

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

COMMUNITY RELATIONS

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CONCEPTS AND ROLES

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The Governing Board recognizes that the state and the local communities served by the District determine the number of educational programs available and the quality of the educational process in general. Therefore, it is imperative that members of the community work with school staff in developing sound educational policies, implementing programs, and establishing an effective evaluation process for those programs.

School/community relations cannot merely be described as a process of reporting and interpreting, but rather should be characterized as a partnership in pursuit of excellence. It is a partnership in which community members, educators, and other school personnel perform their respective roles in view of the best interests of the schools and, more importantly, the students.

The purpose of this Community Relations Series (1000) is to maintain, strengthen, and expand San Marcos school/community relationships in every possible way, in order to:

- 1) Involve every interested citizen in district activities
- 2) Improve and provide an orderly means for communications between the schools and community.
- 3) Extend community use of facilities to the maximum extent permissible under law.
- 4) Unify the wisdom, experience, and educational experiences of all students, citizens, and district employees in maintaining the most effective educational program possible, and providing each student with high-quality opportunities for education during such student's enrollment in the district's schools.

Legal Reference

Education Code

35160

Authority of governing boards

35172

Promotional activities

Adoption History:

Initial Review: 8/23/93

Adopted: 9/13/93

Reviewed: 11/17/97

4/22/02

4/11/05

7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
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COMMUNICATIONS WITH THE PUBLIC

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

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

The Superintendent or designee shall identify a spokesperson(s) authorized to speak to the media on behalf of the District, coordinate 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 District issues.

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

In developing communications strategies, the 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 special needs.

The Superintendent or designee shall ensure that staff is responsive to requests by parents/guardians or members of the public for information or assistance

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

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

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.

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 expenses

Adoption History:

Initial Review: 8/23/93

Adopted: 9/13/93

Revision Adopted: 11/17/97

4/22/02

4/11/05

Revised: 7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
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COMMUNITY RELATIONS

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MEDIA RELATIONS

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

Media representatives are welcome at all Governing Board meetings and shall receive meeting agendas upon request in accordance with Board policy. The Board recognizes the need for media representatives to speak with both staff and audience members in order to clarify issues in a timely manner that enables the media representative to meet publication deadlines. However, in order to keep meetings from being disrupted, it is requested that media representatives refrain from approaching staff or Board members on the dais while the meeting is underway, and that any discussion with audience members be held outside of the meeting room.

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

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

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

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

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

Legal Reference:

Education Code:

32210-32212	Willful disturbance of public school or meeting
35144	Special meetings
35145	Public meetings
35160	Authority of governing boards
35172	Promotional activities

Evidence Code:

1070	Refusal to disclose news source
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Penal Code:

627-627.10	Access to school premises
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Adoption History:

Initial Review:	4/11/05
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Reviewed:	7/14/08
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SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

HUMAN RESOURCES AND DEVELOPMENT

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RESPONSIBILITIES OF THE GOVERNING BOARD

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The Board's ultimate goal is the maintenance and upgrading of the educational standards and facilities so that the best possible education will be available to the children of the community.

The local district has been created as a unit of state governing. The Governing Board is, therefore, responsible to the local community and to the state government. The Governing Board may take a public position on legislation, which will directly affect the education program within the community.

Members of the Governing Board individually will refer compliments, suggestions, and constructive criticism about operational matters directly to the Superintendent for appropriate consideration and action. Comments affecting policy will be routed through regular channels to the Board meeting agenda for consideration by the Governing Board as a whole.

No Board member individually will speak for, or in the name of, the total Governing Board without advance approval of the Governing Board.

Legal Reference:

Education Code

- 78 "Governing Board" defined
- 35010 Control of district by board of trustees or board of education
- 35174 Influencing electors

Adoption History:

- Initial Review: 8/23/93
- Adopted: 9/13/93
- Reviewed: 11/17/97
- 4/22/02
- 4/11/05
- 7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
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COMMUNITY RELATIONS

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COMMENDATIONS AND AWARDS

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The Governing Board wishes to give public recognition to those individuals or organizations in the community who have provided unique and long-standing service to the District and its students.

The Superintendent or designee is authorized to develop procedures by which Board members, employees or members of the community may suggest persons or organizations for Governing Board recognition.

In view of the many types of contributions and services offered by the community, recognition may, depending on the circumstances and at the discretion of the Board, include a letter or Board resolution, verbal recognition, a public ceremony, or an appropriate gift.

Legal Reference:

Education Code

35160	Authority of governing boards
35160.1	Broad authority of school districts
44015	Awards to employees and students

Adoption History:

Initial Review: 8/23/93  
Adopted: 9/13/93  
Reviewed: 11/17/97  
4/22/02  
4/11/05  
7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

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ALL PERSONNEL	1160
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The Governing Board has a responsibility to actively advocate fiscal and public policy that supports the district's schools and the children in the community. This responsibility may include that of lobbying at the state and national levels.

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

The Board may provide members of the community with fair and impartial information which may help them communicate with their legislators about educational and children's issues.

The Board may determine how ballot measures may affect the schools. Any Board discussion of the effect such measures would have on the district shall include an opportunity for Board Members and members of the public to speak on all sides of the issue.

No district funds, services, equipment, or supplies shall be used to urge the support of defeat of any ballot measure or candidate. The Superintendent or designee may use district funds to furnish students, parents/guardians and community members with fair and impartial information about the impact of ballot measures on the district.

No individual Board member, Board candidate, faculty, staff, student, or community group may use any District logo, seal, trademark or the official web template header or footer, or refer to his or her affiliation with the District, in any manner that suggests or implies District support or endorsement of a political candidate, opinion, point of view or movement. If there is potential for confusion in a statement describing affiliation with the District, it is expected that the person will dispel confusion by adding a disclaimer stating that the District does not endorse the political candidate, opinion, point of view or movement.

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

Legal Reference:

EDUCATION CODE

7054 Use of district policy

7054.1 Requested appearance

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 broadcast proceedings

Adoption History

Initial Review: 05/11/98

Adoption 05/26/98

Reviewed 04/22/02

Revised: 09/07/10

Revised: 02/17/15

SAN MARCOS UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURE

COMMUNITY RELATIONS

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ALL PERSONNEL

1160

POLITICAL PROCESSES

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To comply with the mandates and legal provisions regulating political activities, Administrative Procedure 1160 has been developed. These procedures describe political activities by the School District, Board members or employees that are authorized or prohibited.

Employees may appear at public or private meetings to discuss a ballot measure. If they are at the meeting representing the District, they must only present relevant facts on the consequences to the District of the measure.

Board members and School District employees may engage in political activity on their own time and as private citizens, as long as the activity does not involve the use of District or other public funds.

Persons may campaign as private citizens on their own time and at their own expense. It should be clear that the views expressed are personal.

School mail or mailboxes, including electronic mailboxes, may not be used to distribute any campaign materials by any individuals, groups or organizations.

Students may not take home political or campaign material distributed by parent or other associated groups or political candidates. Campaign materials may not be distributed on any District property by any individuals or representatives of associated groups or political candidates.

No District property such as bulletin boards, electronic devices, walls or marquees shall be used to post campaign or election materials.

Employee representatives/bargaining organizations may post their materials on the organization bulletin board. These boards shall be located in a place not readily accessible to the general public.

Information of a partisan nature may be distributed or discussed between employees only during lunch breaks or duty-free time.

The wearing or displaying of political buttons or other campaign materials by District employees is permitted only during lunch breaks or duty-free time.

**Adoption History**

Initial Review:	05/11/98
Adoption:	05/26/98
Reviewed:	04/22/02
Reviewed:	04/11/05
Revised:	11/13/06
Reviewed:	07/14/08
Reviewed:	02/17/15

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

COMMUNITY RELATIONS

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CITIZEN ADVISORY COMMITTEES

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The Governing Board recognizes that citizen advisory committees enable both citizens and educators to better understand the attitudes and opinions held in the school and community.

As the need arises, the Governing Board may establish citizen advisory committees to consider school problems, needs, and issues. Advisory committees shall serve in a strictly advisory capacity and shall not act as policy-making bodies.

Committee members shall represent a cross-section of qualified people throughout the District, except in those cases where a committee is established to address the needs of a particular segment of the school community. With Governing Board approval, the Superintendent may appoint committee members.

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

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

The Governing Board shall have the sole power to dissolve any of its advisory committees and may exercise this power at any time.

Advisory committee members are not vicariously liable for injuries caused by the act or omission of the District.

Citizen advisory committees established by the Governing Board and advisory committees established pursuant to Education Codes which are related to special education, gifted and talented education, and vocational education are subject to Brown Act Requirements and shall provide public notice of their meetings and conduct such meetings in accordance with the state open meeting laws for such committees. All major conclusions and recommendations made by advisory committees shall be made available to the public in writing.

A Citizen advisory committee established pursuant to Education Codes related to school plans/site councils, programs for students of limited English proficiency, compensatory education, migrant education, economic impact aid and bilingual education or parent involvement are not subject to Brown Act Requirements. However, all meetings of these councils or committees shall be open to the public, and any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate accessible location at least 72 hours before the meeting, specifying the date, time and location of the meeting and containing an agenda that describes each item of business to be discussed or acted upon.

No action shall be taken on an item not published on the agenda unless all members present unanimously find that there is a need to take immediate action and that this need came to the group's attention after the agenda was posted.

Any material provided to a school site council shall be made available to any member of the public upon request. The individual requesting the material may be charged a fee directly related to the cost of duplication and/or postage.

Administrative, Advisory Committees

The Superintendent or designee may establish citizen advisory committees to advise the Superintendent or designee.

The Superintendent or designee shall inform the Governing Board when such committees are established and shall describe their charges, size, term of office, and membership. The Superintendent or designee shall inform the Governing Board of the persons appointed to such committees and any changes in committee membership or charge.

The Superintendent or designee shall provide the Governing Board with a final report of each committee's accomplishments and shall provide summary reports and appraisals of administrative advisory committees as requested by the Governing Board.

Expenses, Travel, Reimbursement

The Governing Board may allocate funds for the use of advisory committees. Within budget allocations, the Superintendent may approve requests for travel associated with the charge of the committee and reimburse committee members for expenses at the same rates and under the same conditions as those provided for district employees.

Legal Reference:

Education Code

- 8070 Vocational education advisory committee
- 11503 Parent involvement program
- 35147 School site councils and advisory committees
- 35172 Promotional activities
- 44032 Travel expense payment
- 44033 Automobile allowances
- 52012 School site council
- 52065 American Indian advisory committee

52176 Advisory committees (LEP program)  
52208 Parent participation (GATE)  
52852 Site council, school-based program coordination  
54425 Advisory committees; compensatory education  
54444.1 - 54444.2 Services to migrant children; parent advisory councils  
54724 Site council, motivation and maintenance program  
56190-56194 Community advisory committee, special education  
62002.5 Continuing parent advisory committees; schools receiving funds from economic impact aid or bilingual education act

Government Code

820.9 Members of local public boards not vicariously liable  
54950-54962 Meetings  
Code of Federal Regulations, Title 34  
251.20 Advisory committee, Indian education

Adoption History:

Initial Review: 8/23/93  
Adopted: 9/13/93  
Revision Adopted: 11/17/97  
4/22/03  
4/11/05  
7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURE

COMMUNITY RELATIONS

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POLITICAL PROCESSES

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To comply with the mandates and legal provisions regulating political activities, Administrative Procedure 1160 has been developed. These procedures describe political activities by the school district, board members or employees that are authorized or prohibited.

Employees may appear at public or private meetings to discuss a ballot measure. If they are at the meeting representing the district, they must only present relevant facts on the consequences to the district of the measure.

Board members and school district employees may engage in political activity on their own time and as private citizens, as long as the activity does not involve the use of district or other public funds.

Persons may campaign as private citizens on their own time and at their own expense. It should be clear that the views expressed are personal.

School mail or mailboxes, including electronic mailboxes, may not be used to distribute any campaign materials by any individuals, groups, or organizations.

Students may not take home political or campaign material distributed by parent or other associated groups or political candidates. Campaign materials may not be distributed on any district property by any individuals or representatives of associated groups or political candidates.

No district property such as bulletin boards, electronic devices, walls, or marquees shall be used to post campaign or election materials.

Employee representatives/bargaining organizations may post their materials on the organization bulletin board. These boards shall be located in a place not readily accessible to the general public.

Information of a partisan nature may be distributed or discussed between employees only during lunch breaks or duty-free time.

The wearing or displaying of political buttons or other campaign materials by district employees is permitted only during lunch breaks or duty-free time.

Adoption History

Initial Review: 5/11/98

Adoption 5/26/98

Reviewed 4/22/02

4/11/05

Revised: 11/13/06

Reviewed: 7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

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SCHOOL-CONNECTED ORGANIZATIONS

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The Governing Board recognizes that parents/guardians may wish to organize clubs for the purpose of supporting the educational program and/or extracurricular programs. These programs may include Special Olympics or other athletic teams, school music groups, and other activities, which provide a source of positive extracurricular involvement for students.

The Board is supportive of such activities and welcomes the interest and participation of parents in various aspects of student life. However, the Governing Board is committed to insuring that clubs are careful not to seek an unfair advantage for the activities they support which might work to the disadvantage of the entire school program.

The Superintendent is authorized to develop regulations, which will establish school-club liaison; provide for acceptance of gifts of uniforms, equipment, or money; establish the principle that the clubs are not functions of the school or District; and assure, if possible, that the extracurricular programs are kept in good balance.

Legal Reference Education Code

35160 Authority of governing boards

40043 Groups wish may use school facilities without charge

Adoption History:

Initial Review: 8/23/93

Adopted: 9/13/93

Revision Adopted: 11/17/97

Reviewed: 4/23/03

4/11/05

7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY  
COMMUNITY RELATIONS

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VOLUNTEER ASSISTANCE

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The Governing Board recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the school's relationships with the community. The Board encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students.

The Board prohibits harassment of any volunteer on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

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

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

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

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

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

Volunteers shall act in accordance with District policies, regulations, and school rules. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

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

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

The Board desires to provide a safe environment for volunteers and minimize the District's exposure to liability.

Legal Reference:

Education Code

35021	Volunteer aides
44227.5	Classroom participation by college-level teaching methodology faculty
44815	Non-certificated supervisors: compensation
45340-45449	Instructional aides
49406	Examination for tuberculosis



Government Code

12940 Nondiscrimination

Labor Code

3364.5 Person performing voluntary services for school districts

Adoption History

Initial Review: 08/23/93

Adopted: 09/13/93

Reviewed: 06/14/99

Revised: 04/22/02

Review: 04/11/05

Revised: 07/14/08

Reviewed: 09/07/10

Revised: 08/16/16

SAN MARCOS UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURE

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VOLUNTEER ASSISTANCE

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Duties of Volunteer

Volunteers may assist certificated personnel in the performance of their duties, including in the supervision of students, and in the performance of instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. (Education Code 35021, 45343, 45344, 45349)

Volunteers may serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform non-instructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021)

Volunteers may supervise students during lunch and/or breakfast periods or may serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform non-instructional work which assists certificated personnel in the performance of teaching and administrative responsibilities. (Education Code 35021, 44814, 44815)

Beginning July 1, 2010, a non-certificated volunteer who supervises, directs, or coaches a student activity program shall be required to obtain either an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing, or have a background check through the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club such as cheer team, drill team, dance team, and marching band. This requirement shall not apply to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021. (Education Code 49024)

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

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

Upon initial volunteer assignment, a volunteer shall have on file with the school a certificate showing that he/she has submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis. (Education Code 49406)

The Superintendent or designee may exempt from the tuberculosis risk assessment and/or examinations those volunteers and whose functions do require frequent or prolonged contact with students. (Education Code 49406)

The Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise appropriate to the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. The District shall provide on-site assistance and supervision for such projects as necessary. Projects shall be inspected upon completion to ensure that the work was done satisfactorily.

Initial Adoption: 04/22/02  
Reviewed: 04/11/05  
Revised: 07/14/08  
Revised: 09/07/10  
Revised: 08/16/16

SAN MARCOS UNIFIED SCHOOL DISTRICT  
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COMMUNITY RELATIONS

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VISITORS/OUTSIDERS

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The Governing Board believes that it is important for parents/guardians and community members to take an active interest in the issues affecting District schools and students. Therefore, the Board encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

To ensure the safety of students and staff and avoid potential disruptions of the educational program all visitors, including members of the media, shall register immediately upon entering any school building or grounds when school is in session. Visits during school hours should be first arranged with the teacher and principal or designee. If a conference is desired, an appointment should be set with the teacher during non-instructional time.

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the District's complaint processes if they have concerns with any District program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session. For further purposes of school safety and security the principal or designees may require that a visitor wear a visible means of identification while on school premises during instructional time.

No electronic listening or recording device may be used by students or visitors in a classroom without the teacher and principals' permission.

The principal or designee may refuse to register any individual if he/she reasonably concludes that the individual's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. Possession of unauthorized dangerous instruments, weapons, or devices is prohibited on school premises, on any public right-of-way immediately adjacent to school property or any other place where a teacher and student(s) are required to be in conjunction with assigned school activities. The principal or designee or school security officer may revoke an individual's registration if he/she has a reasonable basis for concluding that their presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students or staff.

**Presence of a Sex Offender on Campus**

Any person who is required to register as a sex offender pursuant to Penal Code 290, including a parent/guardian of a District student, shall request written permission from the principal before entering the school campus or grounds. As necessary, the principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The principal also shall report to the Superintendent or designee anytime he/she gives such written permission.

The principal shall indicate on the written permission, the date(s) and time(s) for which permission has been granted.

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

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

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

#### 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

##### Penal Code

626-626.10	Schools
626.81	Permission to enter school grounds
627-627.10	Access to school premises, especially
627.1	Definitions
627.2	Necessity of registration by outsider
627.7	Misdemeanors; punishment
95	Ops. Cal. Atty. Gen. 509 (1996)

##### Evidence Code

1070	Refusal to disclose news source
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##### Labor Code

230.8	Discharge or discrimination for taking time off
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Adoption History:

Initial Review: 08/23/93  
Adopted 09/13/93  
Revised: 11/17/97  
Reviewed: 09/23/02  
04/11/05  
07/14/08  
02/17/15  
08/16/16

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

COMMUNITY RELATIONS

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EDUCATIONAL FOUNDATIONS

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

In order for the Board to recognize an independent educational foundation, it would need to establish but not be limited to having:

- A core leadership group
- A defined reason for being in existence
- A plan to share foundation plans with school and community leaders
- Tax-exempt status
- By-laws
- A board that reflects the community
- Committees and draft policies
- A priority project list and an allocation process
- A fund raising plan and outline

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

The Board supports foundation allocations that serve all of the District's schools equitably.

LEGAL REFERENCE:

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

Adoption History:

Initial Review: 6/14/04

Adopted: 7/06/04

Revised: 7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY  
COMMUNITY RELATIONS

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COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

1312.2

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

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

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

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

Complaints related to sufficiency of textbooks or instructional materials shall be resolved pursuant to the district's Williams uniform complaint procedure (AP 1312.4)

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
- 60200-60206 Elementary school material selection and adoption
- 60226 Requirements for publishers and manufacturers
- 60400-60411 High school textbooks
- 60510-60511 Donation or sale of obsolete instructional materials

Management Resources:

CDE Program Advisories

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

California Department of Education Publications

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

Web Sites:

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

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

Adoption History:

Initial Adoption:	06/04/84
Reviewed/Revised:	08/23/93
	11/17/97
	03/26/01
	04/11/05
	10/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
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COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS 1312.2  
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Complaints concerning instructional materials will be accepted only from staff, district residents, or the parents/guardians of children enrolled in a district school.

Complaints must be presented in writing to the principal. The "Request for Consideration of Instructional Materials, form (Appendix A) must be submitted by the complainant. Complaints regarding printed material must name the author, title and publisher, and identify the objection by page and item numbers. In the case of non-printed material, written information specifying the precise nature of the objection shall be given. The statement must be signed and identified in such a way that a proper reply will be possible.

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

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

A review committee may be formed under the direction of the Superintendent or designee. It shall be composed of an equal number of members from the Superintendent's Parent Advisory Council and members of the appropriate Curriculum Council.

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

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

Within 30 days of being convened, the review committee shall summarize its findings in a written report and submit it to the Superintendent or designee for final actions. The Superintendent or designee shall notify the complainant of his/her decision within 15 days of receiving the committee's report.



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

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

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

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

Initial Review: 12/13/93  
Reviewed: 03/26/01  
02/28/05  
10/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURE  
APPENDIX A  
COMMUNITY RELATIONS

E 1312.2

CITIZEN'S REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

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

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

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

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

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

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

Citizen Represents:  
Himself/Herself: \_\_\_\_\_

Organization or Group: \_\_\_\_\_

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

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

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

SAN MARCOS UNIFIED SCHOOL DISTRICT  
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1312.3

UNIFORM COMPLAINT PROCEDURES

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The Governing Board recognizes that the district is primarily responsible for complying with applicable state and federal laws and regulations governing educational programs. The District shall investigate complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, which may include incidents of harassment, intimidation, and bullying, or noncompliance with laws relating to all programs and activities implemented by the district that are subject to the Uniform Complaint Procedures (UCP), and shall seek to resolve those complaints in accordance with the district's uniform complaint procedures. (5 CCR 4620)

A complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination (including harassment, intimidation, and bullying). A complainant is any individual including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination, harassment, intimidation, and bullying in programs and activities funded directly by the state or receiving any financial assistance from the state. If the complainant is unable to put the complaint in writing, due to conditions such as a disability or illiteracy, the public agency shall assist the complainant in the filing of the complaint.

The District will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the LEA, which is funded directly by, or that receives or benefits from any state financial assistance.

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Adult Education, Adult Education and Safety, Agricultural Vocational Education, Bilingual Education, California Peer Assistance and Review Programs for Teachers, Career Technical and Technical Education, and Career Technical and Technical Training, Child Care and Development Programs, Child Nutrition, Compensatory Education, Consolidated Categorical Aid, Course Periods without Educational Content, Education of Pupils in Foster Care and Pupils who are Homeless, Every Student Succeeds Act/No Child Left Behind, Local Control Accountability Plans, Migrant Education, Physical Education Instructional Minutes, Pupil Fees, Reasonable Accommodations to a Lactating Pupil, Safety Plans, Special Education, State Preschool, After School Education and Safety, and Tobacco-Use Prevention Education. (5 CCR 4610)

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

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

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**UNIFORM COMPLAINT PROCEDURES**

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The following complaints shall be referred to other agencies for appropriate resolution and are not subject to our UCP process set forth in this document unless these procedures are made applicable by separate interagency agreements:

1. Allegations of child abuse shall be referred to County Dept. of Social Services (DSWS), Protective Services Division or appropriate law enforcement agency.
2. Health and safety complaints regarding a Child Development Program shall be referred to Dept. of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
3. Employment discrimination complaints shall be sent to the State Dept. of Fair Employment and Housing (DFEH) and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Allegations of fraud shall be referred to the Legal, Audits and Compliance Branch in the California Department of Education (CDE).

The Board acknowledges and respects every individual's right to privacy. Discrimination, harassment, intimidation, and bullying complaints shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate, 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.

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

The 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 that process.

The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE

200-262.4	Prohibition of discrimination
222	Reasonable accommodations; lactating students
8200 et seq.	Child care and development programs
8500-8538	Adult basic education
18100 et seq.	School libraries
32289	School safety plan, uniform complaint procedure
35186	Williams uniform complaint procedure
48853-48853.5	Foster youth
48985	Notices in language other than English
49010-49013	Student fees
49060-49079	Student records
49069.5	Rights of parents
49490-49590	Child nutrition programs
51223	Physical education, elementary schools
51225.1-51225.2	Foster youth and homeless children; course credits; graduation requirements
51228.1-51228.3	Course periods without educational content
52060-52077	Local control and accountability plan
52075	Complaint for lack of compliance with local control and accountability plan requirements

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**UNIFORM COMPLAINT PROCEDURES**

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52160-52178 Bilingual education programs  
52300-52490 Career-technical education  
52500-52625 Adult schools  
52800-52870 School-based coordinated programs  
54000-54028 Economic impact aid programs  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56865 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process

**CODE OF REGULATIONS, TITLE 5**

3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

**PENAL CODE**

422.6 Interference with constitutional right or privilege

**UNITED STATES CODE, TITLE 20**

1221 Application of laws  
1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6577 Title I basic programs  
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  
7114 Local educational program, safety plans  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs  
12101-12213 Title II equal opportunity for individuals with disabilities

**UNITED STATES CODE, TITLE 29**

794 Section 504 of Rehabilitation Act of 1973

**UNITED STATES CODE, TITLE 42**

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975

**CODE OF FEDERAL REGULATIONS, TITLE 28**

35.107 Nondiscrimination on basis of disability; complaints

**CODE OF FEDERAL REGULATIONS, TITLE 34**

99.1-99.67 Family Educational Rights and Privacy Act  
100.3 Prohibition of discrimination on basis of race, color or national origin  
106.9 Notification of nondiscrimination on basis of sex  
110.25 Notification of nondiscrimination on the basis of age

Management Resources:

**WEB SITES**

CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
Family Policy Compliance Office: <http://familypolicy.ed.gov>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/offices/OCR>  
U.S. Department of Justice: <http://www.justice.gov>

Adoption History:

Initial Adoption: 08/24/92  
Reviewed/Revised: 08/23/93  
09/13/93  
12/11/95  
01/08/96  
11/17/97  
02/23/99  
04/22/02  
03/10/03  
01/10/05  
08/25/08  
11/13/12  
07/15/14  
12/13/16  
Revisions Adopted: 02/21/17

SAN MARCOS UNIFIED SCHOOL DISTRICT  
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UNIFORM COMPLAINT PROCEDURES

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Administrative Designee

The Governing Board designates the following administrative designee to serve as compliance officer to receive and investigate complaints relative to programs contained in this policy and ensure district compliance with the law:

Assistant Superintendent - Instructional Services  
255 Pico Ave., Suite 250  
San Marcos, CA 92069  
(760) 752-1231

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

Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties that includes information regarding allegations about discrimination, harassment, intimidation, or bullying. (5CCR4622)

The Superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge. (5CCR4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
  - a. The district is primarily responsible for compliance with state and federal laws and regulations
  - b. The complaint review shall be investigated and a written report issued to the complainant 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, harassment, intimidation, or bullying complaint must be filed not later than six months from the date the alleged discrimination harassment, intimidation, or bullying occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying
  - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
  - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision

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**UNIFORM COMPLAINT PROCEDURES**

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- f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
- g. The Board is required to adopt and annually update the Local Control Accountability Plan (LCAP) in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

A pupil fees or LCAP complaint may be filed with the principal of a school or the Assistant Superintendent and may be filed anonymously if the complainant provides evidence or information leading to evidence to support the allegation of noncompliance.

A pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred.

The District will attempt in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint, subject to procedures established through regulations adopted by the state board.

If the District finds merit in a pupil fees, Local Control Accountability Plan (LCAP), and/or a Course Period without Educational Content complaint, the public school or District shall provide a remedy. Specifically, in Course Period without Educational Content complaints the remedy shall go to the affected pupil. In LCAP and pupil fee complaints, the remedy shall go to all affected pupils, parents and guardians, which in the case of pupil fees, also includes reasonable efforts by the public school or District to ensure full reimbursement to all affected pupils, parents and guardians subject to procedures established through regulations adopted by the state board.

### Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR4631 and 4633.

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

### Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the District. (5CCR4630)

A complaint alleging unlawful discrimination, which may include harassment, intimidation, or bullying shall be filed no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. The time for filing may be extended in writing by the Superintendent or designee, upon written request by the complainant setting forth the reasons for the extension. The period for filing may be extended by the Superintendent or designee for good cause for a period not to exceed 90 calendar days following the expiration of the six month time period. The Superintendent or designee shall respond immediately upon the receipt of a request for extension. 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

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UNIFORM COMPLAINT PROCEDURES

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individuals has been subjected to unlawful discrimination, which may include harassment, intimidation, or bullying. (5CCR4630)

The complaint shall be presented to the Superintendent or designee who shall then give it to the appropriate compliance officer. The Superintendent or designee shall maintain a log of complaints received, providing each with a code number and date stamp.

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

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. (5CCR4631)

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5CCR4631)

The district's refusal to provide the investigator with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (5CCR4631)

Written Decision

Within thirty (30) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision. The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member will interpret it for the complainant.

This decision shall include:

1. The findings of fact based on the evidence gathered (5CC\$4631)
2. The conclusion(s) of law (5CCR4631)
3. Disposition of the complaint (5CCR4631)
4. Rationale for such disposition (5CCR4631)
5. Corrective actions, if any are warranted (5CCR4631)
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal (5CCR4631)



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## UNIFORM COMPLAINT PROCEDURES

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7. For discrimination, which may include harassment, intimidation or bullying 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 the district expectations. The report shall not give any further information as to the nature of the disciplinary action.

### Appeal to the Governing Board

If a complainant is dissatisfied with the compliance officer's decision, he/she may within five (5) days, file his/her complaint in writing with the Governing Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the sixty (60) day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the decision of the compliance officer shall be the District's final written decision. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within sixty (60) days of the District's initially receiving the complaint or within an extended time period that has been specified in a written agreement with the complainant. (5CCR4631)

### Appeals to the California Department of Education (CDE)

If dissatisfied with the decision of the Governing Board, the complainant may appeal in writing to the CDE within 15 days of receiving the district's decision. When appealing to the CDE the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5CCR4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5CCR4633)

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

### Basis of Direct State Intervention

The CDE may directly intervene in the complaint without waiting for action by the district when one of the conditions listed in 5CCR4650 exists as detailed below, including cases in which the district has not taken action within 60 days of the date the complaint was filed with the district.

- (i) The complaint includes an allegation and the Department verifies that a local educational agency failed to comply with the complaint procedures required by this Chapter;
- (ii) Discrimination is alleged by the complainant and the facts alleged indicate that the complainant will suffer an immediate loss of some benefit such as employment or

- education if the Department does not intervene. However, nothing in this section gives the Department jurisdiction over employment discrimination claims;
- (iii) The complaint relates to agencies other than local educational agencies funded through the Child Development and Child Nutrition Programs;
  - (iv) The complainant requests anonymity and presents clear and convincing evidence and the Department verifies that he or she would be in danger of retaliation if a complaint were filed locally, or has been retaliated against because of past or present complaints;
  - (v) The complainant alleges that the local educational agency failed or refused to implement the final decision resulting from its local investigation or local mediation agreement;
  - (vi) The local agency refuses to respond to the State Superintendent's request for information regarding a complaint;
  - (vii) The complainant alleges and the State Department of Education verifies, or the Department has information that no action has been taken by the local educational agency within sixty (60) calendar days of the date the complaint was filed locally;
  - (viii) For complaints relating to Special Education, the following shall also be conditions for direct state intervention:
    - (A) The complainant alleges that a public agency, other than a local educational agency, as specified in Government Code Section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to handicapped individuals;
    - (B) The complainant alleges that the local educational agency or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;
    - (C) The complainant alleges facts that indicate that the child or group of children may be in immediate physical danger or that the health, safety or welfare of a child or group of children is threatened;
    - (D) The complainant alleges that a handicapped pupil is not receiving the special education or related services specified in his/her Individualized Educational Program (IEP);
    - (E) The complaint involves a violation of federal law governing special education, 20 U.S.C. Section 1400 et seq., or its implementing regulations.

The complaint shall identify upon which basis of this section that direct filing to the State Department of Education is being made.

#### Referring Complaint Issues to Appropriate State or Federal Agencies

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

- (a) Allegations of child abuse shall be referred to the applicable County Department of Social Services (DSS), Protective Services Division or appropriate law enforcement agency. (CAC

Section 4650)

- (b) Health and safety complaints regarding a Child Development Program shall be referred to Department of Social Services for licensed facilities, and to the appropriate Child Development regional administrator for licensing-exempt facilities.
- (c) Discrimination issues involving Title IX of the Educational Amendments of 1972 shall be referred to the U.S. Office of Civil Rights (OCR). Title IX complainants will only be referred to the OCR if there is not state discrimination law or regulation at issue. Unless otherwise negotiated through a memorandum of understanding/agreement, a preliminary inquiry and/or investigation concerning these complaints will be conducted by OCR. The complainant shall be notified by certified mail if his or her complaint is transferred to OCR by the State Superintendent of Public Instruction.
- (d) Civil rights complaints involving Child Nutrition Programs will be investigated and the complaint and results of the investigation will be recorded on the "Civil Rights/Discrimination Complaint Form" and sent to USDA Food and Consumer Service. A courtesy copy of this complaint will be sent to the Complaint Coordinator with the Department of Education, Child Nutrition and Food Distribution Division.

Program Complaints involving Child Nutrition Programs that are non-discriminatory issues such as program service or violation of Federal or State laws or regulations that cannot be resolved shall be directed to the Complaint Coordinator with the Department of Education, Child Nutrition and Food distribution Division, 560 J Street, Suite 270, Sacramento, CA 95814-2342.

- (e) Employment discrimination complaints shall be sent to the State Department of Fair Employment and Housing (DFEH) pursuant to Title 22, CCR, Section 98410. The complainant shall be notified by certified mail of any DFEH transferral.
- (f) Allegations of fraud shall be referred to the responsible Department Division Director and Department's Legal Office.

Civil Law Remedies

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

Initial Review: 08/24/92  
Reviewed/Revised: 12/13/93  
12/11/95  
11/17/97  
02/23/99  
03/30/99  
04/22/02  
03/10/03  
01/10/05  
08/25/08  
11/13/12  
07/15/14  
Revisions Adopted: 12/13/16

SAN MARCOS UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURE  
COMMUNITY RELATIONS

1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

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**Types of Complaints**

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

1. Instructional Materials

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

- a. A semester begins and a teacher vacancy exists. *Vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester. (Education Code 33126)
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class.
- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency. *Misassignment* means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186)

3. Facilities

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

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WILLIAMS UNIFORM COMPLAINT PROCEDURES

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

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

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

#### 4. High School Exit Examination Intensive Instruction and Services

The CAHSEE has been suspended as of January 1, 2016.

#### **Filing of Complaint**

A complaint alleging any condition(s) specified above shall be filed with the principal of the school or his/her designee, in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education Code 35186) The school shall have a complaint form available for such Williams Complaints. The complainant need not use the Williams Complaint form to file a complaint.

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

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the response shall be made to the mailing address of the complainant indicated on the complaint. If Section 48985 of the Ed Code is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. 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 complainant identifies himself or herself and requested a response. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186)

If a complainant is not satisfied with the resolution of the principal or the district superintendent or his /her designee, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting of the Governing Board. (Education Code 36186)

A complainant who is not satisfied with the resolution proffered by the principal, District Superintendent, or designee, involving a condition of a facility that poses an emergency or urgent threat as described in item #3a above, may file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the report. (Education Code 35186) The complainant shall comply with the appeal requirements of 5 CCR §4632.

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

**Reports**

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

**Forms and Notices**

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

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

*Legal Reference:*EDUCATION CODE*1240 County Superintendent of Schools, duties**17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account  
33031**33126 School Accountability Report Card**35186 Alternative uniform complaint procedure**60119 Hearing on sufficiency of instructional materials*CODE OF REGULATIONS, TITLE 5*4600-4671 Uniform complaint procedures**Management Resources:*WEB SITES*CSBA: <http://www.csba.org>**California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>*

Reviewed/Revised: 08/25/08

Revisions Adopted: 12/13/16

WILLIAMS UNIFORM COMPLAINT PROCEDURES

WILLIAMS COMPLAINT FORM

Education Code (EC) Section 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response, you must provide the following contact information.

Response requested:  Yes  No

Name (Optional): \_\_\_\_\_ Mailing Address (Optional): \_\_\_\_\_

Phone Number Day (Optional): \_\_\_\_\_ Evening (Optional): \_\_\_\_\_

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

1. Textbooks and instructional materials:

- A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after school. 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:

- Teacher vacancy - A semester begins and a teacher vacancy exists. (A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.)
- Teacher misassignment - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20% English learners pupils in the class.
- Teacher misassignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions:

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

4. High School Exit Exam intensive instruction and services: (Education Code 35186)

The CAHSEE has been suspended as of January 1, 2016.

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

Location of problem (school name, address, and room number or location):

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

Course or Grade Level and Teacher Name (if applicable): \_\_\_\_\_

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

\_\_\_\_\_

Please file this complaint with the principal of the school or his/her designee in which the complaint occurred:

Location: \_\_\_\_\_  
Title of office

Address: \_\_\_\_\_  
Street City Zip code

*A complaint about problems beyond the authority of the principal shall be forwarded within 10 days to the appropriate school district official for resolution.*

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

COMMUNITY RELATIONS

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COMMUNITY RELATIONS  
USE OF SCHOOL FACILITIES

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It is the policy of the San Marcos Unified School District to grant the use of school property for public purposes, providing the nature and extent of such use complies with the laws of the State of California and the rules and regulations of the Governing Board.

All school-related activities shall be given priority in the use of facilities and grounds under the Civic Center Act. (Ed Code 38130-38138)

The Superintendent shall be authorized to grant the use of school facilities for the following purposes, subject to district policies and regulations:

1. Public, literary, scientific, recreational, educational, or public agency meetings.
2. The discussion of matters of general or public interest.
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization, which has no suitable meeting place for the conduct of services in accordance with district procedures. Applications are to be submitted and are subject to renewal at 12 month intervals.
4. Child care programs to provide supervision and activities for children of preschool and elementary school age.
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies.
6. Supervised recreational activities.
7. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.
8. Other purposes deemed appropriate by the Board.

**Fees for Use of School Facilities**

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

1. **Free Use:** The 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.



2. Should any free-use group use school facilities at a time when custodial services are not normally available, the District shall charge a fee equal to the cost of those services.

Direct-Costs Fee: Activities other than those specified for free use or fair rental value shall be charged a fee not to exceed direct costs to the District.

The following activities shall be charged direct costs:

- A. Services conducted by religious groups.
  - B. Charitable fund-raising activities which are not beneficial to youth or public school activities of the District, as determined by the Board.
  - C. Events sponsored by religious or community groups, except those, which qualify for free use.
  - D. Public agencies.
  - E. Activities not previously identified which do not fall within the free-use or fair-rental value classifications.
3. Fair-Rental Value Fee: Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of the district's students.

### **Damage and Liability**

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

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

All groups shall be required to include the District as Certificate Holder and additional insured on their liability insurance policies. All groups are required to submit a Hold Harmless Agreement.

### **Application for Use of Facilities**

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities that:

1. Provide encouragement and assistance for any of the activities listed above.
2. Preserve order in school buildings and on school grounds, and protecting school facilities.
3. Ensure that the use of facilities or grounds under this policy is not inconsistent with the use of the school facilities or grounds for school purposes and does not interfere with the regular conduct of schoolwork.

Any person applying for the use of school property on behalf of any society, group, or organization shall be a member of the applicant group.

*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

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

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

*Cole V. Richardson* (1972), 405 U.S. 676

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

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

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

Attorney General Opinions

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

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

*Adoption History:*

Initial Review: 8/23/93

Adopted: 9/13/93

Reviewed: 04/22/02

Revised: 04/14/08

Reviewed: 03/07/11

Revised 02/10/14

SAN MARCOS UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURE

COMMUNITY RELATIONS

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COMMUNITY RELATIONS  
USE OF SCHOOL FACILITIES

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All outside agencies, groups and individuals wishing to use a District facility (building, equipment, fields, etc.), shall complete a District facilities use request form and submit it with a Certificate of Insurance and an Indemnity and Hold Harmless Agreement.

**STEPS**

1. Completion of the "Application, Statement of Information, and Permit for Use of Facilities" form for each school year, for the period beginning July 1<sup>st</sup> through June 30<sup>th</sup>.
2. All applicants must carry liability insurance of at least one million dollars (\$1,000,000). A certificate of insurance must be presented with the application form. It must name San Marcos Unified School District as Additional Insured and Certificate Holder.
3. All applicants must complete the Indemnity and Hold Harmless Agreement.
4. Applications must be submitted to the Executive Director of Maintenance, Operations and Transportation.
5. If the event is unusual in nature, the applicant may be required to meet with the specific site administrator to review details (i.e., weekly church services).
6. The Executive Director of Maintenance, Operations and Transportation, or designated staff member, will review the application and coordinate the request with site personnel.
7. The Maintenance and Operations staff will inform the applicant of approval or denial of the application.
8. All fees will be provided to applicants and agreed to prior to approval.
9. Billing for rentals will be done monthly by the Accounting Department.
10. All ongoing users shall submit a new application each school year\_or for the period requested within a specific school year. Multiple dates should be listed and submitted on a separate page when requested on one application.
11. A 48-hour cancellation notice, or notice of amendment to original request, is required.

**NOTE:** School activities will take precedence over outside user events or regular rentals. Some facilities will not be made available due to supervision issues. Continuance of user or rental agreements is at the sole discretion of the Executive Director of Maintenance, Operations and Transportation with consultation of site staff.

History:

Initial Review: 4/22/02  
Reviewed: 4/14/08  
Reviewed: 3/7/11  
Reviewed: 2/10/14

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

COMMUNITY RELATIONS

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ACCESS TO DISTRICT RECORDS

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Any person shall have reasonable access, during normal business hours, to the public records of the schools and district. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.

All requests for public records inspection and/or copying require a written request to be submitted. Copies are provided by the District at a cost of \$.35 for the first page and \$.20 for each additional page.

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

Legal Reference:

EDUCATION CODE

35145	Public Meetings
35170	Authority to secure copyrights
35250	Duty to keep certain records and reports
42103	Publication of proposed budget; hearing
44031	Personnel file contents and inspections
44839	Medical certificates: periodic medical examination (re: access to medical certification in personnel file)
49060-49079	Pupil records
52015(g)	Ongoing evaluation and modification of school improvement plans
52015.5	Availability of information required by Education Code 52015(g)
53850	Applicability of article (School-based coordinated program plan availability)
54722	Application of article (Motivation and maintenance program plan availability)

CODE OF REGULATION, TITLE 5

430-438 Individual pupil records

GOVERNMENT CODE

3547	Proposals relating to representation
6250-6268	California Public Records Act
53262	Employment contracts
54957.2	Minute book record of closed sessions
54957.5	Agendas and other writings distributed for discussion or consideration
81008	Public records; inspection and reproduction

Adoption History:

Initial Review: 9/13/93  
Reviewed and Adopted: 11/17/97  
Reviewed: 4/22/03  
4/11/05  
7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURES

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ACCESS TO DISTRICT RECORDS

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Records Open to the Public

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used or retained by the district regardless of physical form or characteristics. Records to which the public generally will have access during normal business hours, unless the specific record comes within a statutory exemption from public disclosure, include but are not limited to:

1. The proposed and approved budgets.
2. Statistical compilations.
3. Reports and memoranda.
4. Notices and bulletins.
5. Minutes of public meetings.
6. Meeting agendas.
7. Official communications between governmental branches.
8. School-based program plans.
9. Information and data relevant to the evaluation and modification of school improvement plans.
10. Initial proposals of exclusive employee representatives and of the district.
11. Tort claims filed against the district.
12. Records pertaining to pending litigation, which predate the filing of the litigation, unless otherwise protected by the attorney/client privilege.
13. Statements of economic interests required by the Conflict of Interest Code.
14. Contracts of employment and settlement agreements relating to contracts of employment.

Confidential Records

1. Personal records, medical records, student records, personal correspondence, or similar materials and disclosure of which would constitute an unwarranted invasion of personal privacy.

The home addresses and home telephone numbers of employees may be disclosed only as follows:

- a. To an agent or a family member of the individual to whom the information pertains.
  - b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of its official duties.
  - c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed.
  - d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents.
2. Text questions, scoring keys and other examination data used to administer an examination for employment or academic examination except as otherwise provided by law.
  3. Records specifically prepared for litigation to which the district is a party, or records otherwise protected by attorney/client privilege.
  4. Recall petitions for the reorganization of school districts.
  5. The minutes of Board meetings held in closed session.
  6. Preliminary drafts, notes or interdistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure.
  7. Computer software developed by the district.
  8. Any other record listed as exempt from public disclosure in the California Public Records Act or other statutes.

Requests for Copies

Any person may receive a copy of any district record open to the public. Upon request, an exact copy shall be provided unless it is impracticable to do so.

Copies shall be furnished at the cost of .35 for the first page and .20 per page thereafter.

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

With proper notice, the 10-day limit may be extended for up to 10 additional working days, to the extent reasonably necessary, under the following circumstances:

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

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

Legal Reference:

GOVERNMENT CODE

3547, 53262, 54957.2, 54957.5, 6252

6253.5, 6254, 6254.3, 6354.9, 6254.25

6256, 6256.1, 6256.2, 81008

EDUCATION CODE

42103

52580, 54711

Reviewed: 11/17/97  
4/22/02  
4/11/05  
7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

COMMUNITY RELATIONS

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RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS	1400 Page 1 of 1
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Other Governmental Agencies

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

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

Elections

If a city or county elections official specifically requests the use of a school building as a polling place, the Board shall allow its use for such purpose. The Board may authorize the use of school buildings as polling places. If school will be in session, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as polling places. (Elections Code 12283)

Legal Reference:

Education Code

- |             |  |
|-------------|--|
| 10900-10916 | Cooperative community recreation programs  |
| 12400       | Authority to receive and expend funds (federal)                                    |
| 12405       | Authority to participate in federal programs                                       |
| 17750       | Joint use of library facilities  |
| 17751       | Joint use of park and recreational facilities                                      |
| 32000-32004 | Uniform fire signals   |
| 35160       | Authority of governing boards  |
| 35160.1     | Broad authority of school districts  |
| 48902       | Notification of law enforcement agencies re student violations                     |
| 48909       | District attorney may given notice re student drug use, sale or possession         |
| 49305       | Cooperation of police and California Highway Patrol (school safety patrol program) |
| 49402       | Contracts (with local, city, or county health departments)                         |
| 49403       | Cooperation in control of communicable disease and immunization of students        |
| 51202       | Instruction in personal and public health and safety                               |

Elections Code

- |      |                         |
|------|-------------------------|
| 1504 | Polling places: schools |
|------|-------------------------|

Adoption History:

Initial Review: 8/23/93

Adopted: 9/13/93

Reviewed: 11/17/97

4/22/02

4/11/05

Revised: 7/14/08



SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

COMMUNITY RELATIONS

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RELATIONS BETWEEN AREA, COUNTY, STATE, REGIONAL AND NATIONAL ASSOCIATIONS IN THE SCHOOLS	1500 Page 1 of 1
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Membership in recognized associations such as the California School Board Association, and the Association of California School Administrators will be maintained by the District.

The Governing Board, in maintaining such membership, in no way abdicates its authority over the responsibility for the schools of the District as outlined in state law and board policy.

The Superintendent is directed to budget funds within budget constraints for such memberships and for paying the costs of adequate participation of the Board, administration, and staff in the activities of such associations to achieve the purposes listed above.

Legal Reference:

Education Code

33360	Department of Education and statewide association of school district boards; Annual workshops
33362	Reimbursement of expenses; member of school district board
35044	Payment of traveling expenses of representative of board
35172	Promotional activities
35173	Expenses
44032	Payment of expenses; advance of funds; direction of travel by the governing board

Adoption of History:

Initial Review: 8/23/93

Adopted: 9/13/93

4/22/03

4/11/05

Reviewed: 7/14/08

SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

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RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS

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Participation of Private Industry

The Governing Board recognizes that private industry is an important segment of the local community and that the District should seek the involvement and support of representatives from private industry to participate with the schools in preparing our students for challenges they will meet in the future. The participation of private industry in our schools can add to the district's commitment to prepare students for entry into the business community and provide a productive workforce on which our economy depends.

Business and industry and/or their representatives may support District schools and programs:

1. Volunteering in the classroom or school, providing special instructional programs or assemblies, and serving as tutors or mentors for individual students
2. Donating funds, products, instructional materials, or services that serve an educational purpose
3. Purchasing advertisements in school-sponsored publications or on school property in accordance with law and Board policy
4. Serving on advisory committees in order to provide business expertise or perspectives
5. Working with District staff to ensure the relevance and rigor of the District's career technical education program and providing work opportunities for students enrolled in programs
6. Engaging in other activities approved by the Superintendent or designee that are designed to increase student learning or support operations

Legal Reference:

Education Code

8070 Career technical education advisory committee

35160 Authority of governing boards

35160.1 Broad authority of school districts

41030-41037 Gifts and bequests

51760-51769.5 Work experience education

52300-52499.66 Career technical education

United States Code, Title 20

2301-2414.1 Carl D. Perkins Career and Technical Education Act of 2006, especially:

2354 Local plan for career technical education, business involvement

Adoption History:

Initial Review: 8/23/93

Adopted: 9/13/93

Revision Adopted: 11/17/97

04/22/03

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SAN MARCOS UNIFIED SCHOOL DISTRICT  
BOARD POLICY

COMMUNITY RELATIONS

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In displaying the Flag of the United States and the Flag of the State of California, the District will comply with applicable Government Code sections and The Flag Code, Title 36, U.S.C., Chapter 10.

Adoption History:

Initial Review: 11/13/95

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SAN MARCOS UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURE

COMMUNITY RELATIONS

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DISPLAY OF FLAGS

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In compliance with Government Code sections and The Flag Code, Title 36, U.S.C., Chapter 10, the District will follow these guidelines in the display of the Flag of the United States and the Flag of the State of California.

Government Code Section 430 states that, "The Flag of the United States and the Flag of the State of California (the Bear Flag) shall be prominently installed, displayed, and maintained in the following places ... (b) in any and all rooms where any court or any state, county, or municipal commission holds any sessions."

Government Code Section 431 states that the Flag of the United States and the Flag of the State shall be prominently displayed during business hours upon or in front of the buildings or grounds of or at each of the following places ... "(d) At the entrance or upon the grounds or upon the administration building of every university, college, high school, and elementary school, both public and private, within the State."

Government Code Section 432 states that, "The Flag of the United States and the Flag of the State shall be prominently displayed during any and all games and performances of every kind which take place in a coliseum, stadium, bowl, or other open air sites ... "

Government Code Section 436 states that, "Where the National and State Flags are used, they shall be of the same size. If only one flagpole is used, the National Flag shall be above the State Flag and the State Flag shall be hung in such manner as not to interfere with any part of the National Flag. At all times the National Flag shall be placed in the position of first honor."

- a) It is the universal custom to display the flag only from sunrise to sunset on buildings or on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.
- (b) The flag should be hoisted briskly and lowered ceremoniously.
- (c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
- (d) The flag should be displayed on all days, especially on New Year's Day (January 1); Inauguration Day (January 20); Lincoln's Birthday (February 12); Washington's Birthday (the third Monday in February); Easter Sunday (variable); Mother's Day (the second Sunday in May); Armed Forces Day (third Saturday in May); Memorial Day, half-staff until noon (the last Monday in May); Flag Day (June 14); Independence Day (July 4); Labor Day (first Monday in September); Constitution Day (September 17); Columbus Day (second Monday in October); Navy Day (October 27); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); Christmas Day (December 25); and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

- (e) The flag should be displayed daily on or near the main administration building of every public institution.
- (f) The flag should be displayed in or near every polling place on election days.
- (g) The flag should be displayed during school days in or near every schoolhouse."

In addition to the dates and times for displaying the flag listed above, Flag Code Section 175 (m) states that, "By order of the President, the flag shall be flown at half-staff upon the death of a principal figure of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of a death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the national flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress.

"Half-staff" indicates the position of the flag when it is one-half the distance between the top and bottom of the staff. When flown at half-staff, the flag should be hoisted to the peak for an instance and then lowered to the half-staff position. The flag should again be raised to the peak of the staff before it is lowered for the day. (NOTE: On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff.)

There is also a provision that the flag may be flown at half-staff at the decision of the directors of official boards or their representative. In accordance with that provision, the Governing Board authorizes that the Superintendent or his/her designee may approve the flying of the flag at half-staff for other historic observances, such as Pearl Harbor Day, December 7. (NOTE: According to the California Department of Education, it is optional for state and local agencies to fly the flag at half-staff on Pearl Harbor Day.)

The Governing Board authorizes that the Superintendent or his/her designee may approve the flying of the flag at half-staff in the observance of the death of a student or staff member. The flag may be flown at half-staff, at the school where the student attended or where the staff member was employed, from the time of death until memorial services have been held.

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