



**DEL MAR UNION SCHOOL DISTRICT  
ARTICLE 1  
COMMUNITY RELATIONS  
(Series 1000)**

**DEL MAR UNION SCHOOL DISTRICT**  
**ARTICLE 1**  
**COMMUNITY RELATIONS**  
**(Series 1000)**

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

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**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1000: CONCEPTS AND ROLES**

It is the desire of the Governing Board that the District and its schools foster a positive, open and dynamic relationship with the community and parents of students in the District, while at the same time maintaining the safety and well-being of students and staff during school hours. The Board therefore adopts the following policies regarding domestic issues and legal proceedings.

***Domestic Issues***

Employees and agents of the District shall not, during school hours or using District materials, engage in activities that may be construed as assisting or interfering with parental rights, child custody, abuse, divorce proceedings, or other domestic or legal matters involving students in the District. All matters of this nature that require the attention of the District must be directed to the Superintendent for an appropriate response. Employees engaging in such activities while off-duty do so in their individual capacities and not as employees or agents of the District.

***Legal Proceedings***

District and school officials will not accept service of legal documents on behalf of individuals such as employees, officials, or volunteers of the District. School officials will not deliver such documents that are intended to be served on its employees, officials, or volunteers, and will not permit persons seeking to serve such documents to enter school premises during school hours for that purpose due to the likelihood of disruption and the likelihood of interference with the peaceful conduct of school operations. The Superintendent or his designee is the sole authorized agent to accept service of legal documents on behalf of the District.

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***Legal Reference:***

**EDUCATION CODE**

35160 Authority of governing boards

*Board Policy 1000 (was 1012 last revised January 21, 2004)*

*1<sup>st</sup> Reading of B.P. 1000 for the Board of Trustees: November 16, 2005*

*2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005*

**DEL MAR UNION SCHOOL DISTRICT**  
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**BOARD POLICY 1100: COMMUNICATION WITH THE PUBLIC**

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

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

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***Legal Reference:***

**EDUCATION CODE**

35172 Promotional activities

**GOVERNMENT CODE**

82041.5 Mass mailing

89001 Newsletter or mass mailing

**CODE OF REGULATIONS, TITLE 2**

18901 Mass mailings sent at public expense

**DEL MAR UNION SCHOOL DISTRICT**  
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**BOARD POLICY 1112: MEDIA RELATIONS**

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

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

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

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

***Media Communication Plan***

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

The plan shall specify the district's and/or site's primary media contact to whom all media inquiries shall be routed. Spokespersons designated to speak to the media on behalf of the district include the Board president, 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.

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

***Crisis Communications Plan***

During a disturbance or crisis situation, the first priority of school staff is to assure the safety of students and staff. However, the Board recognizes the need to provide timely and accurate information to parents/guardians and the community during a crisis. The

*Board Policy 1112 (incorporates some language from old BP 1012 • last approved by the Board of Trustees Jan. 21, 2004)*

*1<sup>st</sup> Reading of BP 1112 for the Board of Trustees: November 16, 2005*

*2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005*

Board also recognizes that the media have an important role to play in relaying this information to the public. In order to help ensure that the media and district work together effectively, the Superintendent or designee shall develop a crisis communications plan to identify communication strategies to be taken in the event of a crisis.

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

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

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***Legal Reference:***

EDUCATION CODE

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

35144 *Special meetings*

35145 *Public meetings*

35160 *Authority of governing boards*

35172 *Promotional activities*

EVIDENCE CODE

1070 *Refusal to disclose news source*

PENAL CODE

627-627.10 *Access to school premises*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

***Management Resources:***

CSBA PUBLICATIONS

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

WEB SITES

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

*Board Policy 1112 (incorporates some language from old BP 1012 • last approved by the Board of Trustees Jan. 21, 2004)*

*1<sup>st</sup> Reading of BP 1112 for the Board of Trustees: November 16, 2005*

*2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005*

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1113: DISTRICT AND SCHOOL WEB SITES**

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

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

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

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

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

***Content***

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

No personal information about students or their parents/guardians, including phone numbers, home addresses or e-mail addresses, shall be published on a district or school web page.

Student directory information shall not be published if parents/guardians have requested that it be withheld.

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

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

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

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

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

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

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**Legal Reference:**

EDUCATION CODE

35182.5 Contracts for advertising

35258 Internet access to school accountability report cards

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

49073 Release of directory information

60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers

6254.21 Publishing addresses and phone numbers of board members

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

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

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.11 Children's Online Privacy

COURT DECISIONS

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

Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37

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

B.P./A.R. 1113 (portions from BP/AR 6017 approved Dec. 12, 2001)

1<sup>st</sup> Reading of BP/AR 1113 for the Board of Trustees: November 16, 2005

2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 1113:**  
**DISTRICT AND SCHOOL WEB SITES**

***Content***

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

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

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

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

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

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

***Roles and Responsibilities***

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

The school designated content writer shall perform similar duties related to the content and maintenance of the school's web site upon approval of the school principal. The

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principal is accountable to the Superintendent regarding the content of their school web site.

***Websites for Student and Community Organizations***

Student and community organizations that wish to create websites shall follow the district criteria and guidelines established for a classroom website. When linked to the district website they will be responsible for finding their own website hosting solutions.

***Security***

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

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**B.P./A.R. 1113: DISTRICT AND SCHOOL WEB SITES • Exhibit A**

Teachers shall establish classroom websites for use with classroom activities or that provide a communication support to parents, students or other teachers. Teachers will be responsible for maintaining their district classroom or educational resource websites.

***Criteria for Constructing a Classroom Website:***

- Classroom websites must be kept current; all links shall be checked weekly during the school year and old items deleted.
- Include an Email address somewhere on the classroom website.
- Include a disclaimer that is posted prominently on the home page. The disclaimer should say:
  - "The Del Mar Union School District (DMUSD) teacher classroom websites may contain suitable and appropriate links to other sites and information located worldwide throughout the Internet. Because access to the Internet provides connections to other computer systems located all over the world, users (and parents of users, if the user is under 18 years old) must understand that the DMUSD does not control the content or information or resources available on these other systems. Some of the materials available may be controversial and sometimes, offensive. Because the DMUSD has no control over such sites and information, it offers no guarantee for such sites and information with regard to: (i) The accuracy, currency, content, or quality of any such sites and information, or (ii) Whether the sites and information may locate or contain unintended and objectionable content. The DMUSD does not condone, nor is it responsible for, the use of such materials."
- The author of the page and the date it was last revised should be included at the bottom of each department/program.
- No advertisements shall be on the classroom website.
- Clip-Art must be royalty free or permission granted to use.
- Teacher classroom websites shall be considered official material and shall be developed in such a manner as to reflect well upon the district and school.
- The district may require a teacher to remove materials from his or her website.

*B.P./A.R. 1113 (portions from BP/AR 6017 approved Dec. 12, 2001)*

*1<sup>st</sup> Reading of BP/AR 1113 for the Board of Trustees: November 16, 2005*

*2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005*

- Homework assignments must be kept updated at all times.
- Before publishing student work on the classroom website, the Acceptable Use Policy (AUP) for internet publishing must be signed by the parents.
- Only first names of students shall accompany their work or be attached to pictures.
- Copyrighted or trademarked material belonging to others shall not be used unless written permission to display such material has been obtained from the owner. There shall be no assumption that the publication of copyrighted material on a web site is within the fair use exemption.
- Material placed on the classroom website is expected to meet academic standards of proper spelling, grammar, and accuracy of information. Students may retain the copyright on the material they create that is posted on the classroom website.
- District employees may retain the copyright on material they create and post on the classroom website.

***Suggestions for making a professional, easy to read web page:***

- Good Font styles are: Verdana, Arial, Helvetica, and Times New Roman.
- Good Font sizes are: 14 for heading and 12 or under for all other information.
- Good Graphic size: 72 dpi resolution and not larger than 300 X 300 pixels.
- Pages should be presentable in Netscape, Internet Explorer and AOL browsers.
- Supplemental material should be in Adobe Acrobat PDF format.
- A back-up copy of the Web pages should be kept by the author and provided to the principal upon request.

***List of possible uses of a classroom website:***

- Homework
- Calendar of Events
- Curriculum information
- Reminders (e.g., Remember tomorrow is a field trip)

*B.P./A.R. 1113 (portions from BP/AR 6017 approved Dec. 12, 2001)*

*1<sup>st</sup> Reading of BP/AR 1113 for the Board of Trustees: November 16, 2005*

*2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005*

- Newsletters
- Enrichment ideas
- Expertise or specialties needed (e.g., Help, we need a physics specialist to help us with our experiments)
- Supplies (e.g., We need egg cartons for a project)
- Student work showcase

**DEL MAR UNION SCHOOL DISTRICT**  
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**B.P./A.R. 1113: DISTRICT AND SCHOOL WEB SITES • Exhibit B**

# Picture Use Approval Form

## Parental Permission

This is to verify that we have your permission to use art, writing and visual images of your child on our District web site. If your child's photo is used, it is possible that his or her **first** name may also be used (full first and last name identification will NOT be used). Please indicate your approval by signing this form and returning it to your **homeroom teacher** as soon as possible.

**Examples:** Your child is on a field trip to the pumpkin patch and the teacher takes a class photo. Does the District have your permission to post the picture on the District web site? Your child has created a picture at school. Does the District have permission to publish the picture?

Your child's name: \_\_\_\_\_

\_\_\_\_\_  
Please print full name

Parent giving permission: \_\_\_\_\_

\_\_\_\_\_  
Please print full name

\_\_\_\_\_  
Signature

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

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1150: COMMENDATIONS AND AWARDS**

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

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.

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*Legal Reference:*

**EDUCATION CODE**

35160 Authority of governing boards

35160.1 Broad authority of school districts

44015 Awards to employees and students

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 1150:**  
**COMMENDATIONS AND AWARDS**

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

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

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

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1160: LEGISLATIVE/COMMUNITY ADVOCACY**

The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. To the extent possible, the 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.

***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.

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.

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.

***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 through normal district procedures for reporting Board actions.

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.

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

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

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

Upon request, 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.

### ***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)

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**Legal Reference:**

EDUCATION CODE

7054 Use of district property  
7054.1 Requested appearance  
7055 Local rules  
7056 Soliciting or receiving political funds  
7058 Use of forum  
35160 Authority of governing boards  
35172 Promotional activities

GOVERNMENT CODE

50023 Attending legislature to support or oppose legislation  
53060.5 Attendance at legislative body; expenses  
54953.5 Right to record proceedings  
54953.6 Broadcasts of proceedings  
81000-91015 Political Reform Act

COURT DECISIONS

Stanson v. Mott, (1976) 17 Cal. 3d 206  
Miller v. Miller, (1978) 87 Cal.App.3d 762  
League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203 Cal.App.3d 529, 250 Cal. Rptr. 161, rev.den.  
Choice-in-Education League et al v. Los Angeles Unified School District, (1993) 17 Cal.App.4th 415  
Yes on Measure A v. City of Lake Forest, (1997) 60 Cal.App.4th 620  
Scherer v. Buchanan, First Appellate District, Civil No. A076648  
ATTORNEY GENERAL OPINIONS  
73 Ops.Cal.Atty.Gen. 255 (1990)

**Management Resources:**

OFFICE OF LEGISLATIVE COUNSEL

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

FAIR POLITICAL PRACTICES COMMISSION

FPPC No. 93/345 (1996)

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998

Maximizing School Board Leadership: Community Leadership, 1996

**DEL MAR UNION SCHOOL DISTRICT**  
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**BOARD POLICY 1220: CITIZEN ADVISORY COMMITTEES**

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

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

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*Legal Reference:*

**EDUCATION CODE**

8070 Vocational education advisory committee  
11503 Parent involvement program  
35147 School site councils and advisory committees  
35172 Promotional activities  
44032 Travel expense payment  
44033 Automobile allowances  
52012 School site council  
52065 American Indian advisory committee  
52176 Advisory committees (LEP program)  
52852 Site council, school-based program coordination  
54425 Advisory committees; compensatory education  
54444.1-54444.2 Services to migrant children; parent advisory councils  
54724 Site council, motivation and maintenance program  
56190-56194 Community advisory committee, special education  
62002.5 Continuing parent advisory committees; schools receiving funds from economic impact aid or bilingual education act

**GOVERNMENT CODE**

820.9 Members of local public boards not vicariously liable  
54950-54963 The Ralph M. Brown Act

**DEL MAR UNION SCHOOL DISTRICT**  
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**BOARD POLICY 1240: VOLUNTEER ASSISTANCE**

The Governing Board encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with our students. Community volunteers in our 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 both students and volunteers. The Superintendent is authorized to require tuberculosis testing for all volunteers and may request criminal records checks as authorized by law. Volunteers shall act in accordance with district policies and regulations.

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

The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

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*Legal Reference:*

EDUCATION CODE

35021 Volunteer aides

35021.1 Automated records check

44010 Sex offense; definition

44227.5 Classroom participation by college methodology faculty

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

45125 Fingerprinting requirements

45340-45349 Instructional aides

45360-45367 Teacher aides

49406 Examination for tuberculosis

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance

3543.5 Prohibited interference with employees' rights

HEALTH AND SAFETY CODE

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

LABOR CODE

3364.5 Persons performing voluntary services for school districts

PENAL CODE

290 Registration of sex offenders

290.4 Information re sex offenders

CODE OF REGULATIONS, TITLE 22

101170 Criminal record clearance

101216 Health screening, volunteers in child care centers

UNITED STATES CODE, TITLE 20

6319 Qualifications and duties of paraprofessionals, Title I programs

ATTORNEY GENERAL OPINIONS

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

COURT DECISIONS

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

*Management Resources:*

NATIONAL PTA PUBLICATIONS

National Standards for Parent/Family Involvement Programs, 1997

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

WEB SITES

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

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

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

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

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

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

California Department of Justice, Megan's Law mapping: <http://www.meganslaw.ca.gov>

Board Policy/Administrative Regulation 1240 (was B.P./A.R. 1011)

Adopted by the Board of Trustees: October 18, 2000

Review of B.P./A.R. 1240 by the Board of Trustees: November 16, 2005

2nd Reading and Approval by the Board of Trustees: December 14, 2005

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION 1240 (was 1011): VOLUNTEER**  
**ASSISTANCE**

***Volunteer Duties***

Volunteer non-teaching aides may supervise students during lunch or may serve as non-teaching aides under the immediate supervision and direction of certificated personnel to perform non-instructional work which assists certificated personnel in the performance of teaching and administrative responsibilities.

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. A volunteer 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)

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)

***Qualifications***

Volunteers shall:

1. Be determined not to be a registered sex offender. (Education Code 35021) Before authorizing any volunteer to serve as a non-teaching aide or to supervise students, the Superintendent or designee shall ask the volunteer to sign an official declaration that he or she is not a registered sex offender.
2. Annually submit evidence that they are free from active tuberculosis.

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 1240:**  
**VOLUNTEER ASSISTANCE**

***Volunteer Duties***

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2. Annually submit evidence that they are free from active tuberculosis.

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1250: VISITORS/OUTSIDERS**

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

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

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**Legal Reference:**

**EDUCATION CODE**

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes; misdemeanor

32212 Classroom interruptions

35160 Authority of governing boards

35292 Visits to schools (board members)

51512 Prohibited use of electronic listening or recording device

**EVIDENCE CODE**

1070 Refusal to disclose news source

**LABOR CODE**

230.8 Discharge or discrimination for taking time off

**PENAL CODE**

626-626.10 Schools

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

**ATTORNEY GENERAL OPINIONS**

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

Board Policy/Admin. Reg. 1250 (previously mentioned in BP 1012 approved January 21, 2004)

1<sup>st</sup> Reading of B.P. 1250 for the Board of Trustees: November 16, 2005

2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 1250:**  
**VISITORS/OUTSIDERS**

The Superintendent or designee shall post at the entrance to each school and school grounds a notice setting forth visitor registration requirements, the registration location, and the penalties for violation of registration requirements. (Penal Code 627.6)

***Outsider Registration***

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

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

The principal or designee may refuse to register or may revoke the registration of 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. (Penal Code 627.4)

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, designee or principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent, designee or principal shall be held within seven days after receipt of the request. (Penal Code 627.5)

In order to provide authorized visitors with the opportunity to visit classrooms and to ensure all students their right to have an uninterrupted teaching-learning process, the following procedure shall be followed:

1. The district encourages parents/guardians to visit their child's classroom. Requests for visits are to be routed through the principal's office. Parents/guardians are always welcome but parental visitations must have prior notice to ensure that outside visitors will not interfere with important instructional activities. The principal and/or designee should accompany visitors to the classrooms.
2. Visitations by other than parents/guardians must also have prior approval of the principal.
3. Other individuals authorized by the parent/guardian may observe classes. However, the principal, and/or designee, will accompany the visitors during the visit.
4. A range of 20-30 minutes is allowed for the visits unless prior arrangements are made with the principal. A longer visit will be permitted only if the principal determines it will not distract the teacher or students, interfere with the instructional program, or interfere with other students' right to privacy.
5. The instructional process will not be interrupted. No attempts shall be made to engage the teacher or the students in conversation during instruction time.
6. There will be no more than one classroom visit per 30-day period for any student.

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1250.1: LEARNING ENVIRONMENT DISRUPTIONS**

The Governing Board is committed to a learning environment that fosters mutual respect among district teachers, parents and students. Communication between parents and teachers is encouraged to enhance each student's opportunity to achieve at the highest possible level. The Board also encourages parent involvement in school related organizations such as site councils, parent club/PTA's, and site foundations that assist the district in maximizing opportunities for teaching and learning at each school site.

Parents may contact teachers at the school site by telephone, e-mail or other written communication or by appointment. The Board encourages positive communication and discourages volatile, hostile, or aggressive actions that could have a negative impact on the learning environment of both teachers and students.

The district is responsible for maintaining a reasonable, safe and harassment free workplace for students and staff and for preventing unauthorized persons from entering school/district grounds.

The Superintendent is authorized to develop an administrative regulation to assure a positive learning environment, free of disruptions, for teachers and students throughout the district.

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***Legal References:***

**EDUCATION CODE**

32210 Disturbing School

44014 Assault on Personnel

44810 Person on School Grounds

44811 Insults and Abuses

**PENAL CODE**

243.5 Arrest on School Grounds

415.5 Fighting on School Ground

626.8 Entry of School by Person Not on

627.7 Refusal to Leave School Grounds

*Board Policy/Administrative Regulation/Exhibit 1250.1*

*1<sup>st</sup> Reading for the Board of Trustees: November 16, 2005*

*2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved with Revisions by the Board of Trustees: April 15, 2009*

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 1250.1:**  
**LEARNING ENVIRONMENT DISRUPTIONS**

The Governing Board is committed to a learning environment that fosters mutual respect among district teachers, parents and students. The following regulations have been developed for dealing with individuals who disrupt/damage the educational environment through volatile, hostile, or aggressive actions:

***Disruptions***

1. Any individual who disrupts or threatens to disrupt school/office operations; threatens the health and safety of students or staff; willfully causes property damage; uses loud and/or offensive language which could provoke a violent reaction; or who has otherwise established a continued pattern of unauthorized entry on school district property, will be directed to leave school or school district property promptly by the Superintendent or designee. The use of profanity or obscene, threatening or demeaning language or loud and inflammatory language which may reasonably cause disruption or violent reaction is prohibited between staff, parents, students, and community while on school grounds or during school activities. This prohibition includes phone conversations, letters, memoranda, or emails.
2. If any member of the public uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely admonish the speaker to communicate civilly. If corrective action is not taken by the abusing party, the district employee will verbally notify the abusing party that the meeting, conference, telephone conversation or email communication is terminated. If the meeting or conference is on district premises, the offending person will be directed to leave promptly. Employees are directed to end all conversations, whether in person, by phone, in writing, or email with individual(s) who continue to violate these procedures after the employee notifies the individual(s) of the violation.
3. If violence is directed against an employee, or there is theft or vandalism of property, or the employee feels threatened by the use of profanity or obscene, threatening or demeaning language or loud and inflammatory language which may reasonably cause disruption or violent reaction, the employee shall promptly report the occurrence to the principal or supervisor and complete an Incident Report which will be sent to the Superintendent. Employees and supervisors

*Board Policy/Administrative Regulation/Exhibit 1250.1*

*1<sup>st</sup> Reading for the Board of Trustees: November 16, 2005*

*2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved with Revisions by the Board of Trustees: April 15, 2009*

should notify law enforcement officials and report any attack, assault or threat made against them on school/district premises or at school/district sponsored activities.

4. When an individual is directed to leave under such paragraph 1 or 2 circumstances, the Superintendent or designee shall inform the person that he/she will be guilty of a misdemeanor in accordance with California Education Code 44811 and Penal Codes 415.5 and 626.7, if he/she reenters any district facility within 30 days after being directed to leave, or within seven days if the person is a parent/guardian of a student attending that school.

If an individual refuses to leave upon request or returns before the applicable period of time, the Superintendent or designee may notify law enforcement officials. An Incident Report (Exhibit 1250.1) should be completed for the situations as set forth in paragraphs 1 and 2.

California Education Code Section 44811, in part (a) Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts class work or extracurricular activities or involves substantial disorder is guilty of a misdemeanor. (b) A violation of subdivision (a) shall be punished as follows:

- (1) Upon the first conviction by a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000), or by imprisonment in a county jail for not more than one year, or by both the fine and imprisonment.
- (2) Upon a second conviction, by imprisonment in a county jail for a period of not less than 10 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 10 days in a county jail.
- (3) Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than 90 days, and not more than one year, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000). The defendant shall not be released on probation, or for any other basis until he or she has served not less than 90 days in a county jail.

### ***Appeal Procedure***

Any person who is asked to leave a public school building or grounds may appeal to the Superintendent or designee. This appeal shall be made no later than the second school day after the person has been directed to leave the school building or grounds. The Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding.

*Board Policy/Administrative Regulation/Exhibit 1250.1*

*1<sup>st</sup> Reading for the Board of Trustees: November 16, 2005*

*2nd Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved with Revisions by the Board of Trustees: April 15, 2009*

The decision of the Superintendent or designee may be appealed to the Board. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final.

### ***Notification Procedure***

The Superintendent or designee will be responsible for making both parents and teachers aware of district policy that promotes mutual respect including provisions for dealing with disruptions.

If it is determined that a member of the public is in violation of the provisions of this policy, the individual should be counseled on the applicable Education Code and Board policy provisions at the time of the occurrence and the employee must notify his/her supervisor as soon as possible and complete an Incident Report (Exhibit 1250.1).

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### ***Legal Reference:***

#### **EDUCATION CODE**

32210 *Willful disturbance of public school or meeting*

32211 *Threatened disruption or interference with classes; misdemeanor*

32212 *Classroom interruptions*

35160 *Authority of governing boards*

35292 *Visits to schools (board members)*

51512 *Prohibited use of electronic listening or recording device*

#### **EVIDENCE CODE**

1070 *Refusal to disclose news source*

#### **LABOR CODE**

230.8 *Discharge or discrimination for taking time off*

#### **PENAL CODE**

626-626.10 *Schools*

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

627.1 *Definitions*

627.2 *Necessity of registration by outsider*

627.7 *Misdemeanors; punishment*

#### **ATTORNEY GENERAL OPINIONS**

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

*Board Policy/Administrative Regulation/Exhibit 1250.1*

*1<sup>st</sup> Reading for the Board of Trustees: November 16, 2005*

*2nd Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved with Revisions by the Board of Trustees: April 15, 2009*

**DEL MAR UNION SCHOOL DISTRICT**  
**B.P./A.R. 1250.1 LEARNING ENVIRONMENT DISRUPTIONS**  
**Exhibit A**

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**INCIDENT REPORT**

Name \_\_\_\_\_

Today's Date \_\_\_\_\_ Site \_\_\_\_\_

Approximate Date and Time of Incident \_\_\_\_\_

Location of Incident (office, classroom, hallway, etc.) \_\_\_\_\_

Name of Person you are reporting (if known) \_\_\_\_\_

Is this person a parent/guardian or relative to a student in the district?

\_\_\_\_\_ Yes          \_\_\_\_\_ No

Did you feel your well being/safety was threatened?

\_\_\_\_\_ Yes          \_\_\_\_\_ No

Were there any witnesses to this incident?          \_\_\_\_\_ Yes          \_\_\_\_\_ No

Name of Witness(es) \_\_\_\_\_

Were the police contacted?          \_\_\_\_\_ Yes          \_\_\_\_\_ No

Below, please describe what happened. If you need additional space, please use the back of this form. Thank you.

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\_\_\_\_\_  
Signature of Person Completing Form

(A copy of this Incident Report will be sent to the Superintendent or designee.)

*Board Policy/Administrative Regulation/Exhibit 1250.1*

*1<sup>st</sup> Reading for the Board of Trustees: November 16, 2005*

*2nd Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved with Revisions by the Board of Trustees: April 15, 2009*

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1260: EDUCATIONAL FOUNDATION**

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

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***Legal Reference:***

**COURT DECISIONS**

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

***Management Resources:***

California Consortium of Education Foundations, @cceflink.org

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1312: COMPLAINTS CONCERNING THE SCHOOLS**

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

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

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

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***Legal Reference:***

**EDUCATION CODE**

35146 Closed sessions

**GOVERNMENT CODE**

950-950.8 Actions against public employees

54957-54957.8 Closed sessions

**CODE OF REGULATIONS, TITLE 5**

3080 Application of section 4600-4671

4600-4671 Uniform complaint procedures

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION 1312.1:**  
**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

***Level 1: Employee***

Every effort should be made to resolve a complaint at the earliest possible stage. The first step in the complaint process requires the complainant to meet with the employee who is responsible for the complainant's concern, issue, problem, or complaint.

- a. **Timeline:** In order to promote a timely resolution, any party who wishes to use this complaint policy is required to hold a Level 1 complaint meeting within 30 calendar days of the event that has resulted in the concern, issue, problem, or complaint. Failure to follow the Level 1 30-day timeline negates the other stages in this policy.
- b. During the Level 1 meeting, both parties are encouraged to share information that will assist both parties to understand the issue and resolve the problem.
- c. During the Level 1 meeting, both parties are encouraged to listen to the other party, learning about the perception of the other party.
- d. During the Level 1 meeting, both parties are encouraged to brainstorm and discuss different ways to resolve the problem that are satisfactory to both parties.

***Level 2: Supervisor/Principal***

If, after following the Level 1 process, the complainant is not satisfied with the results from Level 1, the complainant has 15 calendar days to submit a written statement with the employee's supervisor/principal. The written complaint should explain the circumstances that gave rise to the complaint, and also provide suggestions that can solve the problem.

- a. **Timeline:** In order to promote a timely resolution, any party who wishes to use this complaint policy is required to comply with the Level 2 process within 15 calendar days of the Level 1 meeting. Failure to follow the Level 2 15-day timeline negates the other stages in this policy.
- b. After the supervisor/principal has received the written complaint, the supervisor/principal will schedule a meeting with the complainant and the employee within 15 calendar days to discuss and resolve the complaint.

- c. The supervisor/principal must provide the Superintendent with a written report of his/her response to the complaint.

### ***Level 3: Superintendent***

If, after following the process in Levels 1 and 2, the complainant is not satisfied with the Level 2 proposed resolution to the complaint, then the complainant has 15 calendar days to provide the Superintendent with a written statement describing all events related to the complaint up to Level 3, and must also include the complainant's proposed solution to the complaint.

- a. Timeline: In order to promote a timely resolution, any party who wishes to use this complaint policy is required to comply with the Level 3 process within 15 calendar days of the Level 2 meeting. Failure to follow the Level 3 15-day timeline negates the other stages in this policy.
- b. Once the Superintendent has received the written Level 3 complaint, the Superintendent will immediately notify the employee and his/her supervisor that a Level 3 complaint has been received. Receipt of a Level 3 complaint requires the employee and his/her supervisor to submit, within 15 calendar days, a written statement describing all events that have occurred, including the proposed Level 2 resolutions.
- c. Once the Superintendent has received written statements from the employee and the employee's supervisor, the Superintendent will schedule a meeting with the complainant to discuss the different possible resolutions to the complaint.
- d. Within five calendar days of the Superintendent's Level 3 meeting with the complainant, the Superintendent will communicate the Superintendent's final written resolution to all parties.

### ***Level 4: Governing Board***

If, after following the Level 3 process, the complainant is not satisfied with the Superintendent's proposed resolution, the complainant has 10 calendar days to file a written appeal with the Board. The written appeal must explain why the Superintendent's proposed final resolution fails to satisfy the complaint and what resolution will satisfy the complaint.

- a. Timeline: In order to promote a timely resolution, any party who wishes to use this complaint policy is required to comply with the Level 4 process within 10 calendar days of the Level 3 meeting. Failure to follow the Level 4 10-day timeline negates the final appeal as outlined below in this policy. Once the Superintendent receives the Level 4 written complaint,

the Superintendent will forward the Level 4 complaint to the Board within 10 calendar days. In addition, the Superintendent will also forward to the Board a written narrative and supporting documents describing all Levels 1, 2 and 3 efforts to resolve the complaint.

- b. The Board may uphold the Superintendent's decision without hearing the complaint.
- c. All parties to the complaint may be asked to attend an Open Session of the Board in order to clarify information and present the Board with available evidence.
- d. A Closed Session of the Board may be held to hear the complaint in accordance with the Brown Act.
- e. The decision of the Board is final.

For complaints relating to employee-to-employee issues, refer to BP 4031, also Article 10 of the DMCTA/DMUSD Master Contract.

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***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)*

*Administrative Regulation 1312.1 replaces B.P. 1002 approved March 8, 1995*

*1<sup>st</sup> Reading of A.R. 1312.1 for the Board of Trustees: November 16, 2005*

*2nd Reading and Approval by the Board of Trustees: December 14, 2005*

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1312.2:**

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

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

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

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

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

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**Legal Reference:**

**EDUCATION CODE**

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

**Management Resources:**

**CDE PROGRAM ADVISORIES**

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

Board Policy/Administrative Regulation 1312.2 (replacing B.P. 1003 approved March 8, 1995)  
1<sup>st</sup> Reading of B.P./A.R. 1312.2 for the Board of Trustees: November 16, 2005  
2nd Reading and Approval by the Board of Trustees: December 14, 2005

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 1312.2:**  
**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

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

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

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

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

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

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

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

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

Within 30 days of being convened, the review committee shall summarize its findings in a written report and submit it to the Superintendent or designee for final action. The

Superintendent or designee shall notify the complainant of his/her decision no later than 60 days after the complaint was filed.

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

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

***County or State-Adopted Material***

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

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

**DEL MAR UNION SCHOOL DISTRICT**  
**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**  
**Exhibit A**

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

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

Title: \_\_\_\_\_

Author: \_\_\_\_\_

Publisher: \_\_\_\_\_ Date of Edition: \_\_\_\_\_

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

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

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

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

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

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

*Board Policy/Administrative Regulation 1312.2 (replacing B.P. 1003 approved March 8, 1995)  
1<sup>st</sup> Reading of B.P./A.R. 1312.2 for the Board of Trustees: November 16, 2005  
2nd Reading and Approval by the Board of Trustees: December 14, 2005*

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1312.3: UNIFORM COMPLAINT PROCEDURE**

***Purpose and Scope:***

The Board of Trustees (“Board”) 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 applicable state and federal laws and regulations and/or alleging discrimination, and seek to resolve those complaints in accordance with procedures set out in sections 4600-4687 of the Title 5 California Code of Regulations and in accordance with the policies and procedures of the Governing Board. 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 program or activity that receives or benefits from state financial assistance. The District shall also use uniform complaint procedures when addressing complaints alleging failure to comply with state and/or federal laws, consolidated categorical aid programs, child care and development programs, child nutrition programs, special education programs, and federal school safety planning requirements.

The Board clarifies that these same uniform complaint procedures may be used to file complaints with the District or to appeal District decisions which concern unlawful discrimination under the following federal/state laws: Section 504 or the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act of 1990 (ADA) for the charges of discrimination based on mental or physical disability; Title IX of the Education Amendments of 1972 charges of discrimination/harassment based on sex including charges of sexual harassment; and Title VI of the Education Amendments of 1964 for charges of discrimination based on race, color, or national origin. Title 5, California Code of Regulations, Section 4900, et, seq. includes sexual identification, gender identity, ethnic identification, and ancestry.

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 misassignments shall be investigated pursuant to the district’s Williams uniform complaint procedure (AR 1312.4)

*Board Policy 1312.3 (was B.P. 6006 last revised by the Board: December 15, 2004)*

*Date B.P. 1312.3 reviewed by the Board of Trustees: November 16, 2005*

*2nd Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved by the Board of Trustees with Revisions: June 24, 2009*

*Approved by the Board of Trustees with Revisions: March 23, 2011*

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

The Board acknowledges and respects student and employee rights to privacy under the law. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts as required by law. This includes keeping the identity of the complainant confidential 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, or as required by law.

The Board prohibits unlawful retaliation in any form for participation in the uniform complaint procedures, including but not limited to the 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.

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**Legal Reference:**

EDUCATION CODE

200-262.3 Prohibition of discrimination  
8200-8498 Child care and development programs  
8500-8538 Adult basic education  
18100-18172 School libraries  
32289 School safety plan, uniform complaint procedure  
35186 Alternative uniform complaint procedure  
48985 Notices in language other than English  
49060-49079 Student records  
49490-49590 Child nutrition programs  
52160-52178 Bilingual education programs  
52300-52499.6 Vocational 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  
62000-62005.5 Evaluation and sunseting of programs  
64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5

3080 Application of section  
4600-4671 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

PENAL CODE

422.6 Interference with constitutional right or privilege

Board Policy 1312.3 (was B.P. 6006 last revised by the Board: December 15, 2004)

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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, including

7114 Local educational program, safety plans

7201-7283g Title V Promoting Informed Parental Choice and Innovative Programs

7301- 7372 Title VI Rural and Low-Income School Programs

*Management Resources:*

WEB SITES

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

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

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**DEL MAR UNION SCHOOL DISTRICT**  
**ADMINISTRATIVE REGULATION**

***COMMUNITY RELATIONS***

**ADMINISTRATIVE REGULATION 1312.3: UNIFORM COMPLAINT PROCEDURE**

***Designation of Person to Receive Complaints***

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

Superintendent of Schools  
225 Ninth Street  
Del Mar, CA 92014

The compliance officer shall ensure that employees designated to investigate such complaints are knowledgeable about the laws and programs for which they are responsible.

For complaints concerning insufficiency of instructional materials, emergency or urgent facility conditions, and/or teacher vacancy or misassignment issues, the complaint shall be filed with the school principal or his or her designee at the school site where the complaint arises.

***Notifications***

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

The compliance officer shall meet the notification requirements of California Code of Regulations, Title 5, Section 4622, and all other applicable law, including the annual dissemination of District complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the State Department of Education.

The Superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge.

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***The notice shall:***

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise 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 law and regulations.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. 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.
  - d. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

***Procedures***

The following procedures shall be used to address all complaints which allege that the district has violated federal or state regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

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

***Filing of Complaint***

Any individual, public agency, or organization may file a written complaint of alleged noncompliance by the district. (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. Complaints shall be made using the standard form. (AR 1312.4 Exhibit 2)

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For complaints concerning insufficiency of instructional materials, emergency or urgent facility conditions, and/or teacher vacancy or misassignment issues, the complaint may be anonymous. However, if the complainant requests a response, he or she must provide contact information.

Complaints alleging unlawful discrimination 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. The complaint must be initiated no later than six (6) months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination, unless the time for filing is extended by the compliance officer, upon written request by the complainant setting forth the reasons for the extension, for good cause for a period not to exceed 90 calendar days following the expiration of the time allowed. The compliance officer shall respond immediately upon receipt of requests for extensions.

The complaint shall be presented to either the compliance officer or designee, depending on the nature of the complaint. The compliance officer or designee will maintain a log of complaints received, providing each one with a number and a date stamp.

If the complaint concerns insufficiency of instructional materials, emergency or urgent facility conditions, and/or teacher vacancy or misassignment issues, the complaint shall be filed with the school principal or the designee at the school site where the complaint arises. If the complaint is beyond the authority of the school principal, he or she must forward it to the appropriate school district official within ten (10) working days of receipt of the complaint.

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.

California Administrative Code, Title 5, Section 4611 mandates that the complaints listed below shall be referred to the specified agencies for appropriate resolution and are not subject to the local Board of Education and/or to the State Department of Education's complaint procedures, as set forth in this policy unless these procedures are made applicable by separate interagency agreements or by other applicable law:

1. Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.

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3. Discrimination issues involving Title IX of the Educational Amendments of 1972 shall be referred to the U.S. Office of Civil Rights (OCR). Title IX complainants will only be referred to the OCR if there is not a state discrimination law or regulation at issue. Unless otherwise negotiated through a memorandum of understanding/agreement, a preliminary inquiry and/or investigation concerning these complaints will be conducted by OCR. The complainant shall be notified by certified mail if his/her complaint is transferred to OCR by the State Superintendent of Public Instruction.
4. Civil rights complaints involving Child Nutrition Programs will be investigated and the complaint and results of the investigation will be sent to the USDA Food and Consumer Service. A courtesy copy of this complaint will be sent to the Complaint Coordinator with the Department of Education, Child Nutrition and Food Distribution Division. Program complaints involving Child Nutrition Programs that are non-discriminatory issues such as program service or violation of Federal or State laws or regulations that cannot be resolved shall be directed to the Complaint Coordinator with the Department of Education, Child Nutrition and Food Distribution Division.
5. Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22, CCR, Section 98410. The complainant shall be notified by certified mail of any DFEH transferal.
6. Allegations of fraud shall be referred to the responsible Department Division Director and Department's Legal Office.

### ***Investigation of Complaint***

The compliance officer or principal/designees shall make all reasonable efforts to investigate any problem within his or her authority. The investigation shall provide an opportunity for the complainant, or the complainant's representative, to present information relevant to the complaint. The investigation may include an opportunity for the parties to the dispute to meet to discuss the complaint or to question each other or each other's witnesses.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Refusal by the LEA to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail to refuse or cooperate in the investigation or engage in any other obstruction of the investigation, may

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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.

### ***Response***

For complaints processed by the compliance officer, a written decision shall be issued to the complainant within-sixty (60) calendar days of receiving the complaint. This decision shall contain the following elements: findings of fact based on the evidence gathered, conclusion of the law, disposition of the complaint, the rationale for such a disposition, corrective actions if any are warranted, and notice of the complainant's right to appeal the District's decision to the California Department of Education, and the procedures to be followed for initiating and appeal to the Department. If an employee is disciplined according to established District policy 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 additional information as to the nature of the disciplinary action. This time period may be extended by written agreement between the complainant and the District.

### ***Appeal***

For complaints processed by the compliance officer, if a complainant is dissatisfied with the compliance officer's decision, he/she may, within five (5) calendar days of receiving the written decision, file his/her complaint in writing with the Board. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the sixty (60) calendar days time limit in which the complaint must be answered.

If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within fifteen (15) calendar days of receiving the District's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the District's decision and must include a copy of the locally filed complaint and the District's decision.

For complaints processed by the principal or designee, if the complainant is dissatisfied with the resolution of the complaint, he or she has the right to describe the complaint to the Governing Board of the school district at a regularly scheduled hearing of the Board. The Governing Board will then respond to the appeal in writing within sixty (60) calendar days of the District's initial receipt of the complaint or within an extended time period that has been specified in a written-agreement with the complainant. The final decision must be issued within sixty (60) calendar days from the date of receipt of the complaint, unless the complainant has agreed in writing to extend the timeline.

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If the complaint involves facility issues that pose an emergency or urgent threat, an appeal can be sent directly to the Superintendent of Public Instruction (SPI). The SPI will provide a written report to the State Board of Education describing the complaint and a proposed remedy, as appropriate.

### ***Civil Law Remedies***

A complainant may pursue available civil law remedies outside of the District's complaint procedures as provided by law. 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. Except as provided by law, for discrimination complaints, a complainant must wait until sixty (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 properly notified in writing, as applicable, its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, and other interested parties of the District's complaint procedures, including the complainant's opportunity to appeal if dissatisfied with a decision.

### ***Direct State Intervention***

The California Department of Education may directly intervene in the complaint without waiting for action by the District when one of the conditions listed in 5 CCR 4650 and other applicable law exists. In addition, the California Department of Education may also intervene in those cases where the District has not taken action within sixty (60) calendar days of the date the complaint was first filed with the District.

### ***Reporting Requirements***

The District's designee must submit a quarterly report, to the County Superintendent and the Governing Board on the nature and resolution of complaints addressing insufficient instructional materials, teacher vacancies and misassignments, an emergency or urgent facilities issues.

The summaries must be publicly reported on a quarterly basis at a regularly scheduled meeting of the Governing Board.

### ***Public Records***

Complaints, responses and quarterly reports concerning insufficient instructional materials, teacher vacancies and misassignments, and emergency or urgent facilities issues will all be considered public records, to the extent required by law.

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### ***Definition of Terms***

As used in these procedures, the definitions of terms are:

- a) **Appeal** shall mean a request made in writing to the State Superintendent of Public Instruction by a complainant requesting reconsideration or a reinvestigation of the District's decision.
- b) **Complainant** shall mean any individual including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination in programs and activities funded by the state or receiving any financial assistance from the state.
- c) **Complaint** shall mean a written and signed statement alleging a violation of a federal or state law or regulation, which may include an allegation of unlawful discrimination.
- d) **Complaint Investigation** shall mean an administrative process used by the District for the purpose of gathering data regarding the complaint.
- e) **Complaint Procedure** shall mean an internal process used by the District to process and resolve complaints.
- f) **Compliance Agreement** shall mean an agreement between the Department of Education and the District, following a finding of non-compliance by the Department, developed by the District, and approved by the Department resolve the non-compliance.
- g) **Days** shall mean calendar days unless designated otherwise.
- h) **Department** shall mean the California Department of Education.
- i) **Direct State Intervention** shall mean the steps taken by the Department of Education to initially investigate complaints or effect compliance.
- j) **Mediation** shall mean a problem-solving activity whereby a third party assists the complainant and District to a dispute in resolving the problem.
- k) **Misassignment** shall mean the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized

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certificate or credential, or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by the statute to hold.

- l) **State Mediation Agreement** shall mean a written voluntary agreement, approved by the Department of Education, which is developed by the local agency and complainant with assistance from the Department to resolve an allegation of non-compliance.
- m) **Teacher vacancy** shall mean 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 of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION 1312.4:**  
**WILLIAMS UNIFORM COMPLAINT PROCEDURE**

*Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs for the 2008-09 through 2012-13 fiscal years. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy or administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place. For further information, please contact the Superintendent or designee.*

***Types of Complaints***

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

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

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

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

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

### 3. Facilities

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

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

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

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

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

### ***Filing of Complaint***

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

### ***Investigation and Response***

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

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

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

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

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

### ***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. (AR 1312.4 Exhibit 1) 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)

*Admin. Reg./Exhibits 1312.4 (formerly part of B.P. 1312.3)*

*Approved by the Board of Trustees: April 27, 2011*

### ***Forms and Notices***

The Superintendent or designee shall ensure a Williams complaint form is available at each school. (AR 1312.4 Exhibit 2) However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

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

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186) (AR 1312.4 Exhibit 3)

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### ***Legal Reference:***

#### EDUCATION CODE

1240 County superintendent of schools, duties  
17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account  
33126 School accountability report card  
35186 Williams uniform complaint procedure  
35292.5 Restrooms, maintenance and cleanliness  
37254 Supplemental instruction based on failure to pass exit exam by end of grade 12  
48985 Notice to parents in language other than English  
60119 Hearing on sufficiency of instructional materials

#### CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures, especially:  
4680-4687 Williams complaints

Management Resources:

#### WEB SITES

CSBA: <http://www.csba.org>  
California County Superintendents Educational Services Association: <http://www.ccsesa.org>  
California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>  
State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>  
(3/07 11/07) 11/10

*Admin. Reg./Exhibits 1312.4 (formerly part of B.P. 1312.3)*

*Approved by the Board of Trustees: April 27, 2011*

**QUARTERLY UNIFORM COMPLAINT REPORT SUMMARY**

**For submission to Board of Trustees and San Diego County Office of Education**

District Name: Del Mar Union School District

Quarter covered by this report (ex. Jan-Mar 2011):

Please fill in the following table. Enter 0 in any cell that does not apply.

|                                              | <b>Number of<br/>Complaints<br/>received<br/>In quarter</b> | <b>Number of<br/>Complaints<br/>resolved</b> | <b>Number of<br/>Complaints<br/>unresolved</b> |
|----------------------------------------------|-------------------------------------------------------------|----------------------------------------------|------------------------------------------------|
| <b>Instructional<br/>Materials</b>           |                                                             |                                              |                                                |
| <b>Facilities</b>                            |                                                             |                                              |                                                |
| <b>Teacher Vacancy<br/>and Misassignment</b> |                                                             |                                              |                                                |
| <b>Child Nutrition<br/>Services</b>          |                                                             |                                              |                                                |
| <b>Totals:</b>                               |                                                             |                                              |                                                |

Submitted by:

Title:

**AR 1312.4 Exhibit 2**

**Sample Uniform Complaint Procedure Form  
For Education Code Section 35186 Complaints**

*Education Code* Section 35186 created 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, and teacher vacancy or misassignment. The complaint and response are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the following contact information.

Response requested: ☐ Yes ☐ No

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

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

**Issue of complaint (please check all that apply):**

**1. Textbooks and Instructional Materials**

- ☐ A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- ☐ A pupil does not have access to textbooks or instructional materials to use at home or after school.
- ☐ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- ☐ A 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. Facility Conditions**

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

**3. Teacher Vacancy or Misassignment**

- ☐ Teacher vacancy - 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 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.)
- ☐ Teacher misassignment - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
- ☐ Teacher misassignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Date of Problem: \_\_\_\_\_

Location of Problem (School Name, Address, and Room Number or Location): \_\_\_\_\_

Course or Grade Level and Teacher Name: \_\_\_\_\_

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

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Please file this complaint at the following location:  
(Principal or the designee of the district superintendent and address)



AR 1312.4 Exhibit 3

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES**

### **NOTICE TO PARENTS/GUARDIANS, PUPILS, AND TEACHERS: COMPLAINT RIGHTS**

Parents/Guardians, Pupils, 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 pupil, 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.

*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.

*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.

4. A complaint form can be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>.

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1321: SOLICITATION OF FUNDS FROM AND BY STUDENTS**

During school hours and within one hour before the time of opening to within one hour after the time of closing of school, students of the school shall not be solicited on school premises by teachers or others to subscribe or contribute to the funds of, to become members of, or to work for, any organization not directly under the control of school authorities, unless the organization is a nonpartisan, charitable organization organized for charitable purposes by an act of congress or under the laws of the state, the purpose of the solicitation is nonpartisan and charitable, and the solicitation has been approved by the Board.

No fund raising drives, contests, or other activities are to be conducted by non-school agencies or for non-school activities among students, except as provided by law and approved in advance by the Superintendent.

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***Legal Reference:***

**EDUCATION CODE**

51520 Prohibited solicitations on school premises

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

**BUSINESS AND PROFESSIONS CODE**

17510-17510.95 Charitable solicitations

**PENAL CODE**

319-329 Raffles

**REVENUE AND TAX CODE**

6361 Sales tax exemption for certain sales

**CODE OF REGULATIONS, TITLE 8**

11706 Dangerous activities and occupations

***Management Resources:***

**CSBA PUBLICATIONS**

*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>

Board Policy 1321 (replaces B.P. 5027 approved March 13, 1996)

1<sup>st</sup> Reading of B.P. 1321 for the Board of Trustees: November 16, 2005

2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1325: ADVERTISING AND PROMOTION**

The primary function of the school and school personnel is to educate children. However, in order to promote positive relationships between the schools and community organizations, the Governing Board of the Del Mar Union School District desires to cooperate with community organizations, who provide strong support for our schools, by agreeing to publicize services, special events and public meetings of interest to students and parents/guardians that meet specific district guidelines.

The Superintendent or designee shall develop regulations that delineate guidelines for materials sent home to students and for those materials approved for counter distribution.

All distribution of materials will ultimately be at the discretion of the Superintendent or designee according to adopted guidelines. The Superintendent or designee may approve the distribution of materials prepared by organizations which are school-sponsored, further the district's intended purpose, directly benefit the students, support the basic educational mission of the district or be of intrinsic value to the students. Materials shall not promote any particular religious or political interest.

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**Legal Reference:**

**EDUCATION CODE**

7050-7058 Political activities of school officers and employees

35160 Authority of governing boards

35160.1 Broad authority of school districts

35172 Promotional activities

38130-38138 Civic Center Act

48907 Student exercise of free expression

**BUSINESS AND PROFESSIONS CODE**

25664 Advertisements encouraging minors to drink

**U.S. CONSTITUTION**

Amendment 1, Freedom of speech and expression

**COURT CASES**

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

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

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

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

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

Board Policy/Administrative Regulation 1325 (replaces B.P./A.R. 1006 approved Sept. 25, 2002)

Reviewed by the Board of Trustees: November 16, 2005

2nd Reading and Approval by the Board of Trustees: December 14, 2005

Approved with Revisions by the Board of Trustees: January 23, 2008

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 1325:**  
**ADVERTISING AND PROMOTION**

***Criteria for Distribution of School-Sponsored Flyer***

The principal is directly responsible for the approval of content and distribution of individual school-sponsored flyers. These include the PTA, Site Council and other school related organizations.

***Criteria for Distribution of Community (Non-School Sponsored) Flyers***

The Superintendent or his/her designee is directly responsible for the approval and content of community flyers and shall review all flyers to assure that it complies with the provisions of Board Policy and administrative regulations.

Materials must meet the following criteria in order to be distributed to students:

1. Agency distributing must be non-profit, and be an established entity operating as a business (not an in-home cottage operation).
2. If a fee is involved, scholarships must be provided, and it must be noted on the flyer.
3. A majority of the activities specified must be age-appropriate for K-6 students including 6th grade students transitioning to 7th grade during the summer months.
4. No more than one flyer per month, per organization will be distributed.
5. The activity must fall within the boundaries of the Del Mar Union School District. In the case of sports teams, at least half of the games must be played within the boundaries of the Del Mar School District/Carmel Valley/Rancho Santa Fe/Solana Beach area.
6. Non-profit organizations operating outside the Del Mar School District may be authorized if numbers 1-4 above criteria are met.

***Procedures for Distribution of Materials to Students***

A copy of the flyer must be brought to the Superintendent or designee for review.

If the flyer has been approved by the Superintendent or his/her designee, the following steps must be adhered to when distributing flyers:

1. An approval form from the Superintendent or designee will be issued to the organization requesting distribution. The authorization must be presented at each school site before the site will distribute the flyer to students.
2. A file copy of the authorization will remain in the district office.
3. All flyers or announcements will be bundled as specified by the Superintendent or designee and delivered to the school sites by 3:00 p.m. on the preceding Friday in order to be included in the weekly envelope the following week.
4. Flyers will not be distributed during the first week of school or during any week, which may result in a conflict with the distribution of district materials.

**DEL MAR UNION SCHOOL DISTRICT**  
**ADVERTISING AND PROMOTION**  
**Exhibit 1**

**Helpful Reminders**

The district has supported the practice of permitting qualified organizations to distribute flyers through students. On a regular basis, it is not unusual for our district office to receive as many as 10-20 requests per week to distribute flyers. In order to assist the school personnel who perform this service, the district office has implemented guidelines to ensure that flyers are distributed in an orderly and timely manner.

We realize that timelines are often rushed and deadlines are challenging. However, please be reminded of the following requirements:

- An approval sheet must be obtained before dropping off flyers. When you receive your approval sheet from the district office, please make enough copies so that every school will receive a copy of the approval notification for their files.
- Flyers should be delivered to the school sites no later than 3:00 p.m. on the Friday before the week of distribution (usually Wednesdays).
- In order to allow enough time for the flyers to meet the Friday deadline, please give the district office adequate time to issue approval sheets.
- Please provide accurate fax numbers in which to issue approvals (correct area codes, operational fax machines, etc.). Incorrect fax or non-operational fax numbers can cause delays.

Your cooperation is appreciated and will assist us in serving your organization.

***Del Mar Union School District***  
***Office of the Superintendent***

PLEASE SEE DISTRICT MATERIAL IN THE DISTRICT OFFICE FOR  
EXHIBIT (2)1325 ENTITLED "FLYER DISTRIBUTION-SCHOOL  
ADDRESS/BUNDLING REQUIREMENTS"

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1330: USE OF SCHOOL FACILITIES**

It is the policy of the district to grant the use of its school facilities and grounds as a civic center only by written agreement upon the terms and conditions set forth in this Board Policy and only for the following purposes.

***Types of Activities Permitted***

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. The Board will charge the church or religious organization a fee for its use of school facilities and grounds at least equal to the district's direct costs.
4. Child care or day care programs to provide supervision and activities for children of preschool and elementary school age.
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies.
6. Supervised recreational activities.
7. Additionally, the district shall grant the use of school buildings, grounds and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The district policy is to cooperate with these agencies in furnishing and maintaining such services as may be deemed necessary by the Governing Board to meet the needs of the community.
8. Other purposes deemed appropriate by the Board.

***Types of Activities Prohibited***

1. Any use of school facilities and grounds by an individual, group, club or organization for commission of any act intended to further any program or movement the purpose of which is to accomplish the overthrow of the government of the United States or of the state by force, violence, or other unlawful means.

*Board Policy/Admin. Reg./Exhibits 1330 (replaces B.P./A.R./E. 1000 approved Nov. 20, 2002)*

*1<sup>st</sup> Reading of B.P./A.R./E. 1330: November 16, 2005*

*2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved with Revisions by the Board of Trustees: May 27, 2009*

2. Any use of school facilities or grounds that is inconsistent with the use of a school's facilities or grounds for school purposes or which interferes with the regular conduct of schoolwork.
3. Commercial advertising.
4. Activities which involve the possession, consumption and/or sale of alcoholic beverages or any substance restricted by law.
5. Fund-raising activities which are not beneficial to youth or the public school activities of the district as determined by Board policy or action of the Board.
6. Activities that do not comply with the laws of the United States, the State of California, this Board Policy, related regulations, or any other policy or regulation of the district.

The district may require the furnishing of additional information as it deems necessary in order to make the determination that school buildings and grounds will not be used for a prohibited activity. The determination of whether the use of school buildings and grounds is for a prohibited activity is within the sole discretion of the Board.

***Rules and Procedures for the Use of School Facilities and Grounds***

The Board has exclusive right to manage, direct and control the use of its school facilities and grounds. The use of district facilities and grounds are subject to and conditioned upon the following rules:

1. General Rules
  - a. Any group, club or organization which includes minors shall have an adult present to supervise its use of school facilities or grounds.
  - b. Any use of school facilities and grounds for civic center activities shall not be inconsistent with the use of the school facilities and grounds for school purposes and shall not interfere with the regular conduct of schoolwork.
  - c. Priority of use will be given to nonprofit groups, clubs and organizations organized to promote youth and school activities.
  - d. No school furniture, equipment or apparatus may be removed or displaced by any person, persons, or organizations without permission from the principal. School property may not be removed from the school premises at any time.

*Board Policy/Admin. Reg./Exhibits 1330 (replaces B.P./A.R./E. 1000 approved Nov. 20, 2002)*

*1<sup>st</sup> Reading of B.P./A.R./E. 1330: November 16, 2005*

*2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved with Revisions by the Board of Trustees: May 27, 2009*

- e. School property must be protected from any loss, damage or destruction. Each user is responsible for the condition in which school property is left. If school property is lost, damaged or destroyed, the user will be charged an amount necessary to replace or repair the property, and further use of school facilities may be denied.
- f. There will be no smoking in any school building. Alcoholic beverages, illegal drugs or firearms are not permitted on school premises.
- g. The district does not assume responsibility for claims for personal injury, bodily injury or property damages, liability cost or expense which does or may arise out of the use of school facilities or grounds.

## 2. Application Procedures

Every applicant group, club or organization desiring to use district school facilities or grounds must comply with the following procedures:

- a. Any individual applying for the use of school property on behalf of any group, club or organization shall be a member of the applicant group and, unless he or she is an officer of the group, must present written authorization from the applicant group to make the application and execute the required documents. All documents required before use may be granted may be obtained from, and must be submitted to, the Administrative designee of the Facilities Department at the District Administration Center.
- b. Complete "REQUEST FOR USE OF SCHOOL FACILITIES AND/OR GROUNDS" (*Exhibit 1*) no later than 10 days prior to the date that the group, club or organization has requested to use the district's facilities or grounds. The hours of requested use specified in the application shall determine the period during which the school property may be used. Special permission must be obtained from the Facilities Department at the District Administration Center, who will work in conjunction with the local school site Principal before any extension of time will be permitted.
- c. Pursuant to California Education Code 38130-38138, complete and sign under penalty of perjury, "STATEMENT OF INFORMATION" (*Exhibit 2*). The Board, in its sole discretion, may consider any Statement of Information as continuing in effect for the period of one year from the date of the signature thereon. The Board also may require additional information as it deems necessary to determine that the use of school property for which application is made does not violate Education Code section 40044.

*Board Policy/Admin. Reg./Exhibits 1330 (replaces B.P./A.R./E. 1000 approved Nov. 20, 2002)*

*1<sup>st</sup> Reading of B.P./A.R./E. 1330: November 16, 2005*

*2nd Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved with Revisions by the Board of Trustees: May 27, 2009*

- d. Complete and sign, "HOLD HARMLESS AGREEMENT" (*Exhibit 3*).
- e. Each applicant, except those that are fee exempt, shall provide no later than five school days prior to the use of district facilities and/or grounds, a certificate of insurance and policy endorsement in accordance with, "LIABILITY INSURANCE REQUIRED FOR USE OF SCHOOL FACILITIES AND GROUNDS FOR NONSCHOOL PURPOSES" (*Exhibit 4*). Failure to timely submit these documents will result in denial of the requested use of school facilities and grounds.
- f. Each applicant shall submit the payment of fees for the use of the school facilities and grounds in accordance with, "CHARGES FOR THE USE OF FACILITIES AND GROUNDS" and "FEE SCHEDULE" (*Exhibit 5*) attached thereto. The appropriate fee shall be submitted no later than five working days prior to the date of use of the school facilities and grounds. If advance payment of the appropriate fee is not submitted in a timely manner, use of school facilities and grounds will not be granted.

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**Legal Reference:**

EDUCATION CODE

10900-10914.5 Community recreation programs

32282 School safety plan

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

BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverage on school premises

UNITED STATES CODE, TITLE 20

7905 Equal access to public school facilities

COURT DECISIONS

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

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

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

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

ACLU 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

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

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

**Management Resources:**

CDE LEGAL ADVISORIES

Board Policy/Admin. Reg./Exhibits 1330 (replaces B.P./A.R./E. 1000 approved Nov. 20, 2002)

1<sup>st</sup> Reading of B.P./A.R./E. 1330: November 16, 2005

2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005

Approved with Revisions by the Board of Trustees: May 27, 2009

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

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 1330:**  
**USE OF SCHOOL FACILITIES**

***Field Scarcity***

The Governing Board recognizes that the Del Mar/Carmel Valley area lacks an adequate number of youth ball fields to accommodate all requesting youth sports in the area. As a result, the district will not be able to approve all applications submitted for field use from youth athletic leagues/independent teams.

***Need to Apply to CVRC/Collaboration with CVRC***

As a result of this scarcity of available DMUSD ball fields, the Board encourages all Del Mar/Carmel Valley youth athletic leagues/independent teams to apply to the Carmel Valley Recreation Council for use of Carmel Valley ball fields. The Del Mar/Carmel Valley youth athletic leagues/independent teams that do NOT APPLY for Carmel Valley ball fields will NOT be eligible for DMUSD ball fields.

The Board encourages DMUSD staff to cooperate with the Carmel Valley Recreation Council as the District and CVRC consider field allocation applications. The Board encourages DMUSD staff to make final field allocation decisions (1) that align with the intent of this regulation, and (2) that benefit the overall youth of the community.

***Application Priority***

The DMUSD staff is instructed to provide TOP field allocation priority to those youth athletic leagues that have continuously used the DMUSD ball fields since 1992. This top priority extends from Monday through Saturdays, and excludes Sundays.

The second priority for field allocation will be youth athletic leagues that are affiliated with state/national youth organizations that have NOT been continuously using DMUSD ball fields since 1992. A majority of athletes in any youth athletic league must reside in the 92014 and 92130 zip codes. The second priority approval also extends from Monday through Saturdays.

The third priority for field allocation will be independent teams or leagues that are not affiliated with state/national youth organizations. A majority of athletes on the roster of the independent team or league must reside in the 92014 and 92130 zip codes.

*Board Policy/Admin. Reg./Exhibits 1330 (replaces B.P./A.R./E. 1000 approved Nov. 20, 2002)*

*1<sup>st</sup> Reading of B.P./A.R./E. 1330: November 16, 2005*

*2nd Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved with Revisions by the Board of Trustees: May 27, 2009*

### ***Application Form/Insurance***

To apply for field use, a team must demonstrate tentative proof of insurance for the upcoming season at the time of application. The team must also show a realistic number of proposed participants, including numbers from the previous season. The actual insurance policy for the season must be provided to the district by the sports league 14 days prior to the actual start of practice activity.

### ***Safety Plan***

To apply for field use, an applicant team/organization must submit a written safety plan which clearly identifies the maximum number of players that will be allowed on the field at one time, and a description of the supervision plan that the team/organization will use to insure the safety of the players/spectators. The safety plan will clearly identify a plan to promote the safety and well-being of players who are injured during practice/games. Failure to observe the agreed upon safety plan during the season is cause for the District to cancel the team/organization's use permit.

### ***Invoicing***

The district will invoice leagues/teams on a proportional basis for porta-potty service charges at school sites that are being used by youth sports leagues. Youth sports leagues agree to pay the porta-potty invoice within 30 days of receipt.

### ***Inclement Weather Cancellation***

In the event that inclement weather makes it necessary for the DMUSD to cancel use of the fields, the youth sports leagues agree to immediately cancel scheduled activity upon notification by authorized DMUSD personnel.

**DEL MAR UNION SCHOOL DISTRICT**  
**USE OF SCHOOL FACILITIES**

**STATEMENT OF INFORMATION**

The undersigned, as duly authorized representative for \_\_\_\_\_, states that, to the best of his/her knowledge, the school property for use of which application is hereby made will not be used for the commission of any crime or any act which is prohibited by law.

The undersigned further declares that \_\_\_\_\_, the organization on whose behalf he/she is applying for the use of school property, upholds and defends the Constitutions of the United States and the State of California.

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(organization if applicable)

Exhibit 3

**DEL MAR UNION SCHOOL DISTRICT**  
**USE OF SCHOOL FACILITIES**

**HOLD HARMLESS AGREEMENT**

In consideration for the use of school district facilities and/or grounds, the undersigned authorized officer, on behalf of the applicant group, club or organization, its members and participants in its activities on district property hereby agrees to indemnify and hold harmless the district, its officers, agents and employees from any and all liabilities, claims, obligations, judgments, suits, costs, damages, expenses, attorneys' fees, incurred or paid, arising out of, or on account of, any property loss, damage or destruction, personal injury or death, or any other damages of whatever kind or nature, arising out of or related to its use of school district facilities and grounds to the full extent provided by law.

The terms of this HOLD HARMLESS AGREEMENT shall be binding upon the heirs, executors, administrators, successors and family members of the group, club or organization, its members and participants in its activities on district property.

The unenforceability, invalidity, or illegality of any provision of this agreement shall not render any other provision unenforceable, invalid or illegal.

I HEREBY CERTIFY THAT I HAVE READ THIS DOCUMENT FULLY, UNDERSTAND EACH AND EVERY TERM AND PROVISION, AND THAT I EXECUTE THIS DOCUMENT VOLUNTARILY.

I further certify that I have been provided full opportunity to consult with an attorney or any other individual at my own expense as to the meaning and legal affect of this document.

Applicant: \_\_\_\_\_, also certifies that I am the duly qualified and authorized officer of:

\_\_\_\_\_  
(name of group)

Dated: \_\_\_\_\_ Applicant Signature \_\_\_\_\_

**DEL MAR UNION SCHOOL DISTRICT**  
**USE OF SCHOOL FACILITIES**

**LIABILITY INSURANCE REQUIRED FOR USE OF SCHOOL FACILITIES  
AND GROUND FOR NONSCHOOL PURPOSES**

The school district does not assume responsibility for claims for personal injury, bodily injury, or property damage arising from the granting of the use of its school facilities and grounds. Accordingly, the district requires that all applicants, except those that are fee exempt, sign and comply with the following provisions.

**Personal Injury, Bodily Injury, and Property Damage Insurance**

Prior to the approval of the Request for Use of School Facilities and/or Grounds, the applicant shall submit to the Superintendent or designee, a certificate of insurance along with the insurance company's policy endorsement of comprehensive general liability in the amount of \$ 1,000,000.00.

1. Such document shall name the Del Mar Union School District as an additional insured and shall be signed by an authorized officer of the insurance company.
2. The insurance carrier's policy coverage shall also contain provisions which include:
  - a. Primary coverage before the district's policy.
  - b. Any aggregate limits shall apply separately to each insured.
  - c. Carrier agrees not to call on the district for any contribution in the settlement of a claim.
  - d. No other contribution by the district is required.

The following shall apply when the loss, damage, or destruction of school property is not covered under the provisions of the certificate of insurance and the policy endorsement:

1. Applicant, individually and/or jointly with the group, agrees to be responsible for all liabilities arising out of the activity and agrees that the applicant's liability for injuries and property loss, damage, or destruction shall be primary to any applicable coverage owned or held by the district, its successors, assigns or nominees.
2. Applicant shall be provided with an invoice for an amount necessary to repay the loss, damage, or destruction.

3. Applicant's failure to pay said damages shall constitute sufficient cause for the district to take whatever legal action the district considers appropriate against the applicant.
4. Such action may include, but is not limited to, immediate cancellation of the application, disapproval of future applications to use school facilities and grounds, and legal action to recover damages.

**DEL MAR UNION SCHOOL DISTRICT**  
**USE OF SCHOOL FACILITIES**

**CHARGES FOR USE OF FACILITIES AND GROUNDS**

Charges for the use of facilities and grounds shall be made in accordance with the following structure:

1. Fee Exempt
  - a. Definition: No fee will be charged
  - b. A fee shall not be charged when an alternative location is not available to those applicants who qualify as nonprofit organizations and/or clubs organized to promote youth and school activities, including, but not limited to:
    - (1) Girl Scouts, Boy Scouts, Camp Fire, Inc. etc.
    - (2) Parent-teachers' associations
    - (3) School-community advisory councils
    - (4) This section shall not apply to any group, which uses school facilities or grounds for fund raising activities, which are not beneficial to youth or public school activities of the district, as determined by the Board.
    - (5) This section shall not apply to any group, which uses school facilities or grounds during non-school hours or on a non-school day, or groups that require additional services beyond the normal working activities of school maintenance and operations workers. In these cases, groups will be charged direct costs.
2. Direct Costs
  - a. Definition: Those costs incurred for supplies, utilities, janitorial services, maintenance of sports fields for practice and games by youth sports teams, services of any other district employees, and salaries paid to school district employees necessitated by the organization's use of the school facilities and grounds of the district (see attached Fee Schedule).
  - b. Activities which will be charged direct costs shall include activities which do not fall within the fee exempt or fair rental value classifications.

3. Fair Rental Value

- a. Definition: The direct costs to the district, plus the amortized costs of the school facilities or grounds used for the duration of the activity authorized (see attached Fee Schedule).
- b. Activities which will be charged fair rental value shall include:
  - (1) Fund-raising entertainment/meetings and activities where admission fees are charged, or contributions are solicited, and the net receipts are not expended for the welfare of the pupils of the district or for charitable purposes.
  - (2) Commercial use.

**DEL MAR UNION SCHOOL DISTRICT**  
**USE OF SCHOOL FACILITIES**

**PROPOSED MODIFICATIONS TO  
FACILITIES USE FEE SCHEDULE**

|                                                                            | <b>Direct Costs</b> | <b>Fair Rental Value</b>               |
|----------------------------------------------------------------------------|---------------------|----------------------------------------|
| <b><u>1. Multipurpose Room</u></b>                                         | \$50 / hour         | \$100 / hour                           |
| <b><u>2. Classroom</u></b>                                                 | \$20 / hour         | \$60.00 / hour                         |
| <b><u>3. Sport Fields</u> for Practice and Games by Youth Sports Teams</b> | \$5.00 / hour       | <b>\$35.00 / hour<br/>(\$280 /day)</b> |

***DAYS AND HOURS OF OPERATION***

*Monday through Friday: 4:30 p.m. until dusk unless otherwise specifically arranged.*

*Saturday: 8:00 a.m. until dusk unless otherwise specifically arranged.*

*Sunday: not open unless otherwise specifically arranged.*

**CUSTODIAL SURCHARGES**

**COST PER MEETING**

Custodial Surcharge for Additional Time (per hour).....\$50.00  
 (Current rate = \$34.52)

*Board Policy/Admin. Reg./Exhibits 1330 (replaces B.P./A.R./E. 1000 approved Nov. 20, 2002)*

*1<sup>st</sup> Reading of B.P./A.R./E. 1330: November 16, 2005*

*2<sup>nd</sup> Reading and Approval by the Board of Trustees: December 14, 2005*

*Approved with Revisions by the Board of Trustees: May 27, 2009*

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**BOARD POLICY 1340: ACCESS TO DISTRICT RECORDS**

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

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

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

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**Legal Reference:**

**EDUCATION CODE**

35145 Public meetings

35170 Authority to secure copyrights

35250 Duty to keep certain records and reports

42103 Publication of proposed budget; hearing

44031 Personnel file contents and inspections

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

49060-49079 Pupil records

49091.10 Parental review of curriculum and instruction

52015 Ongoing evaluation and modification of school improvement plans

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

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

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

**GOVERNMENT CODE**

3547 Proposals relating to representation

6250-6270 California Public Records Act

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**

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

North County Parents Organization for Children with Special Needs v. Department of Education,

23 Cal.App. 4th 144 (1994)

**ATTORNEY GENERAL OPINIONS**

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

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

**DEL MAR UNION SCHOOL DISTRICT**  
**COMMUNITY RELATIONS**

**ADMINISTRATIVE REGULATION TO BOARD POLICY 1340:**  
**ACCESS TO DISTRICT RECORDS**

***Records Open to the Public***

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

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. Governing Board 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 public records on the same basis as any other person. (Government Code 6252, 6252.5)

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

1. The proposed and approved budgets (Government Code 6252; Education Code 42103)
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)
6. Meeting agendas (Government Code 6252, 54957.5)
7. Official communications between governmental branches (Government Code 6252)
8. School-based program plans (Education Code 52850, 54722)

9. Information and data relevant to the evaluation and modification of school improvement plans (Education Code 52015.5)
10. Initial proposals of exclusive employee representatives and of the district (Government Code 3547)
11. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)
12. Contracts of employment and settlement agreements (Government Code 53262)

***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)
2. Records specifically prepared for litigation to which the district is a party or to claims made pursuant to the Tort Claims Act, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))
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)

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

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

- d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
4. Test questions, scoring keys and other examination data except as provided by law (Government Code 6254)
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)
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)
9. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session (Government Code 6254)
10. Recall petitions or petitions for the reorganization of school districts (Government Code 6253.5)
11. Minutes of Board meetings held in closed session (Government Code 54957.2)
12. Computer software developed by the district (Government Code 6254.9)
13. Written instructional textbooks or other materials for which providing a copy would infringe a copyright or would constitute an unreasonable burden on the operation of the district (65 Ops.Cal.Atty.Gen. 185 (1981))
14. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

### ***Inspection of Records and Requests for Copies***

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

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

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

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

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

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

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

The Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. 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 produce the copy, under the following circumstances: (Government Code 6253.9)

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

***Assistance in Identifying Requested Records***

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

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

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

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

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