoholic beverages on district property.

SIGNATURE OF AUTHORIZED REPRESENTATIVE FO USER GROUP: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

<b>TO BE COMPLETED BY SCHOOL PERSONNEL</b>	
<input type="checkbox"/> Approved	By Superintendent or Designee: _____ Date: _____
<input type="checkbox"/> Calendarized	By: _____ Date: _____
Personnel Assigned: _____	
Duties Required: _____	

White Copy: Office

Canary Copy: MOT

Pink Copy: Requestor

Gold Copy: D.O.

**COLUMBIA UNION SCHOOL DISTRICT  
USE OF SCHOOL FACILITIES REGULATIONS**

**Application Procedure**

Application to use school facilities shall be made through the Columbia Elementary School office at 22540 Parrotts Ferry Road, Columbia CA 95310. Applications shall be files at least two (2) weeks in advance of the proposed use date and signed by a person, over eighteen (18) years of age, authorized to represent the user group.

A Certificate of General Liability Insurance with a minimum limit of \$1,000,000 per occurrence and a separate endorsement naming Columbia Union School District as an “Additional Insured” must be provided before the facility will be reserved.

**Cancellation**

A minimum of three (3) days advance notice to cancel is required from the User Group. If not received in advance, the User Group will be responsible for reimbursement of any expenses incurred by the District. Failure to notify in advance may make the organization subject to deposit requirements for subsequent facility use requests.

The District will make every effort to avoid cancellation of any community event due to date conflicts. Schools may in special circumstances, request the Superintendent to cancel a community event in favor of a school-sponsored event.

**Restrictions**

School facilities will not be available for outside use during scheduled class hours or at other times where school functions have been scheduled.

Smoking, intoxicants, narcotics, profane language, quarreling, fighting and gambling are prohibited on district property. No food or drink shall be taken into the gymnasium or any classroom.

**Parking Restrictions**

Parking is prohibited in fire lanes, driveways and restricted areas.

**On Duty Employee**

A custodian or other district employee (standby person) shall be on duty when school facilities are being used. It shall be their duty to see that rules and regulations are observed. Any custodial or standby charges will depend upon the programs and time use scheduled.

**Fee Schedule Authority**

All rental charges shall be in conformance with the fee schedule listed below. The Governing Board may change the fee schedule as needed and establish charges for school facilities not previously listed.

**Facility Use Charges Per Hour:**

<u>Facility</u>	<u>Direct Charges</u>	<u>Fair Rental Value</u>
Upper or Lower Field.....	\$10.....	\$20
Upper or Lower Basketball Courts.....	\$10.....	\$20
Classroom.....	\$15.....	\$25
Cafeteria.....	\$15.....	\$30
Cafeteria with Kitchen.....	\$20.....	\$40
Gym with Bleachers.....	\$60.....	\$120
Gym with Stage, Sound and Lights.....	\$100.....	\$200

Exhibit  
version: August 14, 2007  
Revised: March 11, 2008

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California

**PLEASE TAKE A FEW MINUTES TO ANSWER THE FOLLOWING  
QUESTIONS. THANK YOU**

1. Is your group a youth group age 5-15 \_\_\_\_\_ , teen group 13-18 \_\_\_\_\_ , or an adult group 18-100 \_\_\_\_ .
2. Is your group comprised mostly of residents of the COLUMBIA UNION SCHOOL DISTRICT ? \_\_\_\_\_
3. Is your group a part of a larger group which is not local ? \_\_\_\_\_
4. Does your group charge any fees or dues ? \_\_\_\_\_
5. Will you charge an admission fee ? \_\_\_\_\_
6. Is anyone in your group paid to be a part of or to head this group ? \_\_\_\_\_
7. What is your intended use of this facility ? \_\_\_\_\_

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**ACCESS TO DISTRICT RECORDS**

The Governing Board recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the school 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*

6250-6270 *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**

**Definitions**

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

*(cf. 3580 - District Records)*

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

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

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

**Public Records**

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

1. Proposed and approved district budgets and annual audits (Education Code 41020, 42103)

*(cf. 3100 - Budget)*

*(cf. 3460 - Financial Reports and Accountability)*

2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings (Education Code 35145)

*(cf. 9324 - Minutes and Recordings)*

6. Meeting agendas (Government Code 54957.5)

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

**ACCESS TO DISTRICT RECORDS** (continued)

7. Official communications between the district and other government agencies
8. School-based program plans (Education Code 52850)  
*(cf. 0420 - School Plans/Site Councils)*
9. Information and data relevant to the evaluation and modification of district plans  
*(cf. 0440 - District Technology Plan)*  
*(cf. 0460 - Local Control and Accountability Plan)*  
*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 0520.3 - Title I Program Improvement Districts)*
10. Initial proposals of exclusive employee representatives and of the district  
(Government Code 3547)  
*(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)*
11. Records pertaining to claims and litigation against the district which have been adjudicated or settled (Government Code 6254, 6254.25)  
*(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. Documents containing names, salaries, and pension benefits of district employees
14. Employment contracts and settlement agreements (Government Code 53262)  
*(cf. 2121 - Superintendent's Contract)*  
*(cf. 4117.5/4217.5/4317.5 - Termination Agreements)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*
15. Instructional materials including, but not limited to, textbooks (Education Code 49091.10)  
*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

Access to public records of the district shall be granted to Governing Board members on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Board members as to which record, or

**ACCESS TO DISTRICT RECORDS** (continued)

portion of the record, will be made available, or when it will be made available. (Government Code 6252.5, 6252.7)

When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, the Superintendent or designee shall ensure that such personal information is redacted from that record. (Government Code 6254.29, 6254.3)

**Confidential Public Records**

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

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

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

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (Government Code 6254, 6254.25)
3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

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

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

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

**ACCESS TO DISTRICT RECORDS** (continued)

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

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

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

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

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

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

*(cf. 5125 - Student Records)*

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

*(cf. 5125.3 - Challenging Student Records)*

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

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

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

- 6. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)

- 7. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)

**ACCESS TO DISTRICT RECORDS** (continued)

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

*(cf. 6163.1 - Library Media Centers)*

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

*(cf. 9124 - Attorney)*

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

*(cf. 0450 - Comprehensive Safety Plan)*

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

*(cf. 9223 - Filling Vacancies)*

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

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

13. Computer software developed by the district (Government Code 6254.9)
14. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code 6254.19)
15. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

*(cf. 5141.6 - School Health Services)*

**ACCESS TO DISTRICT RECORDS** (continued)

16. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes
17. Any other records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

**Inspection of Records and Requests for Copies**

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

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

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

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

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

**ACCESS TO DISTRICT RECORDS** (continued)

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

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. Written requests to waive the fee shall be submitted to the Superintendent or designee.

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the record from the web site, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 6253)

If any person requests that 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 as 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.



**ACCESS TO DISTRICT RECORDS** (continued)

**Assistance in Identifying Requested Records**

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

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

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

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

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

Regulation  
approved: April 9, 2002  
Revised: March 11, 2003  
Revised: April 11, 2017

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California

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

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

*(cf. 1020 - Youth Services)*

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

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

*Legal Reference: (see next page)*

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

*Legal Reference:*

EDUCATION CODE

- 10900-10914.5 Cooperative community recreation programs*
- 12400 Authority to receive and expend federal funds*
- 12405 Authority to participate in federal programs*
- 17050 Joint use of library facilities*
- 17051 Joint use of park and recreational facilities*
- 32000-32004 Uniform fire signals*
- 35160 Authority of governing boards*
- 35160.1 Broad authority of school districts*
- 48902 Notification of law enforcement agencies re student violations*
- 48909 District attorney may give notice re student drug use, sale or possession*
- 49305 Cooperation of police and California Highway Patrol (re Safety Patrols)*
- 49402 Contracts with city, county or local health departments*
- 49403 Cooperation in control of communicable disease and immunization*
- 51202 Instruction in personal and public health and safety (re: fire prevention)*

ELECTIONS CODE

- 12283 Polling places: schools*

WELFARE AND INSTITUTIONS CODE

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

**WAIVERS**

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

**General Waiver Requests**

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

*(cf. 9320 - Meetings and Notices)*

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

*(cf. 1220 - Citizen Advisory Committees)*  
*(cf. 4140/4240 - Bargaining Units)*

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

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

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 0420.1 - School-Based Program Coordination)*  
*(cf. 0420.3 - School-Based Student Motivation and Maintenance Program)*  
*(cf. 0420.5 - School-Based Decision Making)*

**Specific Waiver Requests**

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

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

**WAIVERS** (continued)

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

*Legal Reference: (see next page)*

**WAIVERS (continued)**

*Legal Reference:*

EDUCATION CODE

- 8750-8754 *Grants for conservation education*
- 10400-10407 *Cooperative improvement programs*
- 17047.5 *Facilities used by special education students*
- 17291 *Portable school buildings*
- 33050-33053 *General waiver authority*
- 41000-41360 *School finance*
- 41381 *Minimum school day*
- 41600-41854 *Computation of allowances*
- 41920-42842 *Instructional television; guaranteed yield program; financial statements of school districts; budget requirements; local taxation by school districts*
- 44520-44534 *New program for careers*
- 44666-44669 *School-Based Management and Advanced Career Opportunities for Classroom Teachers Programs*
- 44681-44689 *Administrator Training and Evaluation*
- 45108.7 *Maximum number of senior management positions*
- 51870-51874 *Educational Technology Local Assistance*
- 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*

Policy  
adopted: April 9, 2002  
Revised: March 11, 2003

**COLUMBIA UNION SCHOOL DISTRICT**  
Columbia, California

**RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS**

The Governing Board encourages representatives of private industry to participate with the school in preparing our students for challenges they will meet in the future. Working together as partners, business and the school 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 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 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 Board urges employers to further support the school by recognizing their employees' needs as parents, accommodating their needs for child care, and supporting their involvement with their children's school.

*(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 school. The Superintendent or designee shall regularly report these evaluations to the Board and recommend those individuals and/or businesses whose contributions merit Board commendation.

*(cf. 1150 - 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*