

CONCEPTS AND ROLES

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

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

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

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

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

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

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

Legal Reference:
EDUCATION CODE
35160 Authority of Board of Trustees
35172 Promotional activities

Policy
adopted: June 21, 2001
reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT
Winters, California

COMMUNICATION WITH THE PUBLIC

The Board of Trustees recognizes the District’s responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the schools and the District and to be responsive to the concerns and interests expressed by members of the community.

(cf. 1000 – Concepts and Roles)

The Superintendent or designee shall establish strategies for effective two-way communications between the District and the public and shall consult with the Board regarding the role of Board members as advocates for the District’s students, programs, and policies.

(cf. 9000 – Role of the Board)

The Superintendent or designee shall utilize a variety of communications methods in order to provide the public with adequate access to information. Such methods may include, but not be limited to, District and school newsletters, mailings, the District and school web sites, direct email communications, recorded telephone messages for parent/guardian information, school accountability report cards, community forums and public events, notices sent home with students, and news releases and meetings with editorial boards.

(cf. 0510 – School Accountability Report Card)

(cf. 1113 – District and School Web Sites)

(cf. 5145.6 – Parental Notifications)

In developing communications strategies, the Superintendent or designee shall take into account the needs of all members of the public for information or assistance and may provide staff with professional development in their “customer service” role as needed.

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

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

(cf. 1220 – Citizen Advisory Committees)

(cf. 1230 – School-Connected Organizations)

(cf. 1240 – Volunteer Assistance)

(cf. 1260 – Educational Foundation)

(cf. 1312.1 – Complaints Concerning District Employees)

(cf. 1312.2 – Complaints Concerning Instructional Materials)

(cf. 1312.3 – Uniform Complaint Procedures)

(cf. 1312.4 – Williams Uniform Complaint Procedures)

(cf. 6020 – Parent Involvement)

(cf. 9322 – Agenda/Meeting Materials)

(cf. 9323 – Meeting Conduct)

COMMUNICATION WITH THE PUBLIC

Prohibition Against Mass Mailings at Public Expense

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

Legal Reference:

EDUCATION CODE

35145.5 Board meetings, public participation

35172 Promotional activities

38130-38138 Civic Center Act

GOVERNMENT CODE

54957.5 Meeting agendas and minutes

82041.5 Mass mailings

89001 Newsletter or mass mailing

CODE OF REGULATIONS, TITLE 2

18901 Mass mailings sent at public expense

Management Resources:

CSBA PUBLICATIONS

Mass Mailings at Public Expense, Legal Advisory, January 2007

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

Political Activities of School Districts: Legal Issues, rev. 2001

Maximizing School Board Governance: Community Leadership, 1996

WEB SITES

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

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

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Policy
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WINTERS JOINT UNIFIED SCHOOL DISTRICT
Winters, California

MEDIA RELATIONS

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

(cf. 9320 - Meetings and Notices)

The Superintendent or designee shall be proactive in communications with the media. The Superintendent or designee and principal or designee of each school may provide the media with information related to district programs and needs, student awards, school accomplishments and events of special interest. All media inquiries shall be routed to the Superintendent or designee. Spokespersons designated to speak to the media on behalf of the district include the Board president and Superintendent or designee. Other Board members and staff may be asked by the Superintendent or designee to speak to the media on a case-by-case basis, depending on their expertise on an issue and their communications skills. The district shall not release information which is private or confidential as identified by law and Board policy or administrative regulation.

(cf. 0510 - School Accountability Report Card)

(cf. 1100 - Communication with the Public)

(cf. 1160 - Political Processes)

(cf. 1340 - Access to District Records)

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9010 - Public Statements)

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergency and Disaster Preparedness Plan)

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

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

MEDIA RELATIONS

Interview and Photographing Students

The district shall not impose restraints on students' right to speak freely with media representatives at times which do not disrupt the 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.

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.

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

Legal Reference:

EDUCATION CODE

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

35144 *Special meetings*

35145 *Public meetings*

35172 *Promotional activities*

EVIDENCE CODE

1070 *Refusal to disclose news source*

PENAL CODE

627-627.10 *Access to school premises*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CSBA PUBLICATIONS

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

WEB SITES

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

Policy

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WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

DISTRICT AND SCHOOL WEB SITES

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

- (cf. 0000 - Vision)*
- (cf. 0200 - Goals for the School District)*
- (cf. 1100 - Communication with the Public)*
- (cf. 1112 - Media Relations)*
- (cf. 1230 – School-Connected Organizations)*
- (cf. 1260 – Educational Foundation)*
- (cf. 4040 - Employee Use of Technology)*
- (cf. 6020 – Parent Involvement)*

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

Content

The Superintendent or designee shall develop content guidelines for district and school web sites. These guidelines shall be consistent with law, Board policy and administrative regulation.

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

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

The Superintendent or designee should ensure that copyright laws are not violated in the use of material on District or school websites.

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

Any links to external sites shall support the educational mission and shall include a disclaimer that the District is not responsible for the content of external web sites.

The District shall not accept advertising of commercial products and services on District or school web sites.

DISTRICT AND SCHOOL WEB SITES

Privacy Rights

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

(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)

Phone numbers, home addresses, and email addresses of students or their parents/guardians shall not be published on a district or school web page.

(cf. 5125.1 – Release of Directory Information)

Because of the wide accessibility of the Internet and potential risk to students, photograph(s) of a student shall not be published with his/her name or other personally identifiable information without the prior written consent of the student's parent/guardian. Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.

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

No public safety official shall be required as a condition of employment 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)

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

cf. 3515.3 - District Police/Security Department)

Legal References (next page)

DISTRICT AND SCHOOL WEB SITES

Legal Reference:

EDUCATION CODE

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

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers
6254.21 Publishing addresses and phone numbers of board members
6254.24 Definition of public safety official

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.11 Children's Online Privacy

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

COURT DECISIONS

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112
Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37
Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

Management Resources

CSBA PUBLICATIONS

Maximizing School Board Governance: Community Leadership, 1996

WEB SITES

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

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

National School Public Relations Association: <http://www.nspr.org>

Policy

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WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

COMMENDATIONS AND AWARDS

The Board of Trustees 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 Board of Trustees

35160.1 Broad authority of school districts

44015 Awards to employees and students

Policy

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WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

POLITICAL PROCESSES

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

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 9000 - Role of the Board)

(cf. 9010 - Public Statements)

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

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

Legislation

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

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

(cf. 1020 - Youth Services)

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

(cf. 7131 - Relations with Local Agencies)

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

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

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

POLITICAL PROCESSES

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

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

Ballot Measures/Candidates

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

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

(cf. 9323 - Meeting Conduct)

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

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

(cf. 1325 - Advertising and Promotion)

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

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

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

POLITICAL PROCESSES

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

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 Board of Trustees*

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

Policy

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WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

CITIZEN ADVISORY COMMITTEES

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

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

- (cf. 0000 - Vision)*
- (cf. 0200 - Goals for the School District)*
- (cf. 0420 - School Plans/Site Councils)*
- (cf. 0420.1 - School-Based Program Coordination)*
- (cf. 0430 - Comprehensive Local Plan for Special Education)*
- (cf. 2230 – Representative and Deliberative Groups)*
- (cf. 3280 - Sale, Lease, Rental of District-Owned Real Property)*
- (cf. 5030 - Student Wellness)*
- (cf. 6020 - Parent Involvement)*
- (cf. 6174 - Education for English Language Learners)*
- (cf. 6175 - Migrant Education Program)*
- (cf. 6178 – Career Technical Education)*
- (cf. 9130 - Board Committees)*

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

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

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

The Superintendent or designee shall provide training and information as necessary to enable committee members to understand the basic administrative structure, program processes, and goals of the committee.

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

Legal References (next page)

CITIZEN ADVISORY COMMITTEES

Legal References

EDUCATION CODE

- 8070 Vocational education advisory committee
- 11503 Parent involvement program
- 15278-15282 Citizens oversight committee
- 15359.3 School facilities improvement districts
- 17387-17391 Advisory committees for use of excess school facilities
- 35147 School site councils and advisory committees
- 41505-41508 Pupil Retention Block Grant
- 41570-41573 School and Library Improvement Block Grant
- 44032 Travel expense payment
- 52176 Advisory committees (LEP program)
- 52852 School 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

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS

- 52012 School site council

GOVERNMENT CODE

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

UNITED STATES CODE, TITLE 42

- 1751 Note Local wellness policy

COURT DECISIONS

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

CSBA PUBLICATIONS

- Maximizing School Board Leadership: Community Leadership*, 1996

WEB SITES

- CSBA: <http://csba.org>
- California Department of Education: <http://www.cde.ca.gov>

CITIZEN ADVISORY COMMITTEES

Committee Charge

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

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

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

(cf. 3530 – Risk Management)

CITIZEN ADVISORY COMMITTEES

Committees Subject to Brown Act Requirements

The following citizen advisory committees shall comply with Brown Act requirements pertaining to open meetings, notices and public participation requirements pursuant to Government Code 54950-54963:of law (the Brown Act):

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

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

2. Advisory committees established pursuant to Education Code 8070 related to career technical education

(cf. 6178 – Career Technical Education)

3. Committees established to assist in development of a student wellness policy pursuant to 42 USC 1751

(cf. 5030 - Student Wellness)

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

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

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

(cf. 7213 – School Facilities Improvement Districts)

(cf. 7214 – General Obligation Bonds)

6. Other committees created by formal Board of Trustees action

(cf. 9130 – Board Committees)

(cf. 9320 – Meetings and Notices)

(cf. 9321 – Closed Session Purposes and Agendas)

(cf. 9321.1 – Closed Session Actions and Reports)

(cf. 9323 – Meeting Conduct)

CITIZEN ADVISORY COMMITTEES

Committees Not Subject to Brown Act Requirements

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

1. School site councils established pursuant to Education Code 41507, 41572, or, 52852 related to student retention, school or library improvement, or school-based program coordination.

(cf. 0420 – School Plans/Site Councils)
(cf. 0420.1 – School-Based Program Coordination)

2. District or school advisory committee established pursuant to Education Code 52176 related to programs for students of limited English proficiency

(cf. 6174 – Education for English Language Learners)

3. School advisory committee established pursuant to Education Code 54425 related to compensatory education

(cf. 6171 – Title I Programs)

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

(cf. 6175 – Migrant Education Program)

5. School site councils established pursuant to Education Code 62002.5 related to economic impact aid and bilingual education

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

(cf. 6020 – Parent Involvement)

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

CITIZEN ADVISORY COMMITTEES

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 period, reconsider the item at the next meeting, first allowing for public input on the item. (Education Code 35147)

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

(cf. 1340 – Access to District Records)

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

(cf. 2230 Representative and Deliberative)

SCHOOL-CONNECTED ORGANIZATIONS

The Board of Trustees Board recognizes that parents/guardians may wish to organize parent organizations and/or booster clubs for the purpose of supporting District and extracurricular programs such as athletic teams, debate teams, and musical groups. The Board appreciates the contributions made by such organizations and encourages their interest and participation in support district activities and helping to achieve the District’s vision for student learning.

(cf. 0200 – Goals for the School District)
(cf. 6020 – parent Involvement)

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

(cf. 1321 – Solicitation of Funds)
(cf. 1330 – Use of School Facilities)
(cf. 3452 – Student Activity Funds)

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

(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)

Legal References (next page)

SCHOOL-CONNECTED ORGANIZATIONS

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex)

35160 Authority of governing boards

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

48931 Authorization for sale of food by student organization

48932 Authorization for fund-raising activities by student organization

49431 Sale of food to elementary students during the school day

49431.2 Sale of food to middle, junior, high school students

49431.5 Sale of beverages at elementary, middle, or junior high schools

51520 Prohibited solicitations on school premises

51521 Fund-raising project

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Solicitations for charitable purposes

25608 Alcohol on school property; use in connection with instruction

GOVERNMENT CODE

12580-12599.7 Fundraisers for Charitable Purposes Act

PENAL CODE

319-329 Lottery, raffle

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

15500 Food sales in elementary schools

15501 Food sales in high schools and junior high schools

CODE OF REGULATIONS, TITLE 11

300-312.1 Fundraising for charitable purposes

UNITED STATES CODE, TITLE 20

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

COURT DECISIONS

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

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

WEB SITES

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

California Office of the Attorney General, charitable trust registry: <http://www.caag.state.ca.us/charities>

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

Policy

adopted: May 1, 2003

revised: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

SCHOOL-CONNECTED ORGANIZATIONS

Persons proposing to establish a school-connected organization shall submit a request to the Board of Trustees for authorization to operate at a school. The request for authorization shall contain:

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
4. The names, addresses and phone number 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 at any time, either by District personnel or a certified public accountant
7. The name of the bank where the group's account will be located and the names of those authorized to withdraw funds.
8. The signature of the principal of the supporting school
9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future.
10. An agreement to provide evidence of liability insurance as required by law.

(cf. 1330 – Use of School Facilities)

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

SCHOOL-CONNECTED ORGANIZATIONS

School connected organizations are prohibited from hiring or directly paying District employees. Organizations may make donations to the District to cover the costs of additional employees, but only if such positions are approved in advanced by the Board. At their discretion, employees may volunteer to perform activities for school-connected organizations during non-working hours.

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

Regulation
adopted: May 1, 2003
revised: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT
Winters, California

VOLUNTEER ASSISTANCE

The Board of Trustees encourages parents/guardians and other members of the community to share their time, knowledge and abilities with our students. Community volunteers in our schools enrich the educational program and strengthen our schools' 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 principal or designee regarding any such volunteers. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

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

(cf. 5144 - Discipline)

(cf. 6144 - Controversial Issues)

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 school's volunteers.

VOLUNTEER ASSISTANCE (continued)

Legal Reference:

EDUCATION CODE

35021 *Volunteer aides*

35021.1 *Automated records check*

44010 *Sex offense; definition*

44227.5 *Classroom participation by college methodology faculty*

44814 *Duty-free lunch periods*

44815 *Noncertificated supervision*

45125 *Fingerprinting requirements*

45340-45349 *Instructional aide act, especially:*

45344.5 *Instructional aide; proficiency in basic skills*

45347 *Instructional aides as classified employees*

45349 *Volunteers*

45360-45367 *Teacher aides*

49406 *Examination for tuberculosis*

GOVERNMENT CODE

3100-3109 *Oath or affirmation of allegiance*

3543.5 *Prohibited interference with employees' rights*

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

HEALTH AND SAFETY CODE

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

LABOR CODE

3364.5 *Persons performing voluntary services for school districts*

PENAL CODE

290.4 *Information re sex offenders*

CODE OF REGULATIONS, TITLE 5

18168 *Personnel duties with infants and toddlers*

CODE OF REGULATIONS, TITLE 22

101170 *Criminal record clearance*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

VOLUNTEER ASSISTANCE

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 Board of Trustees policy.

Sex Offender Checks

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

Fingerprinting

All volunteers in child care and development programs shall be fingerprinted for criminal record clearance if they have contact with children. (Health and Safety Code 1596.871)

VOLUNTEER ASSISTANCE

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 must be reviewed and approved by the principal and the Superintendent/designee prior to the commencement of work. Projects which may require inspections or outside consultant resources include the following type of work:

Projects approved by the principal shall also 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, signs, or exterior lighting
11. Tree planting, pruning or removal

VOLUNTEER ASSISTANCE

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 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/OUTSIDERS

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

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

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

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

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

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE

- 32210 *Willful disturbance of public school or meeting*
- 32211 *Threatened disruption or interference with classes; misdemeanor*
- 32212 *Classroom interruptions*
- 35160 *Authority of Board of Trustees*
- 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)*

Policy

adopted: June 21, 2001

reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

VISITORS/OUTSIDERS

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

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

Outsider Registration

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

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

Registration Procedure

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

1. His/her name, address and occupation
2. His/her age, if less than 21
3. His/her purpose for entering school grounds
4. Proof of identity

VISITORS/OUTSIDERS

5. Other information consistent with the provisions of law

Denial of Registration

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

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

(cf. 3515.2 - Disruptions)

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

Appeal Procedure

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

(cf. 1312.1 - Complaints Concerning District Employees)

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

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

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 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)

Policy

adopted: June 22, 2002

reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

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)

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 using the Complaint Form to the employee's immediate supervisor or the principal.
3. When a written complaint is received, the employee shall be notified in accordance with collective bargaining agreements.
4. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent 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
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
 - d. Complainant must complete Complaint Form 1312.1 in filing a written complaint.
6. The person responsible for investigating complaints will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 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 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.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)

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)

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

COMPLAINT FORM 1312.1

If the complaint concerns a District employee, has the complaint been discussed with the employee, the employee's supervisor or the site principal? Yes _____ No _____

If so, to whom have you spoken: _____

What was the result of the discussion? _____

I (We) certify under penalty of perjury that the foregoing is true and correct and that this was executed on _____ (Date) at _____ (City), _____ (State).

Signature(s) _____

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

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

What is Child Abuse and What is Not Child Abuse

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

It also means the sexual abuse of a child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If the complaint is substantiated, the local child protective agency is required to forward a copy of the investigation report to the Board of Trustees 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 Board of Trustees uses a comprehensive process to adopt District instructional materials that is based on selection criteria established by law and Board Policy and includes opportunities for the involvement of parents/guardians and community members. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

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

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

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

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

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

(cf. 9322 - Agenda/Meeting Materials)

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

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

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

Complaints related to sufficiency of textbooks or instructional materials shall be resolved pursuant to the District's Williams' Uniform Complaint Procedure at AR 1312.4.

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

18111 Exclusion of books by Board of Trustees
35010 Control of district; prescription and enforcement of rules
35186 Williams Uniform Complaint Procedures
44805 Enforcement of course of studies; use of textbooks, rules and regulations
51501 Subject matter reflecting on race, color, et.
60000-600005 Instructional materials, legislative intent
60040-60087 Instructional requirements and materials
60119 Public hearing of sufficiency of materials
60200-60206 Elementary school material - selection and adoption
60226 Requirements for publishers and manufacturers
60400-60411 High School textbooks
60510-60511 Donation of sale of obsolete instructional materials

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

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

CLAIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluation of Instructional Materials with Respect to Social Content, 1986 edition, revised 2001

WEB SITES

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

California Department of Education, Curriculum and Instruction: <http://www.cde.ca.gov/ci>

Policy

adopted: June 22, 2000

revised: October 5, 2006

reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

Step 1: Informal Complaint

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

Step 2: Formal Complaint

If the complainant is not satisfied with the principal's initial response, he/she shall present a written complaint to the principal. Complaints regarding printed material shall name the author, title and publisher and shall identify the objection by page and item numbers. In the case of nonprinted material, written information specifying the precise nature of the objection shall be given. Complainants shall sign all complaints and provide identifying information so that the District is able to make a proper reply. Anonymous complaints will not be accepted.

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

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

Step 3: Superintendent Determination

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

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

Step 4: Review Committee

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

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

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

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

Step 5: Appeal to the Governing Board

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

(cf. 9322 - Agenda/Meeting Materials)

Regulation
approved: June 22, 2000
revised: October 5, 2006
reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT
Winters, California

COMPLAINT FORM 1312.2

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

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

Date: _____

Name of Person Filing Complaint: _____

Anonymous complaints will not be accepted.

Group represented (if any): _____

Phone: _____ E-mail address, if any: _____

Address:

Material Being Challenged:

Title: _____

Author: _____

Publisher: _____ Date of Edition: _____

Name of school/classroom material was used: _____

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

2. Did you read/view the entire selection?

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

COMPLAINT FORM 1312.2

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS (continued)

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

5. What do you feel might be the result if a student reads/views this material?

6. What would you like the school to do about this material?

- Do not assign it to my child
- Withdraw it from all students
- Reconsider it

Signature of Complainant: _____

Date: _____

For District Use Only:

Request received by: _____ Date: _____

Title: _____

Action taken: _____ Date: _____

Exhibit
 adopted: June 22, 2000
 revised: October 5, 2006
 reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT
 Winters, California

UNIFORM COMPLAINT PROCEDURES

The Board of Trustees recognizes that the District is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The District shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with the District's uniform complaint procedures. (5 CCR 4620)

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

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical programs, and special education programs.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 1312.2 - Complaints Concerning Instructional Materials)*
- (cf. 3553 - Free and Reduced Price Meals)*
- (cf. 4031 - Complaints Concerning Discrimination in Employment)*
- (cf. 5141.4 - Child Abuse Prevention and Reporting)*
- (cf. 5148 - Child Care and Development)*
- (cf. 6159 - Individualized Education Program)*
- (cf. 6171 - Title I Programs)*
- (cf. 6174 - Education for English Language Learners)*
- (cf. 6175 - Migrant Education Program)*
- (cf. 6178 - Vocational Education)*
- (cf. 6200 - Adult Education)*

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignment shall be investigated pursuant to the District's Williams Uniform Complaint Procedures (AR 1312.4).

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

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

UNIFORM COMPLAINT PROCEDURES

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

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

(cf. 5125 - Student Records)

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

The Board prohibits any form of retaliation against any complainant in the complaint process, including but not limited to a complainant's filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedure

35186 Williams uniform complaint procedure

41500-41513 Categorical education block grants

48985 Notices in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52499.6 Career-technical education

52500-52616.24 Adult schools

52800-52870 School-based coordinated programs

54000-54041 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

PENAL CODE

422.6 Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

UNIFORM COMPLAINT PROCEDURES

Management Resources:

WEB SITES

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

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

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

Policy
adopted: June 22, 2000
revised: October 5, 2006
reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT
Winters, California

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Board of Trustees designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Director of Education Services
200 Baker Street
Winters, CA 95694
(530) 795-6154

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

(cf. 9124 - Attorney)

Notifications

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

The Superintendent or designee shall make available copies of the District's uniform complaint procedures free of charge. (5 CCR 4622)

The notice shall:

1. Identify person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
 - a. The District is primarily responsible for compliance with state and federal laws and regulations
 - 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

UNIFORM COMPLAINT PROCEDURES

- c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
- d. The complainant has a right to appeal the District's decision to the CDE by filing a written appeal within 15 days of receiving the District's decision
- e. The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision

(cf. 5145.6 - Parental Notifications)

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632 and 4633.

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

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district.

Superintendent or designee may extend, for good cause, the six-month filing period by up to 90 days.

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date where the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

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

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. (5 CCR 4600)

UNIFORM COMPLAINT PROCEDURES

Step 2: Investigation of Complaint

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

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

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

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

Step 3: Response

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board.

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

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

Step 4: Final Written Decision

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

UNIFORM COMPLAINT PROCEDURES

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

This report shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the District's decision within 15 working days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies

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

Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the District's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been applied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the District's decision. (5 CCR 4632)

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

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the District, if not covered by the decision

UNIFORM COMPLAINT PROCEDURES

4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint
6. A copy of the District's complaint procedures
7. Other relevant information requested by the CDE

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

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the District's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the District has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622.

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Williams Uniform Complaint Procedures

Types of Complaints

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

1. Textbooks and instructional materials
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or instructional materials to use at home or after school.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

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

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

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

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

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (Education Code 33126; 5 CCR 4600)

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES

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

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

3. Facilities

- a. 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)

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

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

Open restroom means, except as necessary for student safety or to make repairs, the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. (Education Code 35292.5)

4. High school exit examination intensive instruction and services:

A student, including an English learner, who has not passed the exit exam by the end of grade 12 and was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) including after completion of grade 12 for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first. (Education Code 35186)

WILLIAMS UNIFORM COMPLAINT PROCEDURES

(cf. 6162.52 – High School Exit Examination)

(cf. 6179 – Supplemental Instruction)

Filing of Complaint

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education Code 35186; 5 CCR 4680)

A complaint alleging any deficiencies specified in item #4 above shall be filed with a district official as designated by the Superintendent. Such complaints may be filed at the district office or at a school site and shall be immediately forwarded to the Superintendent or designee. (Education Code 35186)

Investigation and Response

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

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

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

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Board of Trustees at a regularly scheduled hearing. (Education Code 36186; 5 CCR 4687)

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES

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

(cf. 1340 - Access to District Records)

Reports

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

Forms and Notices

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. However, complainants need not use the District's William's complaint form in order to file a complaint. (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

35292.5 Restrooms, maintenance and cleanliness

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

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4671 Uniform complaint procedures

4680-4687 Williams Complaints

Management Resources:

WEB SITES

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

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

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

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Regulation

Adopted: December 16, 2004

revised: December 13, 2007

reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

WILLIAMS UNIFORM COMPLAINT PROCEDURES

**NOTICE TO PARENTS/GUARDIANS, STUDENTS AND TEACHER:
COMPLAINT RIGHTS**

Parents/Guardians, Students and Teachers:

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

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

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

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

4. Pupils, including English learners, who have not passed one or both parts of the exit examination by the end of grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.
5. A complaint form can be obtained at the school principal's office or the District Office, or District website. You may also download a copy of the California Department of Education complaint form from the following website: <http://www.cde.ca.gov/re/cp/us>.

WILLIAMS UNIFORM COMPLAINT PROCEDURES

**COMPLAINT FORM:
WILLIAMS UNIFORM COMPLAINT PROCEDURES**

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment, or the provision of intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested: Yes No

Contact Information:

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

Email address, if any _____

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

School: _____

Course title/grade level and teacher name _____

Room number/name of room/location of facility _____

Date problem was observed: _____

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

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

1. Textbooks and instructional materials: (Education code 35186; 5 CCR 4681)

_____ A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

_____ A pupil does not have access to instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.

_____ Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.

WILLIAMS UNIFORM COMPLAINT PROCEDURES

_____ A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

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

_____ A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20% English learners in the class.

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

3. Facility conditions: (Education Code 35186, 35292.5; CCR 4683)

_____ A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition.

_____ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

_____ The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for student safety or to make repairs.

4. High school exit exam intensive instruction and services: (Education Code 35186)

_____ Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities condition, please describe the emergency or urgent facilities condition and how that condition poses a threat o the health or safety of pupils or staff.

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

(Principal or title of designee)

(Address)

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

(Signature)

(Date)

Exhibit
adopted: December 16, 2004
revised: December 13, 2007
reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT
Winters, California

SOLICITATION OF FUNDS FROM AND BY STUDENTS

Solicitations on Behalf of Charitable Organizations

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

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

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

Solicitations on Behalf of the School

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

- (cf. 0420 – School Plans/Site Councils)*
- (cf. 1230 - School-Connected Organizations)*
- (cf. 1260 – Educational Foundation)*
- (cf. 3290 – Gifts, Grants and Bequests)*
- (cf. 3554 – Other Food Sales)*

Solicitations on Behalf of Charities

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

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.

SOLICITATION OF FUNDS FROM AND BY STUDENTS

Legal Reference:

EDUCATION CODE

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

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

PENAL CODE

319-329 Raffles

REVENUE AND TAX CODE

6361 Sales tax exemption for certain sales

CODE OF REGULATIONS, TITLE 8

11706 Dangerous activities and occupations

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

ATTORNEY GENERAL PUBLICATIONS

Guide to Charitable Solicitation, 1999

Attorney General's Guide for Charities, 1988

WEB SITES

Office of the Attorney General: <http://caag.state.ca.us>

Policy

adopted: June 21, 2001

reviewed: April 7, 2005

reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

SOLICITATION OF FUNDS FROM AND BY STUDENTS

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

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

(cf. 6166 – Classroom Interruptions)

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

(cf. 1230 – School-Connected Organizations)

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

Door-to-Door Sales

Students in grades K-5 shall not be involved in any door-to-door sales or solicitations.

ADVERTISING AND PROMOTION

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

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

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

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

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

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

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

(cf. 1113 - District and School Web Sites)

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

(cf. 3290 - Gifts, Grants and Bequests)
(cf. 6161.11 - Supplementary Instructional Materials)

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

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

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

ADVERTISING AND PROMOTION

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

Criteria for Approval

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

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

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

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

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

5. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including but not limited to materials or advertisements for tobacco, intoxicants, and movies or products unsuitable for children
6. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy

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

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

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

ADVERTISING AND PROMOTION

(cf. 0000 - Vision)

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

Legal Reference:

EDUCATION CODE

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

35160 *Authority of governing boards*

35160.1 *Broad authority of school districts*

35172 *Promotional activities*

38130-38138 *Civic Center Act*

48907 *Student exercise of free expression*

BUSINESS AND PROFESSIONS CODE

25664 *Advertisements encouraging minors to drink*

U.S. CONSTITUTION

Amendment 1, Freedom of speech and expression

COURT CASES

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

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

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

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

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

Policy

adopted: June 21, 2001

revised: April 7, 2005

reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

USE OF SCHOOL FACILITIES

The Board of Trustees recognizes that district facilities and grounds are a Winters community resource and authorizes their use by Winters 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 shall be given priority in the use of facilities under the Civic Center Act. Therefore, the use shall be on a first-come, first-served basis.

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

1. Aid, encourage and assist groups desiring to use school facilities for approved activities.
2. Preserve order in school buildings and on school grounds, and protect school facilities, designating a person to supervise this task, if necessary.

(cf. 0450 – Comprehensive School Safety Plan)

(cf. 3516 – Emergencies and Disaster Preparedness Plan)

3. Ensure that the use of 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.

Fees

City of Winters nonprofit organizations, clubs or associations organized to promote youth and school activities within the Winters community may be charged direct cost. In-kind donations may be accepted in place of fees if approved by the site administrator and Director of Facilities. These groups include, but are not limited to, AYSO Soccer, Little League Baseball, Youth Football. Organizations, such as Girl Scouts, Boy Scouts, Camp Fire Girls, parent-teacher associations, and school-community advisory councils will not be required to pay a fee for use of facilities for meeting purposes only.

Other groups including all out of town groups requesting the use of school facilities under the Civic Center Act shall be charged Fair Rental Fees.

USE OF SCHOOL FACILITIES

Fair Rental Value

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

Legal Reference:

EDUCATION CODE

10900-10914.5 Community Recreation Programs

32282 School Safety Plan

37220 School holidays

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

BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverages on school premises

MILITARY AND VETERANS CODE

1800 Definitions

UNITED STATES CODE, TITLE 20

7905 Equal access to public school facilities

COURT DECISIONS

Good New Club v. Milford Central School, (2001) 533 U.S. 384

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 Los Angeles, (1961) 55 Cal. 2d 167

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

ATTORNEY GENERAL OPINIONS

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

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

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

WEB SITES

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

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

Policy

adopted: June 21, 2001

revised: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

USE OF SCHOOL FACILITIES

Application for Use of Facilities

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

Persons or organizations applying for the use of school facilities 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 32282, 38131,)

1. Public, literary, scientific, recreational, educational or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age

(cf. 5148 – Child Care and Development)
(cf. 5148.2 – Before/After School Programs)
(cf. 6300 – Preschool/Early Childhood Education)

5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination
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

Community Relations

AR 1330(b)

USE OF SCHOOL FACILITIES

(cf. 0450 – Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization
10. Other purposes deemed appropriate by the Board of Trustees

The District may grant the use of school facilities on those days on which the public school is closed. (Education Code 37220)

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 which is inconsistent with the use of the school facility for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption or sale of alcoholic beverages or any restricted substances on school property

(cf. 3513.3 - Tobacco-Free Schools)

The District may exclude certain school facilities from non-school use for safety, security reasons.

Damage and Liability

Groups, organizations, or persons using school facilities or grounds 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 or grounds.

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

USE OF SCHOOL FACILITIES

Groups or organizations shall provide the District with evidence of insurance against claims arising out of the group's own negligence. Said groups will be required to provide a certificate of insurance with a minimum limit on both bodily and property damage of \$1,000,000 in each coverage.

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

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

Free Use

Free use of school facilities is limited to a meeting place, the furniture available at the facility, and the utilities of the facility. The free use of facilities is available to all Winters Joint Unified School District schools, youth groups, and other school related organizations if all meetings are non-exclusive and open to the public. Additionally, the City of Winters will have access to District facilities and grounds per contractual agreements including the pool at Winters High School.

Use Fee

Activities other than those specified for free use may be charged a fee. Fees will be determined by an approved fee schedule (Exhibit 1330(a)) or by donations in-kind which have been approved by the site administrator and Director of Facilities. Such use fees include, but are not limited to, supplies, utilities, etc., necessitated by the organization's use of the school facilities. A refundable key deposit may be collected by the District if deemed by the Superintendent or its designee.

Personnel Fees

Custodial fees shall be added, in addition to all applicable fees, when activities extend beyond the regular hours of assigned employees. Fees shall be assessed in accordance with Exhibit 1330(b), at a minimum of two hours per day, per event, per District employee. Weekend rates shall be computed in the same manner.

Fees will be computed for each full hour or fraction thereof.

USE OF SCHOOL FACILITIES

Scheduling Use of Facilities

All Facility Use Request forms (Exhibit 1330(b)) must be received 10 working days prior to the request date to review availability and appropriateness of use.

1. To the extent possible, all community interests will be taken into consideration when permitting use of facilities.
2. The District will strive to inform all community organizations of the opportunity to apply for facility use prior to scheduling facility use.
3. Where there are multiple requests for the use of the same facility, the Superintendent or designee will take into consideration the following:
 - a. Number of Winters participants
 - b. Program requirements such as number of contests, number of rehearsals, number of performances, number of practices, length of contests and practices
 - c. Monetary and non-monetary investments made by requesting organizations in the development, care, and/or maintenance of District facilities
4. The Superintendent or designee may reevaluate and adjust facility use approval, at any time, based upon changes in any of the above-stated conditions.
5. A community organization is not guaranteed exclusive use of any District facility.

General Rules

The Board of Trustees authorizes the Superintendent or designee to impose higher rates for use of facilities or grounds if the nature of the activity warrants a higher rate.

The facility must be free from debris after the function, failure to adhere to this provision may require the user to pay for the clean-up of the campus at the custodian rate depending on the time required.

Smoking is strictly prohibited at any time on the campus property.

The number of persons attending an activity for which application is made cannot exceed the rated assembly capacity for the area designated in the application. Compliance with fire rules and regulations will be required.

School furniture or equipment may not be removed or displaced without the permission of the school administrator or designee.

USE OF SCHOOL FACILITIES

Specific Rules

Specific rules and regulations unique to each school site shall be provided to applicants. The Superintendent or designee, including site administrators, is hereby authorized to adopt site-specific guidelines, rules and regulations pertaining to the use and supervision of school facilities under their control. Any rules, guidelines, and regulations adopted shall be printed and provided to the user of the facility. The school principal or designee has full responsibility for supervision and management of the school property for which he/she has been given the responsibility both during and after school hours.

Use of Kitchen Facilities

If kitchen facilities are requested, approval must be secured by the Director of Food Service or designee.

Any use of kitchen facilities will require the assignment of a food service employee for supervisory purposes to be paid by the facility user.

The food service employee assigned will not assist in the preparation of food. The facility user must follow rules and regulations for food preparation and cleanliness as set forth by the Yolo County Health Department and the school district.

The facility user must furnish towels and other items necessary to carry out the activity.

Dishes, silverware, cups, and utensils are to be furnished by the facility user unless the applicant has requested and received approval for use of school district equipment from the Director of Food Services or designee.

Failure to adhere to the general rules, site-specific, or kitchen use rules (which ever is applicable) may preclude future use of the school facilities or grounds by the requesting organization.

Denial / Revocation of Use of Facilities

The Board of Trustees authorizes the Superintendent or designee to deny or revoke the use of facilities by an individual or group if the said entity has failed to adhere to the provisions within this Policy / Regulation. The District will utilize the following protocol if action is necessary.

1. The Superintendent or designee will notify the requesting entities "Point of Contact" in writing and notify them of the concerns.

USE OF SCHOOL FACILITIES

2. If the requesting entity does not correct the discrepancy in an acceptable time frame to the District, the District will have the authority to revoke the “Use of Facility” request. Furthermore, the District reserves the right to deny future requests by the requesting entity.
3. The District reserves the right to suspend, revoke, or deny use immediately without prior notification if the District concludes that circumstances warrant the action.

Regulation
approved: June 21, 2001
revised: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT
Winters, California

USE OF SCHOOL FACILITIES

**FEE SCHEDULE
DIRECT USE FEES / PERSONNEL FEES**

Facility	Personnel Fee	Hourly Rate Minimum 2 hour
	Custodian	\$25/hour
	Food Service Worker	\$20/hour
	Maintenance Worker	\$30/hour
Classrooms		\$10/hour
High School Library		\$15/hour
Middle School Library		\$15/hour
High School Gym		\$25/hour
Middle School MPR		\$15/hour
Rominger MPR		\$15/hour
Waggoner MPR		\$15/hour
Kitchen		\$25/hour
Locker Room		\$10/hour
Parking lot only (special approval required)		\$5/hour
Swimming Pool		\$80/hour
MS/HS Athletic fields		\$30/hour
HS Football field		\$50/hour
HS Football field lights		\$30/hour
HS Baseball field		\$30/hour
Elementary fields		\$25/hour

FAIR RENTAL FEES / PERSONNEL FEES

Facility	Personnel Fee	Hourly Rate Minimum 2 hour
	Custodian	\$40/hour
	Food Service Worker	\$35/hour
	Maintenance Worker	\$50/hour
Classrooms		\$30/hour
High School Library		\$30/hour
Middle School Library		\$30/hour
High School Gym		\$45/hour
Middle School MPR		\$35/hour
Rominger MPR		\$35/hour
Waggoner MPR		\$25/hour
Kitchen		\$40/hour
Locker Room		\$30/hour
Parking lot (special approval required)		\$15/hour
Swimming Pool (4 hour minimum)		\$100/hour
MS/HS Athletic fields		\$100/hour
HS Football field		\$300/hour
HS Football field lights		\$50/hour
HS Baseball field		\$150/hour
Elementary fields		\$75/hour

USE OF SCHOOL FACILITIES

WINTERS JOINT UNIFIED SCHOOL DISTRICT
FACILITIES USE APPLICATION

Request must be submitted a minimum 10 days prior to request date

Date of Application: _____
Insurance Certificate attached and verified (minimum amount \$1,000,000): Yes: _____ No _____ By: _____

SCHOOL SITE: _____ FACILITY REQUESTED: _____

Purpose of facility use: _____

Name of Organization: _____

Mailing Address: _____

Authorized Agent/Representative: _____ Telephone: _____

(The person named is at least 21 years of age, and in charge of the event unless otherwise noted and agrees to be in attendance during the entire event, and must have in their possession an approved facilities use form for each scheduled and approved date.)

Person in charge of event, if different from authorized agent: _____

Telephone: _____ Cell: _____

Approximate number expected to attend: _____

For single meeting: Date Requested: _____ Time: From _____ to _____

For multiple uses: Start date: _____ End date: _____

Time: From: _____ to _____

Day(s) of the week: _____

*Special setup/ equipment request (subject to approval): _____

*Fees for setup by district personnel will be computed and charged in accordance with Board Administrative Regulation AR1330

An admission charge / donation (will) / (will not) be expected.

This organization is (profit) / (non-profit), and (youth exclusive) / (non-youth exclusive).

The undersigned agrees by their signature that they are an authorized agent/representative for the requesting agency, and further agrees the rules and regulations set forth under Administrative Regulation 1330 will be complied with in full. I further agree that I am responsible to the school district for the use and care of the school property. I further agree that the nature of the activity will conform with that stated in the application. I agree to indemnify and hold harmless the Winters Joint Unified School District, its officers, agents and employees against any and all loss, damage and/or liability that may be suffered or incurred by the school district, its officers, agents, and employees.

**Authorized request signature: _____ Date: _____

Signature of applicant indicates individual has authorization to enter into this agreement for the requesting agency and assumes full responsibility for the activity.

SCHOOL SITE USE ONLY

Site Principal: _____ Date: _____ Approved ___ Denied ___

Director, Food Service*: _____ Date: _____ Approved ___ Denied ___

Director, Facilities: _____ Date: _____ Approved ___ Denied ___

School Person Assigned _____ Hours Charged: _____

*If a kitchen facility is requested the Director of Food Services must approve request.

Comments:

Exhibit adopted: February 17, 2005
reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT
Winters, California

ACCESS TO DISTRICT RECORDS

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

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - 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)

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

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

Legal Reference: (see next page)

ACCESS TO DISTRICT RECORDS

Legal Reference:

EDUCATION CODE

- 35145 *Public meetings*
- 35170 *Authority to secure copyrights*
- 35250 *Duty to keep certain records and reports*
- 41020 *Requirement for annual audit*
- 42103 *Publication of proposed budget; hearing*
- 44031 *Personnel file contents and inspections*
- 44839 *Medical certificates; periodic medical examination (re access to medical certificate in personnel file)*
- 49060-49079 *Pupil records*
- 49091.10 *Parental review of curriculum and instruction*
- 52850 *Applicability of article (School-based Program Coordination Plan availability)*

GOVERNMENT CODE

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

CALIFORNIA CONSTITUTION

Article 1, Section 3 Right of access to governmental information

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

COURT DECISIONS

- International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, (2007) 42 Cal.4th 319*
- Los Angeles Times v. Alameda Corridor Transportation Authority, (2001) 88 Cal.App.4th 1381*
- Kleitman v. Superior Court, (1999) 74 Cal.App.4th 324*
- Fairley v. Superior Court, (1998) 66 Cal.App.4th 1414*
- North County Parents Organization for Children with Special Needs v. Department of Education, (1994) 23 Cal.App.4th 144*

ATTORNEY GENERAL OPINIONS

- 71 Ops.Cal.Atty.Gen. 235 (1988)*
- 64 Ops.Cal.Atty.Gen 186 (1981)*

Management Resources

ATTORNEY GENERAL PUBLICATIONS

Summary of the California Public Records Act, 2004

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

The People's Business: A Guide to the California Public Records Act, 2008

WEB SITES

- CSBA: <http://www.csba.org>*
- California Attorney General's Office: <http://www.caag.state.ca.us>*
- Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>*
- State Bar of California: <http://www.calbar.ca.gov>*

Policy

adopted: June 21, 2001

revised: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California

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)

Writing means any handwriting, typewriting, printing, photostating, photographing, 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)

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

Public Records

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

1. The proposed and approved budgets and annual audit of the district (Government Code 6252; Education Code 41020, 42103)

(cf. 3100 - Budget)

(cf. 3460 – Financial Reports and Accountability)

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

(cf. 9324 - Minutes and Recordings)

6. Meeting agendas (Government Code 6252, 54957.5)

(cf. 9322 - Agenda/Meeting Materials)

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

ACCESS TO DISTRICT RECORDS

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

(cf. 0420.1 - School-Based Program Coordination)

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

(cf. 0420 – School Plans/Site Councils)

(cf. 0440 – District Technology Plan)

(cf. 0450 – Comprehensive Safety 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. Tort claims filed against the district and records pertaining to pending litigation which predate the filing of the litigation, unless protected by some other provision of law (Government Code 6254.25, Fairley v. Superior Court, 71 Ops.Cal.Atty.Gen. 235, 1988)

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

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

(cf. 9270 - Conflict of Interest)

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

(cf. 2121 – Superintendent’s Contract)

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

(cf. 4141/4241 - Collective Bargaining Agreement)

The Superintendent or designee shall ensure that any record containing personal information is redacted to ensure that such information, including, but not limited to, an employee’s home address or social security number, is not disclosed to the public.

ACCESS TO DISTRICT RECORDS

Confidential Records

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

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

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

2. Records specifically prepared for litigation to which the district is a party or to claims made against the district pursuant to the Tort Claims Act are confidential, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254, **6254.25**; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1998))

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

(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

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

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

ACCESS TO DISTRICT RECORDS

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

(cf. 6162.51 – Standardized Testing and Reporting Program)

(cf. 6162.52 – High School Exit Examination)

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

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

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

(cf. 6163.1 - Library Media Centers)

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

(cf. 9124 – Attorney)

9. Documents prepared by and 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. 3516 – Emergencies and Disaster Preparedness Plan)

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

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

(cf. 9321 - Closed Session Purposes and Agendas)

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

ACCESS TO DISTRICT RECORDS

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

(cf. 5020 - Parent Rights and Responsibilities)

14. 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)
15. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes
16. Records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record (Government Code 6255)

Inspection of Records and Requests for Copies

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

Within 10 days of receiving any written request for a copy of records, 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

ACCESS TO DISTRICT RECORDS

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, to write programming language or a computer program, or to construct a computer report to extract data

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

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

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.

If any person requests a public record be provided in an electronic format, the District shall make that record available in any electronic format in which it holds the information. The District shall provide a copy of the electronic record in the format requested 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 product 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

ACCESS TO DISTRICT RECORDS

2. The request would require data compilation, extraction, or programming to produce the record

Assistance to 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 reasonable 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 responsible 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 will be deemed satisfied.

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

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

RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS

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

- (cf. 0450 – Comprehensive Safety Plan)*
- (cf. 1020 - Youth Services)*
- (cf. 1330 – Use of School Facilities)*
- (cf. 3515.2 - Disruptions)*
- (cf. 3515.3 - District Police/Security Department)*
- (cf. 3515.5 - Sex Offender Notification)*
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)*
- (cf. 5030 – Student Wellness)*
- (cf. 5131.7 - Weapons and Dangerous Instruments)*
- (cf. 5141.22 - Infectious Diseases)*
- (cf. 5141.4 - Child Abuse Reporting Procedures)*
- (cf. 5145.11 - Questioning and Apprehension)*
- (cf. 5145.12 - Search and Seizure)*
- (cf. 7131 - Relations with Local Agencies)*

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

Elections/Voter Registration

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

- (cf. 6111 – School Calendar)*

RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS

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

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

The Superintendent or designee shall designate a contact person at each high school for the Secretary of State to contact in order to facilitate the distribution of voter registration forms to eligible students. The Superintendent or designee shall provide the address, phone number, and email address of each contact person to the Secretary of State.

To encourage students to participate in the elections process when they are eligible, the Superintendent or designee may distribute to high school seniors voter registration forms provided by the Secretary of State including, but not limited to, distributing the forms at the start of the school year, with orientation materials, at central locations, and/or with graduation materials.

(cf. 6142.3 – Civic Education)

Legal Reference:

EDUCATION CODE

10900-10914.5 Cooperative community recreation programs

12400 Authority to receive and expend federal funds

12405 Authority to participate in federal programs

17050 Joint use of library facilities

17051 Joint use of park and recreational facilities

32001 Fire alarms and drills

32288 Notice of safety plan

35160 Authority of Board of Trustees

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

2145-2146 Distribution of voter registration forms

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

RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS

Management Resources:

WEB SITES

California Secretary of State: <http://www.ss.ca.gov>

California Voter Foundation: <http://www.calvoter.org>

Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

Policy
adopted: June 21, 2001
revised: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT
Winters, California

WAIVERS

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

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

(cf. 9320 - Meetings and Notices)

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

(cf. 4140/4240 - Bargaining Units)

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

(cf. 0420 - School Plans/Site Councils)

(cf. 0420.1 - School-Based Program Coordination)

(cf. 1220 - Citizen Advisory Committees)

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

Legal Reference (next page)

WAIVERS

Legal Reference:

EDUCATION CODE

5000-5033 *Governing board elections*
8750-8754 *Grants for conservation education*
10400-10407 *Cooperative improvement programs*
17047.5 *Facilities used by special education students*
17291 *Portable school buildings*
33050-33053 *General waiver authority*
37202 *Equity length of time*
41000-41360 *School finance*
41381 *Minimum school day*
41600-41854 *Computation of allowances*
41920-42842 *Budget requirements; local taxation by school districts*
44520-44534 *New program for careers*
44666-44669 *School-Based Management and Advanced Career Opportunities*
44681-44689 *Administrator Training and Evaluation*
45108.7 *Maximum number of senior management positions*
48660-48666 *Community day schools*
48800 *Attendance at Community College*
49550-49560 *Meals for needy students*
51224.5 *Algebra instruction*
51745.6 *Charter school independent study ratio*
51870-51874 *Educational technology*
52053-52055.55 *Immediate Intervention for Underperforming Schools Program*
52055.600-52055.662 *High Priority Schools Grant Program*
52080-52090 *Class size reduction grade 9*
52122.6-52122.8 *Class size reduction - impacted school sites*
52160-52178 *Bilingual-Bicultural Education Act of 1976*
52180-52186 *Bilingual teacher waiver*
52200-52212 *Gifted and Talented Pupils Program*
52340-52346 *Career Guidance Centers*
52522 *Plans for adult education*
52850-52863 *School-Based Coordinated Program*
54000-54041 *Disadvantaged Youth Program*
54100-54145 *Miller-Unruh Basic Reading Program*
54407 *Waiver for compensatory education programs*
56000-56885 *Special education programs*
58407 *Waiver related to individualized instruction program*
58900-58928 *Restructuring demonstration programs*
60119 *Public hearing on sufficiency of instructional materials*
60422 *Instructional materials funding realignment program*

CODE OF REGULATIONS, TITLE 5

1032 *Academic Performance Index*
3100 *Resource specialist caseload waivers*
3945 *Cooperative programs*
9531 *Instructional materials funding*
11960 *Charter school attendance*
11963.4 *Charter school percentage funding*
13017 *Waivers*
13044 *Waivers*

UNITED STATES CODE, TITLE 20

1400-1482 *Individuals with Disabilities in Education Act*
7115 *Safe and Drug Free Schools, authorized activities*

WAIVERS

Management Resources:

WEB SITES

California Department of Education, Waiver Office: <http://www.cde.ca.gov/re/lr/wr>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS

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

(cf. 0000 – Vision)

(cf. 0200 – Goals for the School District)

(cf. 6142.3 – Civic Education)

(cf. 6142.4 – Service Learning/Community Service Classes)

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

(cf. 9000 – Role of the Board)

Businesses and industry and/or their representatives may support District school and programs by:

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

(cf. 1240 – Volunteer Assistance)

(cf. 1250 – Visitors/Outsiders)

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

(cf. 1260 – Educational Foundation)

(cf. 3290 – Gifts, Grants and Bequests)

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

(cf. 9270 – Conflict of Interest)

3. Purchasing advertisements in school-sponsored publications or on school property in accordance with law and Board policy

(cf. 1325 – Advertising and Promotion)

(cf. 3312 – Contracts)

4. Serving on advisory committees in order to provide business expertise or perspectives

(cf. 1220 – Citizen Advisory Committees)

(cf. 5030 – Student Wellness)

RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS

5. Working with District staff to ensure the relevance and rigor of the District’s career technical education program and providing work opportunities for students enrolled in these programs

(cf. 5113.2 – Work Permits)
(cf. 6178 – Career Technical Education)
(cf. 6178.1 – Work Experience Education)

6. Engaging in other activities approved by the Superintendent or designee that are designed to increase student learning or support school operations

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

(cf. 5020 – Parent Rights and Responsibilities)
(cf. 6020 – Parent Involvement)

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

(cf. 1150 – Commendation and Awards)

The Superintendent or designee shall regularly report to the Board regarding the District’s progress in establishing and sustaining business partnerships and the ways in which businesses have supported District programs.

(cf. 0500 – Accountability)

Legal Reference:

EDUCATION CODE

- 8070 Career technical education advisory committee*
- 35160 Authority of governing boards*
- 35160.1 Broad authority of school districts*
- 41030-41037 Gifts and bequests*
- 51760-51769.5 Work experience education*
- 52300-52499.66 Career technical education*

UNITED STATES CODE, TITLE 20

- 2301-2414 Carl D. Perkins Career and Technical Education Act of 2006, especially:*
- 2354 Local plan for career technical education, business involvement*

RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS

Management Resources:

CSBA PUBLICATIONS

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

Maximizing School Board Governance: Community Leadership, 1996

COUNCIL FOR CORPORATE AND SCHOOL PARTNERSHIP PUBLICATIONS

A How-To-Guide for School-Business Partnerships

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Building Business Support for School Health Programs, 1999

WEB SITES

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

California Consortium of Education Foundations: <http://www.cceflink.org>

California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ls/pf>

Council for Corporate and School Partnerships: <http://www.corpschoolpartners.org>

National Association of State Board of Education: <http://www.nasbe.org>

Policy

adopted: April 7, 2005

revised: August 21, 2008

reviewed: April 16, 2009

WINTERS JOINT UNIFIED SCHOOL DISTRICT

Winters, California