Community Relations  
BP 1000(a)

CONCEPTS AND ROLES

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

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

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

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

(cf. 0510 - School Accountability Report Card)
(cf. 1220 - Citizen Advisory Committees)
(cf. 1240 - Volunteer Assistance)
(cf. 1330 - Use of SCOE Facilities)
(cf. 6020 - Parent Involvement)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 9323 - Meeting Conduct)

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

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

Legal Reference:  (see next page)
CONCEPTS AND ROLES (continued)

Legal Reference:

EDUCATION CODE
35160 Authority of governing boards
35172 Promotional activities
YOUTH SERVICES

The Santa Clara County Board of Education desires to help all Santa Clara County Office of Education students achieve to their highest potential regardless of their social, health, or economic circumstances and recognizes that schools alone cannot meet all the complex needs of children. The SCCOE shall provide support services for children and families to the extent possible and shall work with other local governments, businesses, foundations, and community-based organizations, as appropriate, to improve the health, safety, and well-being of the community's youth.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5136 - Gangs)
(cf. 5141.32 - Health Screening for School Entry)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5141.52 - Suicide Prevention)
(cf. 5141.6 - School Health Services)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 5149 - At-Risk Students)
(cf. 6164.2 - Guidance/Counseling Services)
(cf. 6173 - Education for Homeless Children)
(cf. 6173.1 - Education for Foster Youth)

The County Board shall initiate or participate in collaborative relationships with city and county elected officials to design and coordinate multi-agency programs that respond to the needs of children and families and provide more efficient use of SCCOE and community resources. The County Board may establish or participate in formal structures for governance teams to regularly meet and discuss issues of mutual concern.

(cf. 0200 - Goals for the School District)
(cf. 9140 - Board Representatives)

The Santa Clara County Superintendent of Schools and appropriate staff shall cooperate with public and private entities in the planning and implementation of joint projects or activities within the community. The County Superintendent or designee may designate a coordinator to ensure effective implementation of the SCCOE responsibilities in any such collaborative project.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)
YOUTH SERVICES  (continued)

In order to identify priorities for youth services, the County Board shall encourage a periodic assessment of children's needs within the community, which may include, but not be limited to, needs based on poverty, child abuse and neglect, poor physical or mental health, homelessness, placement in foster care, lack of access to child care, substance abuse, or violence. The needs assessment also should examine the extent to which those needs are being met through existing services in the SCCOE and in the community, the costs of providing those services, and any gaps, delay, or duplication of services.

The County Board shall approve the services to be offered by the SCCOE, the resources that will be allocated to support collaboration, any use of school facilities for services, and any development or joint use of facilities with other jurisdictions.

(cf. 1330 - Use of School Facilities)
(cf. 3100 - Budget)

All agreements with other agencies to coordinate services or share resources shall be in writing. The County Board may establish joint powers agreements or memorandums of understanding, when feasible, to formalize the responsibilities and liabilities of all parties in a collaborative activity.

The County Superintendent or designee shall work with interagency partners to explore funding opportunities available through each agency, state and national grant programs, and/or private foundations for youth service coordination and delivery.

In order to facilitate service delivery or determination of eligibility for services, the SCCOE may share information with other appropriate agencies with parent/guardian consent and in accordance with laws pertaining to confidentiality and privacy.

(cf. 3553 - Free and Reduced Price Meals)
(cf. 5125 - Student Records)

The County Board shall receive regular reports of progress toward the identified goals of the collaborative effort. The reports may include, but not be limited to, feedback from staff and families regarding service delivery, numbers of children and families served, specific indicators of conditions of children, and indicators of system efficiency and cost effectiveness.

(cf. 0500 - Accountability)

The County Board shall communicate with the community about the SCCOE collaborative efforts and the conditions of children within the schools. The County Board may advocate for local, state, and national policies, programs, and initiatives designed to improve the conditions of children and youth.
YOUTH SERVICES (continued)

(cf. 1100 - Communication with the Public)
(cf. 1160 - Political Processes)
(cf. 9000 - Role of the Board)

Legal Reference:

EDUCATION CODE
8800-8807 Healthy Start support services for children
49073 Privacy of student records
49075 Parent/guardian permission for release of student records
49557.2 Sharing of information for MediCal eligibility

HEALTH AND SAFETY CODE
120440 Immunization records; release to local health departments
130100-130155 Early childhood development; First 5 Commission

WELFARE AND INSTITUTIONS CODE
5850-5883 Mental Health Services Act
18961.5 Computerized database; families at risk for child abuse; sharing of information
18980-18983.8 Child Abuse Prevention Coordinating Council
18986-18986.30 Interagency Children's Services Act
18986.40-18986.46 Multidisciplinary services teams
18986.50-18986.53 Integrated day care program
18987.6-18987.62 Family-based services

Management Resources:

CSBA PUBLICATIONS
Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008
Mental Health Services Act (Proposition 63): Collaborative Opportunity to Address Mental Health, Policy Advisory, October 2007
Maximizing School Board Governance: Community Leadership, 1996

CHILDREN NOW PUBLICATIONS

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS
Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006
Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006

YOUTH LAW CENTER PUBLICATIONS
Model Form for Consent to Exchange Confidential Information among the Members of an Interagency Collaborative, 1995

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Learning Support: http://www.cde.ca.gov/ls
California Department of Public Health: http://www.cdph.ca.gov
California Department of Social Services: http://www.dss.cahwnet.gov
California State Association of Counties: http://www.csac.counties.org
Children Now: http://www.childrennow.org
Cities, Counties and Schools Partnership: http://www.ccspartnership.org
First 5 California: http://www.cefc.ca.gov
League of California Cities: http://www.cacities.org
Youth Law Center: http://www.ylc.org

Policy adopted: June 3, 2009
COMMUNICATION WITH THE PUBLIC

The Santa Clara County Board of Education recognizes the Santa Clara County Office of Education responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the schools and SCCOE and to be responsive to the concerns and interests expressed by members of the community.

(cf. 1000 - Concepts and Roles)

The Santa Clara County Superintendent of Schools or designee shall establish strategies for effective two-way communications between the SCCOE and the public and shall consult with the County Board regarding the role of County Board members as advocates for the SCCOE students, programs, and policies.

(cf. 9000 - Role of the Board)

The County Superintendent or designee shall distribute communications protocols and procedures to the County Board and staff, which include, but are not limited to, identification of spokesperson(s) authorized to speak to the media on behalf of the SCCOE, job descriptions that identify the responsibilities of the public information officer and other staff members related to communications with the public, strategies for coordinating communications activities, legal requirements pertaining to confidentiality as well as the public's right to access records, and the importance of presenting a consistent, unified message on SCCOE issues.

(cf. 1112 - Media Relations)
(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 9005 - Governance Standards)
(cf. 9010 - Public Statements)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

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

(cf. 0510 - School Accountability Report Card)
(cf. 1113 - District and School Web Sites)
(cf. 5145.6 - Parental Notifications)

In developing communications strategies, the County Superintendent or designee shall take into account the needs of all members of the public, including those whose primary language is not English and those who are visually or hearing impaired or have other special needs.
COMMUNICATION WITH THE PUBLIC  (continued)

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

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

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

(cf. 1220 - Citizen Advisory Committees)
(cf. 1230 - School-Connected Organizations)
(cf. 1240 - Volunteer Assistance)
(cf. 1260 - Educational Foundation)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 6020 - Parent Involvement)
(cf. 9322 - Agenda/Meeting Materials)
(cf. 9323 - Meeting Conduct)

Prohibition Against Mass Mailings at Public Expense

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

Comprehensive Communications Plan

The County Superintendent or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for SCCOE programs and issues. The plan shall also incorporate strategies for effective communications during an emergency or other situation that may arise.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1160 - Political Processes)
(cf. 1330 - Use of School Facilities)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)
COMMUNICATION WITH THE PUBLIC  (continued)

The plan shall identify specific communications goals aligned with the SCCOE vision and goals for student learning. For each communications goal, the plan shall identify key messages, individuals or groups that can help the SCCOE achieve its goal, strategies tailored for communicating with each target audience, timelines, persons responsible for each activity, and budget implications.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)

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

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 1700 - Relations Between Private Industry and the Schools)

The County Superintendent or designee shall annually evaluate the implementation and effectiveness of the SCCOE communications plan and recommend to the County Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

(cf. 0500 - Accountability)

Legal Reference:  (see next page)
COMMUNICATION WITH THE PUBLIC (continued)

Legal Reference:

EDUCATION CODE
35145.5 Board meetings, public participation
35172 Promotional activities
38130-38138 Civic Center Act
GOVERNMENT CODE
54957.5 Meeting agendas and materials
82041.5 Mass mailing
89001 Newsletter or mass mailing
CODE OF REGULATIONS, TITLE 2
18901 Mass mailings sent at public expense

Management Resources:

CSBA PUBLICATIONS
Mass Mailings at Public Expense, Legal Advisory, January 2007
911: A Manual for Schools and the Media During a Campus Crisis, 2001
Political Activities of School Districts: Legal Issues, rev. 2001
Maximizing School Board Governance: Community Leadership, 1996
WEB SITES
CSBA: http://www.csba.org
California School Public Relations Association: http://www.calspra.org
SCCOE WEB SITES

To enhance communication with students, parents/guardians, staff, and community members, the Santa Clara County Board of Education encourages the development and ongoing maintenance of Santa Clara County Office of Education web sites. Web sites shall be aligned with the SCCOE plans for communications and media relations.

(cf. 0000 - Vision)
(cf. 0440 - District Technology Plan)
(cf. 1100 - Communication with the Public)
(cf. 1112 - Media Relations)
(cf. 1230 - School-Connected Organizations)
(cf. 1260 - Educational Foundation)
(cf. 4040 - Employee Use of Technology)
(cf. 6020 - Parent Involvement)

The Santa Clara County Superintendent of Schools or designee may establish design standards for SCCOE web sites in order to maintain a consistent identity, professional appearance, and ease of use.

Content

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

Staff, students, or other persons may submit materials for web publication to the SCCOE Communications Department which shall ensure that the content adheres to SCCOE guidelines and policies.

(cf. 6145.5 - Student Organization and Equal Access)

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

(cf. 5145.2 - Freedom of Speech/Expression)

The County Superintendent or designee should ensure that copyright laws are not violated in the use of material on SCCOE’s web sites.

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

Any links to external web sites shall support the educational mission and shall include a disclaimer that the SCCOE is not responsible for the content of external web sites.
SCCOE WEB SITES (continued)

Advertising on SCCOE or school web sites may be accepted under the same restrictions and conditions set forth in law, Board policy, and administrative regulations pertaining to advertising in SCCOE and school-sponsored publications.

(cf. 1325 - Advertising and Promotion)
(cf. 3312 - Contracts)

Privacy Rights

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

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

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

(cf. 5125.1 - Release of Directory Information)

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

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

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

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

(cf. 3515.3 - District Police/Security Department)

Legal Reference: (see next page)
SCCOE WEB SITES (continued)

Legal Reference:

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

**GOVERNMENT CODE**
- 3307.5 Publishing identity of public safety officers
- 6254.21 Publishing addresses and phone numbers of officials
- 6254.24 Definition of public safety official

**UNITED STATES CODE, TITLE 17**
- 101-1101 Federal copyright law

**UNITED STATES CODE, TITLE 20**
- 1232g Federal Family Educational Rights and Privacy Act (FERPA)

**CODE OF FEDERAL REGULATIONS, TITLE 16**
- 312.1-312.12 Children's Online Privacy

**CODE OF FEDERAL REGULATIONS, TITLE 34**

**COURT DECISIONS**

Management Resources:

**CSBA PUBLICATIONS**
- Maximizing School Board Governance: Community Leadership, 1996

**WEB SITES**
- CSBA: http://www.csba.org
- California School Public Relations Association: http://www.calspra.org
- National School Public Relations Association: http://www.nspra.org
COMMENDATIONS AND AWARDS

The Santa Clara County Board of Education believes that individuals and organizations deserve recognition when they provide contributions or long-standing service to the Santa Clara County Office of Education. The County Board believes that commending such service promotes increased community understanding and participation.

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

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

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

(cf. 4156.2/4256.2/4356.2 - Awards and Recognition)
(cf. 5126 - Awards for Achievement)

Legal Reference:
EDUCATION CODE
35160 Authority of governing boards
35160.1 Broad authority of school districts
44015 Awards to employees and students
Community Relations

POLITICAL PROCESSES

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

(cf. 0000 - Vision)
(cf. 0200 - Goals for SCCOE)
(cf. 9000 - Role of the Board)
(cf. 9010 - Public Statements)

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

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

Legislation

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

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

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 7131 - Relations with Local Agencies)

The County 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 County 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 SCCOE may work with organizations and coalitions and may join associations whose representatives lobby on behalf of their members.

As necessary, the County Superintendent or designee may draft legislative proposals which serve the SCCOE’s interests as recommended by the Joint Legislative Action Committee (JLAC).
POLITICAL PROCESSES (continued)

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

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

Ballot Measures/Candidates

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

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

(cf. 9323 - Meeting Conduct)

No SCCOE 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 County Board. (Education Code 7054)

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

(cf. 1325 - Advertising and Promotion)

The County Superintendent or designee may use SCCOE 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 SCCOE. (Education Code 7054)

In preparing or distributing such information, the County 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 County Superintendent or designee may research, draft and prepare a bond measure or other initiative for the ballot, but shall not use SCCOE resources to secure signatures in order to qualify the measure for the ballot.
POLITICAL PROCESSES  (continued)

Upon request, County Board members and SCCOE administrators may appear at any time before a citizens' group to explain why the County 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 SCCOE representative shall not urge a citizens' group to vote for or against the bond measure.

For informational purposes, the County 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 County 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 SCCOE may join with other COEs or parties in order to challenge the issue through litigation or other appropriate means.

(cf. 9124 - Attorney)

Political Forums

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

(cf. 1330 - Use of School Facilities)

Legal Reference:  (see next page)
POLITICAL PROCESSES (continued)

Legal Reference:

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

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

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

Management Resources:

**OFFICE OF LEGISLATIVE COUNSEL**
- Advice letter #7837, March 18, 1996 (use of public funds to publicize board positions)

**FAIR POLITICAL PRACTICES COMMISSION**
- FPPC No. 93/345 (1996)

**CSBA PUBLICATIONS**
- Political Activities of School Districts: Legal Issues, 1998
- Maximizing School Board Leadership: Community Leadership, 1996
CITIZEN ADVISORY COMMITTEES

The Santa Clara County Board of Education recognizes that citizen advisory committees enable the County Board to better understand the interests and concerns of the community.

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

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

The Santa Clara County Superintendent of Schools or designee may establish advisory committees which shall report to him/her in accordance with law, Board policy, and administrative regulation.

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

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

The County Superintendent or designee shall provide training and information, as necessary, to enable committee members to understand the goals of the committee and to fulfill their role as committee members.

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

(cf. 3350 - Travel Expenses)

Legal Reference: (see next page)
CITIZEN ADVISORY COMMITTEES (continued)

Legal Reference:

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

REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS
52012 School site council

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

UNITED STATES CODE, TITLE 42
1751 Note Local wellness policy

COURT DECISIONS

Management Resources:

CSBA PUBLICATIONS
Maximizing School Board Leadership: Community Leadership, 1996

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
The Santa Clara County Board of Education encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students. Volunteer assistance in schools can enrich the educational program, enhances supervision of students and contributes to school safety while strengthening the schools' relationships with the community. The County Board also encourages community members to serve as mentors providing support and motivation to students.

(cf. 1000 - Concepts and Roles)
(cf. 1700 - Relations Between Private Industry and the Schools)
(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)
(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 6020 - Parent Involvement)
(cf. 6171 - Title I Programs)

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

(cf. 1020 - Youth Services)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The County Superintendent or designee shall establish procedures for determining whether volunteers possess the qualifications, if any, required by law and administrative regulation for the types of duties they will perform.

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

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 3515.2 - Disruptions)
VOLUNTEER ASSISTANCE  (continued)

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

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

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

(cf. 1150 - Commendations and Awards)

The County Superintendent or designee shall periodically report to the County Board regarding the SCCOE volunteer assistance program.

Legal Reference:  (see next page)
VOLUNTEER ASSISTANCE  (continued)

Legal Reference:

EDUCATION CODE
8482-8484.6 After School Education and Safety program
8484.7-8484.9 21st Century Community Learning Center program
35021 Volunteer aides
35021.1 Automated records check
35021.3 Registry of volunteers for before/after school programs
44010 Sex offense; definition
44227.5 Classroom participation by college methodology faculty
44814-44815 Supervision of students during lunch and other nutrition periods
45125 Fingerprinting requirements
45340-45349 Instructional aides
45360-45367 Teacher aides
49024 Activity Supervisor Clearance Certificate
49406 Examination for tuberculosis
GOVERNMENT CODE
3543.5 Prohibited interference with employees' rights
HEALTH AND SAFETY CODE
1596.871 Fingerprints of individuals in contact with child day care facility clients
LABOR CODE
1720.4 Public works; exclusion of volunteers from prevailing wage law
3364.5 Persons performing voluntary services for school districts
PENAL CODE
290 Registration of sex offenders
290.4 Information re: sex offenders
290.95 Disclosure by person required to register as sex offender
CODE OF REGULATIONS, TITLE 22
101170 Criminal record clearance
101216 Health screening, volunteers in child care centers
UNITED STATES CODE, TITLE 20
6319 Qualifications and duties of paraprofessionals, Title I programs
ATTORNEY GENERAL OPINIONS
COURT DECISIONS

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Parents/Family and Community: http://www.cde.ca.gov/ls/pf
California Department of Justice, Megan's Law: http://www.meganslaw.ca.gov
California Parent Teacher Association: http://www.capta.org
National Coalition for Parent Involvement in Education: http://www.ncpie.org
National Parent Teacher Association: http://www.pta.org
**Community Relations**

**VISITORS/OUTSIDERS**

The Santa Clara County Board of Education 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 Santa Clara County Superintendent of Schools or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be first arranged with the teacher and principal or designee. If a conference is desired, an appointment should be set with the teacher during noninstructional time.

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

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

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

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

(cf. 5144 - Discipline)

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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**
COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

The Santa Clara County Board of Education uses a comprehensive process to adopt Santa Clara County Office of Education instructional materials that is based on selection criteria established by law and Board policy and includes opportunities for the involvement of parents/guardians and community members. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

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

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

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

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

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

(cf. 9322 - Agenda/Meeting Materials)

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

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

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

Complaints related to sufficiency of textbooks or instructional materials shall be resolved pursuant to the SCCOE Williams uniform complaint procedure at AR 1312.4.
COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS  (continued)

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

Legal Reference:

EDUCATION CODE
18111 Exclusion of books by governing board
35010 Control of district; prescription and enforcement of rules
35186 Williams Uniform Complaint Procedures
44805 Enforcement of course of studies; use of textbooks, rules and regulations
51501 Subject matter reflecting on race, color, etc.
60000-60005 Instructional materials, legislative intent
60040-60048 Instructional requirements and materials
60119 Public hearing on sufficiency of materials
60200-60206 Elementary school materials
60226 Requirements for publishers and manufacturers
60400-60411 High school textbooks
60510-60511 Donation of sale of obsolete instructional materials

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES
1002.90 Selection of Instructional Materials, CIL: 90/91-02

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

WEB SITES
CSBA: http://www.csba.org
California Department of Education, Curriculum and Instruction: http://www.cde.ca.gov/ci
The Santa Clara County Board of Education (County Board) recognizes that the Santa Clara County Office of Education (SCCOE) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The SCCOE shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation and/or bullying, and seek to resolve those complaints in accordance with the procedures set out in 5 CCR 4600-4687 and in accordance with the policies and procedures of the County Board. The SCCOE shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation, and/or bullying regarding or based on, actual or perceived characteristics such as, age, ancestry, color, ethnic group identification, gender expression, gender identity, gender, mental or physical disability, nationality, national origin, race or ethnicity, religion, sex, or sexual orientation, or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics, or in any program or activity that receives or benefits from state financial assistance. (Government Code 11135; Education Code 200, 220; 5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, career technical education and training programs, child care and development programs, child nutrition programs, special education programs, federal school safety planning requirements, and the requirement and implementation of the Local Control Funding Formula (LCFF) including the implementation of the Local Control and Accountability Plan (LCAP). (5 CCR 4610)

Uniform complaint procedures shall also be used when addressing complaints alleging violations pertaining to K-12 pupil fees where it is prohibited for a pupil who is enrolled in a K-12 public school to be required to pay a pupil fee for participation in a K-12 educational activity, as defined and/or specified in Assembly Bill 1575 (Education Code 49011-49013).

Pupil Fees

A pupil enrolled in a SCCOE school shall not be required to pay a pupil fee for participation in an educational activity.

All of the following requirements apply to the prohibition identified above:

All supplies, materials, and equipment needed to participate in educational activities shall be
provided to pupils free of charge.

A fee waiver policy shall not make a pupil fee permissible.

The SCCOE shall not establish a two-tier educational system by requiring a minimal educational standard and also offering a second, higher educational standard that pupils may only obtain through payment of a fee or purchase of additional supplies that the school SCCOE or school does not provide.

The SCCOE shall not offer course credit or privileges related to educational activities in exchange for money or donations of goods or services from a pupil or a pupil's parents or guardians, and a school district or school shall not remove course credit or privileges related to educational activities, or otherwise discriminate against a pupil, because the pupil or the pupil's parents or guardians did not or will not provide money or donations of goods or services to the school district or school.

The SCCOE shall not prohibit the solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or SCCOE schools, and other entities from providing pupils prizes or other recognition for voluntarily participating in fundraising activities.

This is declarative of existing law and shall not be interpreted to prohibit the imposition of a fee, deposit, or other charge otherwise allowed by law.

A complaint of noncompliance with the requirements of this pupil fee law may be filed with the principal of a school under the Uniform Complaint Procedures set forth in Chapter 5.1 (5 CCR 4600) of Division 1.

A complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with the requirements.

A complainant not satisfied with the SCCOE’s decision may appeal the decision to the California Department of Education and shall receive a written appeal decision within 60 days of the department's receipt of the appeal.

If the SCCOE finds merit in a complaint, or the California Department of Education finds merit in an appeal, the SCCOE shall provide a remedy to all affected pupils, parents, and guardians that, where applicable, includes reasonable efforts by the SCCOE to ensure full reimbursement to all affected pupils, parents/guardians, subject to procedures established through regulations adopted by the state board.

Information regarding the requirements of this pupil fee law shall be included in the annual notification distributed to pupils, parents and guardians, employees, and other interested parties pursuant to 5 CCR 4622.

The SCCOE shall establish local policies and procedures to implement the provisions of this law.

(Education Code 49011-49013)
The SCCOE shall have the primary responsibility to insure compliance with applicable state and federal laws and regulations. (5 CCR 4620)

The SCCOE shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment, intimidation and/or bullying, and seek to resolve those complaints in accordance with the SCCOE's Uniform Complaint Procedures. (5 CCR 4610, 4620, and 4621)

The County Board designates the following compliance officers to receive and investigate complaints and ensure SCCOE compliance with law:

Executive Director - Human Resources  
1290 Ridder Park Drive  
San Jose, CA 95131  
(408) 453-6843

Student related:

Chief Schools Officer  
Student Services Branch, MC 271  
1290 Ridder Park Drive  
San Jose, CA 95131  
(408) 453-6560

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

The Executive Director - Human Resources shall meet the notification requirements of 5 CCR 4622, including the annual dissemination of SCCOE complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Executive Director - Human Resources shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

There will be annual dissemination of a written notice of the SCCOE's complaint procedures to students, employees, parents or guardians of its students, school and SCCOE advisory committees, appropriate private school officials or representatives, and other interested parties. (5 CCR 4622)

Additionally, the SCCOE shall use uniform complaint procedures to address complaints regarding insufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and/or teacher vacancy or misassignment
issues as provided in AR 1312.4.

(cf. 0410 - Nondiscrimination in SCCOE Programs and Activities)
(cf. 0420.2 - School Improvement Program)
(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 0450 - Comprehensive Safety Plan)
(cf. 1312.1 - Complaints Concerning SCCOE Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.4 - Williams Uniform Complaint Procedures)
(cf. 3553 - Free and Reduced-Price Meals)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5148 - Child Care and Development)
(cf. 6159 - Individualized Education Program)
(cf. 6171 - Title I Programs)
(cf. 6174 - Education for English Language Learners)
(cf. 6175 - Migrant Education Program)
(cf. 6178 - Vocational Education)
(cf. 6200 - Adult Education)
(cf. 52075 - Local Control and Accountability Plans)

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

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

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 lack of evidence to support the allegations. (5 CCR 4631)

Refusal by the SCCOE to provide the investigator with access to records and/or other information related to the allegation 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 a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The SCCOE complaint will be investigated and a written report will be issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time.

Complainants will receive written acknowledgement identifying the person(s), employee(s), or agency positions(s), or unit(s) responsible for receiving complaints, investigating complaints and ensuring SCCOE compliance. The written acknowledgement will also include a statement that
ensures that such person(s), employee(s), position(s), or unit(s) responsible for compliance and/or investigation shall be knowledgeable about the laws/programs that he/she is assigned to investigate. (5 CCR 4621, 4631)

Complainants have the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws, if applicable. (5 CCR 4622)

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. (5 CCR 4630)

The SCCOE will provide an opportunity for complainants and/or representatives to present evidence or information.

The report will contain the following elements: (5 CCR 4631):

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

The SCCOE ensures that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation and/or bullying will remain confidential as appropriate.

The County Board acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation and/or bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. 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. (5 CCR 4621)

The County Board prohibits retaliation in any form for participation in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination, harassment, intimidation and/or bullying. Such participation shall not in any way
affect the status, grades or work assignments of the complainant.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The County Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate mediation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

The complainant shall comply with the appeal requirements of 5 CCR 4632.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedures
35186 Williams uniform complaint procedures
37254 Intensive instruction and services for students who have not passed exit exam
41500-41513 Categorical education block grants
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records
49490-49590 Child nutrition programs
52075 - Local Control and Accountability Plans
52160-52178 Bilingual education programs
52300-52490 Career technical education
52500-52616.24 Adult schools
52800-52870 School-based program coordination
54000-54028 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56867 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act
PENAL CODE
422.55  Hate crime; definition
422.6  Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 5
3080  Application of section
4600-4687  Uniform complaint procedures
4900-4965  Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
6301-6577  Title I basic programs
6601-6777  Title II preparing and recruiting high quality teachers and principals
6801-6871  Title III language instruction for limited English proficient and immigrant students
7101-7184  Safe and Drug-Free Schools and Communities Act
7201-7283g  Title V promoting informed parental choice and innovative programs
7301-7372  Title V rural and low-income school programs

Management Resources:
WEB SITES
CSBA:  http://www.csba.org
California Department of Education:  http://www.cde.ca.gov
U.S. Department of Education, Office for Civil Rights:  http://www.ed.gov/about/offices/list/ocr

Policy  SANTA CLARA COUNTY OFFICE OF EDUCATION
adopted:  September 16, 1992
revised:  May 18, 2005, June 3, 2009, May 15, 2013,
       June 18, 2014
San Jose, California
Santa Clara COE
Administrative Regulation
Uniform Complaint Procedures

AR 1312.3
Community Relations

Compliance Officers

The Santa Clara County Superintendent of Schools designates the following compliance officer(s) to receive and investigate complaints and to ensure Santa Clara County Office of Education compliance with law:

Chief Schools Officer
Student Services Branch, MC 271
1290 Ridder Park Drive
San Jose, CA 95131

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

(cf. 9124 - Attorney)

Notifications

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

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

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints

2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable

3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of
Education (CDE) or to pursue remedies before civil courts or other public agencies

4. Include statements that:

a. The SCCOE is primarily responsible for compliance with state and federal laws and regulations.

b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination.

d. The complainant has a right to appeal SCCOE's decision to the CDE by filing a written appeal within 15 days of receiving the SCCOE decision.

e. The appeal to the CDE must include a copy of the complaint filed with SCCOE and a copy of SCCOE’s decision.

f. If the SCCOE finds merit in a pupil fees complaint, the SCCOE shall provide a remedy to all affected pupils, parents, and guardians where applicable and includes reasonable efforts by the public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

(cf. 5145.6 - Parental Notifications)

Procedures

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

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

Step 1: Filing of Complaint

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

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

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

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

Step 2: Mediation

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

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

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

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

Step 3: Investigation of Complaint

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

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

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

SCCOE's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5 CCR 4631)
Step 4: Response

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

Step 5: Final Written Decision

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

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

The decision shall include:

1. The findings of fact based on the evidence gathered (5 CCR 4631)
2. The conclusion(s) of law (5 CCR 4631)
3. Disposition of the complaint (5 CCR 4631)
4. Rationale for such disposition (5 CCR 4631)
5. Corrective actions, if any are warranted (5 CCR 4631)
6. Notice of the complainant's right to appeal the decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5 CCR 4631)
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies (Education Code 262.3)

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

Appeals to the California Department of Education

If dissatisfied with the decision, the complainant may appeal in writing to the CDE within 15 days of receiving the decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of SCCOE's decision. (5 CCR 4632)
Upon notification by the CDE that the complainant has appealed SCCOE's decision, the County Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

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

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

Civil Law Remedies

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

Regulation
SANTA CLARA COUNTY OFFICE OF EDUCATION
approved: October 20, 2010
San Jose, California
REVISED: January 8, 2014
Types of Complaints

The Santa Clara County Office of Education 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 4680-4683)

1. Textbooks and instructional materials
   a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or SCCOE-adopted textbooks or other required instructional materials to use in class.
   b. A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
   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.

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

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

   b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.

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

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

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

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

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; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72)

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

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

Open restroom means, except as necessary for pupil safety or to make repairs, 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. (Education Code 35292.5)

Filing of Complaint

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Santa Clara County Superintendent of Schools (County 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 County Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

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

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the County Superintendent at a 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 above, a complainant who is not satisfied with the resolution proffered by the principal or County Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving SCCOE's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

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

(cf. 1340 - Access to SCCOE Records)

Reports

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

The County Superintendent or designee shall ensure that SCCOE’s Williams complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. However, complainants need not use the SCCOE Williams complaint form in order to file a complaint. (Education Code 35186)

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

Legal Reference:
EDUCATION CODE
234.1 Prohibition of discrimination, harassment, intimidation, and bullying
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
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 uniform complaint procedures

Management Resources:
WEB SITES
CSBA: http://www.csba.org
California County Superintendents Educational Services Association: http://www.ccesa.org
State Allocation Board, Office of Public School Construction: http://www.opsc.dgs.ca.gov

By

Jon R. Gundry
County Superintendent of Schools

Effective: March 29, 2016

Regulation approved: October 20, 2010
revised: March 29, 2016

SCCOE Administrative Regulation 1312.4 – 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.

5. A complaint form can be obtained at the school office or Santa Clara County Office of Education office, or downloaded from the SCCOE 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.
WILLIAMS UNIFORM COMPLAINT PROCEDURES

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

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

Response requested? __ Yes   __ No

Contact Information:
Name:
Address:
Phone Number:   Day:    Evening:
E-mail address, if any:

Location of the problem that is the subject of this complaint:
School:
Course title/grade level and teacher name:
Room number/name of room/location of facility:
Date problem was observed:

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

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

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)
   __ A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or Santa Clara County Office of Education-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. This does not require two sets of textbooks or instructional materials for each pupil.
   __ 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. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)
   __ A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
   __ A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
   __ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions: (Education Code 35186, 35292.5; 5 CCR 4683)
   __ A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer 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; or structural damage creating a hazardous or uninhabitable condition.
   __ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
   __ The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.

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

___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

Please file this complaint at the following location:

____________________________________________
Chief Schools Officer
Student Services Branch, MC 271
1290 Ridder Park Drive
San Jose, CA 95131
Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(signature) ___________________________________________  (date) ___________________________________________

By: __________________________  Effective: March 29, 2016

Jon R. Gundry
County Superintendent of Schools
SOLICITATION OF FUNDS FROM AND BY STUDENTS

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

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

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

Solicitations on Behalf of the School

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

After the fund-raiser has been held, parents/guardians shall be informed how much money was raised and how it was spent.

Solicitations on Behalf of Charities

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

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
ATTORNEY GENERAL PUBLICATIONS
Guide to Charitable Solicitation, 1999
WEB SITES
Office of the Attorney General: http://caag.state.ca.us
ADVERTISING AND PROMOTION

Limited Open Forum

The Santa Clara County Board of Education desires to promote positive relationships between schools and the community in order to enhance community support and involvement in Santa Clara County Office of Education schools. The Santa Clara County Superintendent of Schools or designee may approve:

1. Distribution of noncommercial materials that publicize services, special events, public meetings or other items of interest to students or parents/guardians
   
   (cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
   (cf. 5145.2 - Freedom of Speech/Expression)
   (cf. 6145.5 - Student Organizations and Equal Access)
   (cf. 6162.8 - Research)

2. Distribution of promotional materials of a commercial nature to students or parents/guardians
   
   (cf. 1700 - Relations Between Private Industry and the Schools)

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

4. Paid advertisements in school-sponsored publications, yearbooks, announcements and other school communications
   
   (cf. 1113 - District and School Web Sites)

5. Products and materials donated by commercial enterprises for use in the classroom, as long as they serve an educational purpose and do not unduly promote any commercial activity or products. Such materials may bear the name and/or logo of the donor.
   
   (cf. 3290 - Gifts, Grants and Bequests)
   (cf. 6161.11 - Supplementary Instructional Materials)

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

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

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

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

Criteria for Approval

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

1. Are obscene, libelous or slanderous (Education Code 48907)
2. Incite students to commit unlawful acts, violate school rules or disrupt the orderly operation of the schools (Education Code 48907)
3. Promote any particular political interest, candidate, party or ballot measure, unless such materials are being distributed at a forum in which candidates or advocates from all sides are presenting their views to the students during school hours or during events scheduled pursuant to the Civic Center Act (cf. 1160 - Political Processes) (cf. 1330 - Use of School Facilities) (cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)
4. Discriminate against, attack or denigrate any group on account of any unlawful consideration (cf. 0410 - Nondiscrimination in District Programs and Activities)
5. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including but not limited to materials or advertisements for tobacco, intoxicants, and movies or products unsuitable for children
6. Solicit funds or services for an organization, with the exception of solicitations authorized in Board policy (cf. 1321 - Solicitation of Funds from and by Students)
7. Distribute unsolicited merchandise for which an ensuing payment is requested
ADVERTISING AND PROMOTION  (continued)

The County Superintendent or designee also may consider the educational value of the materials or advertisements, the age or maturity of recipients, and whether the materials or advertisements support the basic mission of SCCOE, directly benefit the recipients or are of intrinsic value to the intended audience.

(cf. 0000 - Vision)

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

Legal Reference:

EDUCATION CODE
7050-7058 Political activities of school officers and employees
35160 Authority of governing boards
35160.1 Broad authority of school districts
35172 Promotional activities
38130-38138 Civic Center Act
48907 Student exercise of free expression

BUSINESS AND PROFESSIONS CODE
25664 Advertisements encouraging minors to drink

U.S. CONSTITUTION
Amendment 1, Freedom of speech and expression

COURT CASES
Yeo v. Town of Lexington, (1997) U.S. First Circuit Court of Appeals, No. 96-1623
USE OF SCCOE FACILITIES

The Santa Clara County Board of Education recognizes that Santa Clara County Office of Education facilities and grounds are a community resource and authorizes their use by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

(cf. 6145.5 - Student Organizations and Equal Access)

All SCCOE-related activities shall be given priority in the use of facilities and grounds under the Civic Center Act. Thereafter, the use shall be on a first-come, first-served basis.

The Santa Clara County Superintendent of Schools or designee shall maintain procedures and regulations for the use of school facilities and grounds that: (Education Code 38133)

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities

2. Preserve order in school buildings and on school grounds and protect school facilities, designating a person to supervise this task, if necessary

(cf. 0450 - Comprehensive School Safety Plan)
(cf. 3516 - Emergencies and Disaster Preparedness Plan)

3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work

Fees

No charge to nonprofit youth- and school-oriented organizations

The County Board authorizes the use of school facilities or grounds without charge by nonprofit organizations, clubs, or associations organized to promote youth and school activities. In accordance with Education Code 38134(a), these groups include, but are not limited to, Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teacher associations, and school-community advisory councils. Other groups, including nonprofit groups not organized to promote youth and school activities or for-profit groups that request the use of school facilities under the Civic Center Act, shall be charged at least direct costs.

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

Legal Reference: (see next page)
USE OF SCCOE FACILITIES (continued)

Legal Reference:

EDUCATION CODE
10900-10914.5 Community recreation programs
32282 School safety plan
37220 School holidays
38130-38138 Civic Center Act, use of school property for public purposes

BUSINESS AND PROFESSIONS CODE
25608 Alcoholic beverage on school premises

MILITARY AND VETERANS CODE
1800 Definitions

UNITED STATES CODE, TITLE 20
7905 Equal access to public school facilities

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

ACLU v. Board of Education of Los Angeles, (1961) 55 Cal.2d 167
Ellis v. Board of Education, (1945) 27 Cal.2d 322

ATTORNEY GENERAL OPINIONS

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES
1101.89 School District Liability and "Hold Harmless" Agreements, LO: 4-89

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov
JOINT USE AGREEMENTS

In order to ensure the efficient use of public resources and increase access to needed services, the Santa Clara County Board of Education may enter into an agreement with any public agency, public institution, and/or community organization to use community facilities for SCCOE programs or to make SCCOE facilities or grounds available for use by those entities. Such an agreement shall be based on an assessment of student and community needs and may be designed to increase access to spaces for recreation and physical activity, library services, school health centers, preschool programs, child care centers, before- or after-school programs, or other programs that benefit students and the community.

(cf. 1020 - Youth Services)
(cf. 1330 - Use of School Facilities)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 5030 - Student Wellness)
(cf. 5141.6 - School Health Services)
(cf. 5148 - Child Care and Development)
(cf. 5148.2 - Before/After School Programs)
(cf. 5148.3 - Preschool/Early Childhood Education)
(cf. 6142.7 - Physical Education and Activity)
(cf. 6145.2 - Athletic Competition)
(cf. 6163.1 - Library Media Centers)
(cf. 7000 - Concepts and Roles)
(cf. 7131 - Relations with Local Agencies)

When it is determined that joint use of facilities is in the best interest of SCCOE and the community, the Santa Clara County Superintendent of Schools or designee shall identify a potential partner agency, institution, or organization. He/she shall involve that partner, appropriate SCCOE staff, and community members in establishing planning processes, goals and priorities for joint use, locations where programs or facilities are most needed, and protocols for ongoing communication and coordination between the partners.

(cf. 1220 - Citizen Advisory Committees)

The County Superintendent or designee shall work with the partner agency, institution, or organization to develop a written site-specific joint use agreement that delineates the terms and conditions for joint use of the SCCOE or community facilities and the responsibilities of all parties. As appropriate, the agreement may address:

1. The underlying philosophy or reasons for entering into the joint use agreement
2. The specific community facilities or grounds that will be made available to the other party and areas that will be restricted
3. Priorities for use of the property
4. Hours that the property will be available for use by the SCCOE, the partner, or other parties
5. Projected capital costs, if any, and operating costs
   (cf. 7110 - Facilities Master Plan)
   (cf. 7150 - Site Selection and Development)
   (cf. 7210 - Facilities Financing)

6. Resources to be allocated by the partner
   (cf. 3100 - Budget)

7. Rental or other fees, if any, to be charged to either party or third parties using the facilities

8. Responsibilities for management, scheduling, maintenance, on-site supervision, accounting, and other operations

9. Procedures and timelines for requesting use of the facilities

10. Code of conduct for users of the facilities and consequences for violations of the code
    (cf. 3513.3 - Tobacco-Free Schools)
    (cf. 3515.2 - Disruptions)
    (cf. 5131 - Conduct)
    (cf. 5131.5 - Vandalism and Graffiti)

11. Provision for regular inspection and notification of damage, as well as restitution and repair of property
    (cf. 3515.4 - Recovery for Property Loss or Damage)
    (cf. 3517 - Facilities Inspection)

12. Safety and security measures
    (cf. 0450 - Comprehensive School Safety Plan)
    (cf. 3515 - Campus Security)
    (cf. 3516 - Emergencies and Disaster Preparedness Plan)
    (cf. 5142 - Safety)

13. Liability, insurance, and risk management issues
    (cf. 3320 - Claims and Actions Against SCCOE)
    (cf. 3530 - Risk Management/Insurance)
    (cf. 9260 - Legal Protection)

14. Duration of the agreement, process for amending the agreement, and the bases for cancelling or terminating the agreement before the expiration date
JOINT USE AGREEMENTS (continued)

15. Process for resolving disputes regarding any aspect of the agreement

16. How any equipment purchased or other investments made through the agreement will be disposed of at the termination of the agreement

The agreement shall be reviewed by legal counsel and approved by the County Board.

The County Superintendent or designee shall provide regular reports to the County Board regarding progress toward project goals, including, but not limited to, levels of participation in joint use programs held at school or community facilities, feedback from program participants, and any report of damage to property or harm to individuals resulting from the joint use. As needed, the County Superintendent or designee shall recommend amendments to the joint use agreement.

(cf. 0500 - Accountability)

Legal Reference: (see next page)
JOINT USE AGREEMENTS (continued)

Legal Reference:

**EDUCATION CODE**
8482-8484.6  After School Education and Safety Program
8484.7-8484.9  21st Century Community Learning Centers
10900-10914.5  Community recreation programs
17051-17052  Joint use
17077.40-17077.45  Eligibility for joint use funding
17565-17592  Board duties re property maintenance and control
35200-35214  Liabilities
37220  School holidays; use of facilities when school is closed
38130-38138  Civic Center Act, use of school property for public purposes
44808  Exemption from liability when students not on school property

**BUSINESS AND PROFESSIONS CODE**
25608  Alcoholic beverages on school premises

**GOVERNMENT CODE**
814-825.6  Liability of public entities and employees
830-840.6  Liability; dangerous conditions on property
895-895.8  Liability; agreement between public entities
989-991.2  Local public entity insurance

**UNITED STATES CODE, TITLE 20**
7171-7176  21st Century Community Learning Centers
7905  Equal access to public facilities

Management Resources:

**CSBA PUBLICATIONS**
Maximizing Opportunities for Physical Activity Through Joint Use of Facilities, Policy Brief, rev. February 2010

**NATIONAL POLICY AND LEGAL ANALYSIS NETWORK TO PREVENT CHILDHOOD OBESITY PUBLICATIONS**
Model California Joint Use Agreements
Liability for Use of School Property After Hours: An Overview of California Law, July 2009
Checklist for Developing Joint Use Agreements, March 2009

**PUBLIC HEALTH LAW AND POLICY PUBLICATIONS**
Opening School Grounds to the Community After Hours: A Toolkit for Increasing Physical Activity Through Joint Use Agreements, 2010

**WEB SITES**
CSBA: http://www.csba.org
California Project LEAN (Leaders Encouraging Activity and Nutrition): http://www.californiaprojectlean.org
Cities Counties and Schools Partnership: http://www.ccspartnership.org
Joint Use Statewide Task Force: http://www.jointuse.org
National Policy and Legal Analysis Network: http://www.nplan.org

Policy
adopted: October 20, 2010

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
ACCESS TO SCCOE RECORDS

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

(cf. 3553 - Free and Reduced Price Meals)
(cf. 3580 - SCCOE Records)
(cf. 4112.6/4212.6/4312.6 - Personnel Files)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5020 - Parent Rights and Responsibilities)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)
(cf. 6162.5 - Student Assessment)
(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9321 - Closed Session Purposes and Agendas)

The SCCOE 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 Santa Clara County Superintendent of Schools or designee and as specified in administrative regulation.

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

Legal Reference: (see next page)
ACCESS TO DISTRICT RECORDS (continued)

Legal Reference:

**EDUCATION CODE**
- 35145 Public meetings
- 35170 Authority to secure copyrights
- 35250 Duty to keep certain records and reports
- 41020 Requirement for annual audit
- 42103 Publication of proposed budget; hearing
- 44031 Personnel file contents and inspections
- 44839 Medical certificates; periodic medical examination
- 49060-49079 Pupil records
- 49091.10 Parental review of curriculum and instruction

**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 Political Reform Act, public records; inspection and reproduction

**CALIFORNIA CONSTITUTION**
- Article 1, Section 3 Right of access to governmental information

**CODE OF REGULATIONS, TITLE 5**
- 430-438 Individual pupil records

**COURT DECISIONS**
- International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, (2007) 42 Cal.4th 319

**ATTORNEY GENERAL OPINIONS**

Management Resources:

**ATTORNEY GENERAL PUBLICATIONS**
- Summary of the California Public Records Act, 2004

**LEAGUE OF CALIFORNIA CITIES PUBLICATIONS**

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

Policy
adopted: June 3, 2009

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California