

CONCEPTS AND ROLES

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

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

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

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

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35172 Promotional activities

YOUTH SERVICES

The Tehama County Superintendent of Schools desires to help all Tehama County Department of Education students achieve to their highest potential regardless of their social, health, or economic circumstances and recognizes that schools alone cannot meet all the complex needs of children.

The Department shall initiate or participate in collaborative relationships with city and county elected officials to design and coordinate multi-agency programs that respond to the needs of children and families and provide more efficient use of Department and community resources.

The County Superintendent and appropriate staff shall cooperate with public and private entities in the planning and implementation of joint projects or activities within the community.

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

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

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

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

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

YOUTH SERVICES (continued)

Legal Reference:

EDUCATION CODE

8800-8807 *Healthy Start support services for children*

49073 *Privacy of student records*

49075 *Parent/guardian permission for release of student records*

49557.2 *Sharing of information for MediCal eligibility*

HEALTH AND SAFETY CODE

120440 *Immunization records; release to local health departments*

130100-130155 *Early childhood development; First 5 Commission*

WELFARE AND INSTITUTIONS CODE

5850-5883 *Mental Health Services Act*

18961.5 *Computerized database; families at risk for child abuse; sharing of information*

18980-18983.8 *Child Abuse Prevention Coordinating Council*

18986-18986.30 *Interagency Children's Services Act*

18986.40-18986.46 *Multidisciplinary services teams*

18986.50-18986.53 *Integrated day care program*

18987.6-18987.62 *Family-based services*

Management Resources:

CSBA PUBLICATIONS

Expanding Access to High-Quality Preschool Programs: A Resource Guide for School Leaders, rev. April 2008

Educating Foster Youth: Best Practices and Board Considerations, Policy Brief, March 2008

Mental Health Services Act (Proposition 63): Collaborative Opportunity to Address Mental Health, Policy Advisory, October 2007

Maximizing School Board Governance: Community Leadership, 1996

CHILDREN NOW PUBLICATIONS

California Report Card: The State of the State's Children, 2008

CITIES, COUNTIES AND SCHOOLS PARTNERSHIP PUBLICATIONS

Healthy Children, Healthy Communities: An Action Guide for California Communities, 2006

Stretching Community Dollars: Cities, Counties and School Districts Building for the Future, 2006

YOUTH LAW CENTER PUBLICATIONS

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

WEB SITES

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

California Department of Education, Learning Support: <http://www.cde.ca.gov/ls>

California Department of Public Health: <http://www.cdph.ca.gov>

California Department of Social Services: <http://www.dss.cahwnet.gov>

California State Association of Counties: <http://www.csac.counties.org>

Children Now: <http://www.childrennow.org>

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

First 5 California: <http://www.ccfc.ca.gov>

League of California Cities: <http://www.cacities.org>

Youth Law Center: <http://www.ylc.org>

MEDIA RELATIONS

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

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

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

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

Interviewing and Photographing Students

The Department 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 County Superintendent or designee. 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 County Superintendent 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.

Crisis Communications Plan

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

MEDIA RELATIONS (continued)

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

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

Legal Reference:

EDUCATION CODE

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

35144 *Special meetings*

35145 *Public meetings*

35160 *Authority of governing boards*

35172 *Promotional activities*

EVIDENCE CODE

1070 *Refusal to disclose news source*

PENAL CODE

627-627.10 *Access to school premises*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CSBA PUBLICATIONS

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

WEB SITES

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

Community Relations

DEPARTMENT SPONSORED SOCIAL MEDIA

The County Superintendent recognizes the value of technology such a social media platforms in promoting community involvement and collaboration. The purpose of any official department social media platform shall be to further the department's vision and mission, support student learning and staff professional development, and enhance community with students, parents/guardians, staff, and community members.

The Superintendent or designee shall develop content guidelines and protocols for official department social media platforms to ensure the appropriate and responsible use of these resources and compliance with law, Superintendent Policy, and regulation.

Official department social media platforms shall be used only for their stated purposes and in a manner consistent with this policy and administrative regulation. By creating these official sites and allowing for public comment, the department does not intent to create a limited public forum or otherwise guarantee an individual's right to free speech.

The Superintendent or designee shall ensure that the limited purpose of the official department social media platforms is clearly communicated to users. Each site shall contain a statement that specifies the site's purposes along with a statement that users are expected to use the site only for those purposes. Each site shall also contain a statement that users are personally responsible for the content of their posts.

Official department social media platforms may not contain content that is obscene, libelous, or so incites students as to create a clear and present danger of the commission of unlawful acts on department premises, violation of department rules, or substantial disruption of the department's orderly operation.

Users of official department social media platforms should be aware of the public nature and accessibility of social media and that information posted may be considered a public record subject to disclosure under the Public Records Act. The County Superintendent expects users to conduct themselves in a respectful, courteous, and professional manner.

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on official department social media platforms.

Superintendent policy pertaining to the posting of student photographs and the privacy of telephone numbers, home addresses, and email addresses, shall also apply to official department social media platforms.

DEPARTMENT SPONSORED SOCIAL MEDIA (continued)

Social media and networking sites and other online platforms shall not be used by department employees to transmit confidential information about students, employees, or department operations.

Legal Reference:

EDUCATION CODE

[32261](#) School safety, definitions of bullying and electronic act

[35182.5](#) Contracts for advertising

[48900](#) Grounds for suspension and expulsion

[48907](#) Exercise of free expression; rules and regulations

[48950](#) Speech and other communication

[49061](#) Definitions, directory information

[49073](#) Release of directory information

[60048](#) Commercial brand names, contracts or logos

GOVERNMENT CODE

[3307.5](#) Publishing identity of public safety officers

[6250-6270](#) Public Records Act, especially:

[6254.21](#) Publishing addresses and phone numbers of officials

[6254.24](#) Definition of public safety official

[54952.2](#) Brown Act, definition of meeting

UNITED STATES CODE, TITLE 17

[101-1101](#) Federal copyright law

UNITED STATES CODE, TITLE 20

[1232g](#) Federal Family Educational Rights and Privacy Act

UNITED STATES CODE, TITLE 29

157 Employee rights to engage in concerted, protected activity

[794](#) Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites

CODE OF FEDERAL REGULATIONS, TITLE 34

[99.1-99.67](#) Family Educational Rights and Privacy

DEPARTMENT SPONSORED SOCIAL MEDIA**Definition:**

Social media means any online platform for collaboration, interaction, and active participation, including, but not limited to, social networking sites such as Facebook, Twitter, YouTube, LinkedIn, or blogs.

Official department social media platform is a site authorized by the County Superintendent. Sites that have not been authorized by the County Superintendent but that contain content related to the department or comments on department operations, such as a site created by a parent/teacher organization, booster club, or other department connected organization or a student's or employee's personal site, are not considered official department social media platforms.

The County Superintendent shall authorize the development of any official department social media platform. Managers shall obtain approval from the County Superintendent before creating an official department program social media platform.

The County Superintendent or designee shall ensure that official department social media platforms provide current information regarding department programs, activities, and operations, consistent with the goals and purposes of this regulation. Official department social media platforms shall contain content that is appropriate for all audiences.

The County Superintendent or designee shall ensure that copyright laws are not violated in the use of material on official department social media platforms.

The County Superintendent or designee shall ensure that official department social media platforms are regularly monitored. Staff members responsible for monitoring content may remove posts based on viewpoint-neutral considerations, such as lack of relation to the site's purpose or violation of the department's policy, regulation, or content guidelines.

Each official department social media platform shall prominently display:

1. The purpose of the site along with a statement that users are expected to use the site only for those intended purposes.
2. Information on how to use the security settings of the social media platform.
3. A statement that the site is regularly monitored and that any inappropriate post will be promptly removed. Inappropriate posts include those that:
 - a. Are obscene, libelous, or so incite students as to create a clear and present danger of the commission of unlawful acts on department premises, violation of department rules, or substantial disruption of the department's orderly operation.
 - b. Are not related to the stated purpose of the site, including, but not limited to, comments of a commercial nature, political activity, and comments that constitute discrimination or harassment.
4. Protocols for users, including expectations that users will communicate in a respectful, courteous, and professional manner.

DEPARTMENT SPONSORED SOCIAL MEDIA – continued

5. A statement that users are personally responsible for the content of their posts and that the department is not responsible for the content of external online platforms.
6. A disclaimer that the views and comments expressed on the site are those of the users and do not necessarily reflect the views of the department.
7. A disclaimer that any user's reference to a specific commercial product or service does not imply endorsement or recommendation of that product or service by the department.
8. The individual(s) to contact regarding violation of department guidelines on the use of official department social media platforms.

Department employees who participate in official department social media platforms shall adhere to all applicable department policies and procedures, including, but not limited to, professional standards related to interactions with students.

All staff shall receive information about appropriate use of the official department social media platforms.

POLITICAL PROCESSES

The Tehama County Superintendent of Schools has a responsibility to actively advocate fiscal and public policy that supports the Tehama County Department of Education's schools and the children in the community.

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

Legislation

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

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

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

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

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

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

Ballot Measures/Candidates

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

POLITICAL PROCESSES (continued)

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

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

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

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

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

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

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

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

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

Legal Advocacy

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

POLITICAL PROCESSES (continued)

Political Forums

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

Legal Reference:

EDUCATION CODE

7054 *Use of district property*

7054.1 *Requested appearance*

7055 *Local rules*

7056 *Soliciting or receiving political funds*

7058 *Use of forum*

35160 *Authority of governing boards*

35172 *Promotional activities*

GOVERNMENT CODE

50023 *Attending legislature to support or oppose legislation*

53060.5 *Attendance at legislative body; expenses*

54953.5 *Right to record proceedings*

54953.6 *Broadcasts of proceedings*

81000-91015 *Political Reform Act*

COURT DECISIONS

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

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

League of Women Voters v. Countywide Criminal Justice Coordination Committee, (1988) 203

Cal.App.3d 529, 250 Cal. Rptr. 161, rev.den.

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

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

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

OFFICE OF LEGISLATIVE COUNSEL

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

FAIR POLITICAL PRACTICES COMMISSION

FPPC No. 93/345 (1996)

CSBA PUBLICATIONS

Political Activities of School Districts: Legal Issues, 1998

Maximizing School Board Leadership: Community Leadership, 1996

VOLUNTEER ASSISTANCE

The Tehama County Superintendent of Schools recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the schools' relationships with the community.

As appropriate, the County Superintendent or designee shall provide volunteers with information about school goals, programs, and practices and an orientation or other training related to their specific responsibilities. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that utilize their skills and expertise and maximize their contribution to the educational program.

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

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)

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

Qualifications

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

Legal Reference: (see next page)

VOLUNTEER ASSISTANCE (continued)

Legal Reference:

EDUCATION CODE

8482-8484.6 *After School Education and Safety program*
8484.7-8484.9 *21st Century Community Learning Center program*
35021 *Volunteer aides*
35021.1 *Automated records check*
35021.3 *Registry of volunteers for before/after school programs*
44010 *Sex offense; definition*
44227.5 *Classroom participation by college methodology faculty*
44814-44815 *Supervision of students during lunch and other nutrition periods*
45125 *Fingerprinting requirements*
45125.01 *Interagency agreements for criminal record information*
45340-45349 *Instructional aides*
45360-45367 *Teacher aides*
49024 *Activity Supervisor Clearance Certificate*
49406 *Examination for tuberculosis*

GOVERNMENT CODE

3543.5 *Prohibited interference with employees' rights*

HEALTH AND SAFETY CODE

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

LABOR CODE

1720.4 *Public works; exclusion of volunteers from prevailing wage law*
3364.5 *Persons performing voluntary services for school districts*

PENAL CODE

290 *Registration of sex offenders*
290.4 *Information re: sex offenders*
290.95 *Disclosure by person required to register as sex offender*

CODE OF REGULATIONS, TITLE 22

101170 *Criminal record clearance*
101216 *Health screening, volunteers in child care centers*

UNITED STATES CODE, TITLE 20

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

ATTORNEY GENERAL OPINIONS

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

COURT DECISIONS

Whisman Elementary School District, (1991) PERB Decision No. 868

Management Resources:

COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE

10-11 *Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010*

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ls/pf>
California Department of Justice, Megan's Law: <http://www.meganslaw.ca.gov>
California Parent Teacher Association: <http://www.capta.org>
Commission on Teacher Credentialing: <http://www.ctc.ca.gov>
National Coalition for Parent Involvement in Education: <http://www.ncpie.org>
National Parent Teacher Association: <http://www.pta.org>

VOLUNTEER ASSISTANCE

Duties of Volunteers

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

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

Qualifications

Volunteers providing supervision or instruction of students pursuant to Education Code 45349 shall give evidence of basic skills proficiency. (Education Code 45344.5, 45349)

Any volunteer working with students in a Department-sponsored student activity program shall obtain an Activity Supervisor Clearance Certificate or criminal background check in accordance with Department policy. The County Superintendent or designee shall determine which volunteer positions in the Department are subject to this requirement.

The County Superintendent or designee shall not assign any person required to register as a sex offender pursuant to Penal Code 290 as a volunteer who assists certificated personnel in the performance of their duties; supervises students during lunch, breakfast, or other nutritional period; or serves as a nonteaching aide to perform noninstructional tasks. In addition, a person who is required to register as a sex offender because of a conviction for a crime where the victim was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors. (Education Code 35021, 45349; Penal Code 290.95)

The County Superintendent or designee may require all volunteers to disclose their status as a registered sex offender and/or provide the Department with sufficient information in order to allow verification of this status on the Department of Justice's Megan's Law web site.

No volunteer shall be assigned to supervise or instruct students unless he/she has submitted evidence of an examination within the past 60 days to determine that he/she is free of active tuberculosis. Volunteers who test negative shall thereafter be required to take a tuberculosis test every four years in accordance with Education Code 49406. (Education Code 45106, 45347, 45349, 49406)

VOLUNTEER ASSISTANCE (continued)

The County Superintendent or designee may exempt from tuberculosis testing requirements those volunteers who serve less than a school year and whose functions do not require frequent or prolonged contact with students. (Education Code 49406)

Volunteer Facilities Projects

All volunteer facilities projects shall have approximate start and completion dates and shall be approved by the Program Administrator in advance. Projects also shall be approved in advance by the County Superintendent or designee if they involve the following types of work:

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

The County 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 Department 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.

VISITORS/OUTSIDERS

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

To ensure that parent/guardian contribution to the classroom is meaningful, and that the integrity of instruction, safety, and privacy of students in the classroom remains the primary focus, we have implemented the following guidelines:

Parents/legal guardians wishing to visit and observe their child's classroom are welcome to schedule such visits with the classroom teacher; such visits will generally be scheduled by the teacher for time periods that will most enhance the instruction and activities in the classroom, while minimizing disruption of other students.

Visitors with no family relation to a student in the classroom must be pre-approved in writing by a Tehama County Department of Education administrator.

To maintain the instructional integrity of the classroom, visitors are requested to schedule no more than one thirty minute visit per week. Visitations may not be made when tests/examinations are being administered.

All visitors agree to maintain confidentiality of all students in the classroom. Any disruption by a visitor will result in termination of that individual's visits.

Any individual 18 years of age or older visiting a classroom for more than one thirty minute occasion per week is considered a volunteer pursuant to Education Code 35021, 45106, 45349, and 49406, and as such, must provide proof that she/he is free of active tuberculosis and obtain a LiveScan fingerprint clearance through the Tehama County Department of Education. LiveScan cost for such individuals related to a student in the classroom, and who have been approved as a volunteer, will be paid for by the volunteer.

The Superintendent or designee may exempt from tuberculosis testing requirements those volunteers who serve less than a school year and whose functions do not require frequent or prolonged contact with students.

While the Tehama County Department of Education encourages classroom visitations, we recognize that at times this can be disruptive to the integrity of the educational program. Classroom visitations by non-employees must be arranged in advance, and the following procedures adhered to:

At the discretion of the Tehama County Department of Education's administrator/designee, visitations must be requested not less than one school day prior to the visitation, noting the purpose of the visit.

Visitations shall be limited to the student's parent/guardians or other persons pre-approved by the parents/guardians and the administrator/designee.

VISITORS/OUTSIDERS (continued)

Participation in classrooms by parents/guardians of preschool students may be arranged at the discretion of the Tehama County Department of Education's administrator/designee.

Approved visitors shall respect the classroom program and refrain from any activity that may interrupt the classroom routine.

Additional visits may occur with prior approval of the Tehama County Department of Education's administrator/designee, if agreed upon by the administrator, teacher and parent.

Registration Procedure

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

His/her name and affiliation

His/her age, if less than 21 years

His/her purpose for entering school grounds

Proof of identity

Other information consistent with the provisions of law

Denial of Registration

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

Disruption of school or district grounds, students or employees, shall include but not be limited to, behavior that interrupts individual or group instruction, threatens the safety or welfare of students or employees, or interferes with normal functioning of the classroom, school or office.

VISITORS/OUTSIDERS (continued)

The administrator or designee may request that a visitor/outsider who has failed to register, or whose registration privileges have been denied or revoked, promptly leave school grounds. When a visitor/outsider is directed to leave, the administrator or designee shall inform the visitor/outsider that if he/she reenters the school within seven (7) days he/she will be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

Appeal Procedure

Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or principal by submitting, within five (5) 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 (7) days after receipt of the request. (Penal Code 627.5)

*Legal Reference:*EDUCATION CODE32210 *Willful disturbance of public school or meeting*32211 *Threatened disruption or interference with classes; misdemeanor*32212 *Classroom interruptions*35160 *Authority of governing boards*35292 *Visits to schools (board members)*51512 *Prohibited use of electronic listening or recording device*EVIDENCE CODE1070 *Refusal to disclose news source*LABOR CODE230.8 *Discharge or discrimination for taking time off to participate in child's educational activities*PENAL CODE626-626.10 *Schools*627-627.10 *Access to school premises, especially:*627.1 *Definitions*627.2 *Necessity of registration by outsider*627.7 *Misdemeanors; punishment*COURT DECISIONS*Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652*ATTORNEY GENERAL OPINIONS95 *Ops.Cal.Atty.Gen. 509 (1996)*

COMPLAINTS CONCERNING DEPARTMENT EMPLOYEES

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

The County Superintendent or designee shall develop regulations which permit the public to submit complaints against Tehama County Department of Education employees in an appropriate way. These regulations shall protect the rights of involved parties.

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

Legal Reference:

EDUCATION CODE

33308.1 *Guidelines on procedure for filing child abuse complaints*

35146 *Closed sessions*

44031 *Personnel file contents and inspection*

44811 *Disruption of public school activities*

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

48987 *Child abuse guidelines*

GOVERNMENT CODE

54957 *Closed session; complaints re employees*

54957.6 *Closed session; salaries or fringe benefits*

PENAL CODE

273 *Cruelty or unjustifiable punishment of child*

11164-11174.3 *Child Abuse and Neglect Reporting Act*

WELFARE AND INSTITUTIONS CODE

300 *Minors subject to jurisdiction of juvenile court*

Management Resources:

CDE LEGAL ADVISORIES

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

COMPLAINTS CONCERNING DEPARTMENT EMPLOYEES

The Tehama County Superintendent of Schools or designee shall determine whether a complaint should be considered a complaint against the Tehama County Department of Education and/or an individual employee, and whether it should be resolved by the Department's process for complaints concerning personnel and/or other Department procedures.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against Department employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the Program Administrator.
3. All complaints related to Department personnel other than administrators shall be submitted in writing to the immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to administrators shall be initially filed in writing with the County Superintendent or designee.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.
7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the Program Administrator or immediate supervisor to the County Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the County Superintendent or designee's decision as final.

COMPLAINTS CONCERNING DEPARTMENT EMPLOYEES (continued)

Any complaint of child abuse or neglect alleged against a Department employee shall be reported to the appropriate local agencies in accordance with law, Department policy and administrative regulation.

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

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

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

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

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

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

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

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

Complaints related to sufficiency of textbooks or instructional materials shall be resolved pursuant to the Department's Williams uniform complaint procedure at AR 1312.4.

Legal Reference: (see next page)

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS (continued)

Legal Reference:

EDUCATION CODE

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

1002.90 Selection of Instructional Materials, CIL: 90/91-02

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

WEB SITES

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

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

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

Step 1: Informal Complaint

If a staff member, county resident, or parent/guardian of a student enrolled in a Tehama County Department of Education school/program has a complaint regarding the content or use of any specific instructional material, he/she shall informally discuss the material in question with the Program Administrator.

Step 2: Formal Complaint

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

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

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

Step 3: Review Committee

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

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

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

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS (continued)

Step 4: Appeal to the County Superintendent

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

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS

**REQUEST FOR RECONSIDERATION OF
INSTRUCTIONAL MATERIALS**

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

Date: _____

Name of person filing complaint: _____

Anonymous complaints will not be accepted.

Group represented (if any): _____

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

Address: _____

Material Being Challenged:

Title: _____

Author: _____

Publisher: _____ Date of Edition: _____

Name of school/classroom material was used: _____

1. Please specifically state the nature of your concern or objection and identify your objection by page, tape sequence, video frame, or words, as appropriate. You may use additional pages if necessary.
2. Did you read/view the entire selection?
3. For what age group would you recommend this material?
4. If not, what percentage did you read/view, or what parts?

COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS (continued)

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

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

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

Signature of complainant

For Department Use:

Request received by: _____ Date: _____

Title: _____

Action taken: _____ Date: _____

UNIFORM COMPLAINT PROCEDURES

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

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

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, and special education programs. (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, and teacher vacancies and misassignments shall be investigated pursuant to the Department's Williams uniform complaint procedure (AR 1312.4).

Any complaint that the department has not complied with legal requirements pertaining to the LCAP may be filed pursuant to AR 1312.3 – Uniform Complaint Procedures (EC 52075)

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

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

The Department 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 County Superintendent or designee shall initiate that process. The County Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Legal Reference: (see next page)

UNIFORM COMPLAINT PROCEDURES (continued)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination*
8200-8498 *Child care and development programs*
8500-8538 *Adult basic education*
18100-18203 *School libraries*
32289 *School safety plan, uniform complaint procedure*
35186 *Williams uniform complaint procedure*
41500-41513 *Categorical education block grants*
48985 *Notices in language other than English*
49060-49079 *Student records*
49490-49590 *Child nutrition programs*
52160-52178 *Bilingual education programs*
52300-52490 *Career-technical education*
52500-52616.24 *Adult schools*
52800-52870 *School-based coordinated programs*
54000-54028 *Economic impact aid programs*
54100-54145 *Miller-Unruh Basic Reading Act*
54400-54425 *Compensatory education programs*
54440-54445 *Migrant education*
54460-54529 *Compensatory education programs*
56000-56867 *Special education programs*
59000-59300 *Special schools and centers*
64000-64001 *Consolidated application process*

PENAL CODE

422.6 *Interference with constitutional right or privilege*

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 20

6301-6577 *Title I basic programs*
6601-6777 *Title II preparing and recruiting high quality teachers and principals*
6801-6871 *Title III language instruction for limited English proficient and immigrant students*
7101-7184 *Safe and Drug-Free Schools and Communities Act*
7201-7283g *Title V promoting informed parental choice and innovative programs*
7301-7372 *Title V rural and low-income school programs*

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights:
<http://www.ed.gov/about/offices/list/ocr/index.html>

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Tehama County Superintendent of Schools designates the following compliance officer to receive and investigate complaints and to ensure Tehama County Department of Education compliance with law:

Administrator of Human Resource Services
1135 Lincoln Street
Red Bluff, CA 96080
530-527-5811

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

Notifications

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

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

The notice shall:

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

UNIFORM COMPLAINT PROCEDURES (continued)

- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline
- c. An unlawful discrimination complaint must be filed not later than six months from the date the alleged discrimination occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged discrimination
- d. The complainant has a right to appeal the Department's decision to the CDE by filing a written appeal within 15 days of receiving the Department's decision
- e. The appeal to the CDE must include a copy of the complaint filed with the Department and a copy of the Department's decision

Procedures

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

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

Step 1: Filing of Complaint

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

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

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

Step 2: Mediation

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

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

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

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

Step 3: Investigation of Complaint

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

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

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

Step 4: Response

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

Step 5: Final Written Decision

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

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

The decision shall include:

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

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

UNIFORM COMPLAINT PROCEDURES (continued)

Appeals to the California Department of Education

If dissatisfied with the Department's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the Department'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 Department's decision. (5 CCR 4632)

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

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the Department, 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 Department's complaint procedures
7. Other relevant information requested by the CDE

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

UNIFORM COMPLAINT PROCEDURES (continued)

Civil Law Remedies

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types of Complaints

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

1. Textbooks and instructional materials
 - a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or Department-adopted textbooks or other required instructional materials to use in class.
 - b. A pupil does not have access to textbooks or instructional materials to use at home or after school.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
2. Teacher vacancy or misassignment
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

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

3. Facilities

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

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

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

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

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

Investigation and Response

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

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

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

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

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

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

Reports

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

Forms and Notices

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

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

Legal Reference:

EDUCATION CODE

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

35292.5 Restrooms, maintenance and cleanliness

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

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures, especially:

4680-4687 Williams complaints

Management Resources:

WEB SITES

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

California County Superintendents Educational Services Association: <http://www.ccesa.org>

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

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants district flexibility in "Tier 3" categorical programs. The Tehama County Department of Education has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

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

Parents/Guardians, Pupils, and Teachers:

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

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

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

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

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009) and ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), Education Code 42605 grants district flexibility in "Tier 3" categorical programs. The Tehama County Department of Education has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-2009 through 2012-2013 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

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

Response requested? Yes No

Contact information:

Name: _____

Address: _____

Phone number: Day: _____ Evening: _____

E-mail address, if any: _____

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

School name/address: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Date problem was observed: _____

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

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

- 1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)
 - A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - A pupil does not have access to 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.

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Facility conditions: (Education Code 17592.72, 35186, 35292.5; 5 CCR 4683)
- A condition exists that poses an emergency or urgent threat to the health or safety of pupils or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.
 - A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or 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.
3. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)
- A semester begins and a teacher vacancy exists. A *teacher vacancy* is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
 - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.
 - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

Please file this complaint at the following location:

Roxy Williams, Administrator
(Program Administrator or title of designee of the County Superintendent)
1135 Lincoln St. Red Bluff, CA 96080
(address)

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

(signature)

(date)

USE OF DEPARTMENT FACILITIES

The Tehama County Superintendent of Schools recognize that Tehama County Department of Education facilities and grounds are a community resource and authorizes their use by community groups for purposes provided for in the Civic Center Act when such use does not interfere with Department activities.

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

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

1. Aid, encourage, and assist groups desiring to use Department facilities for approved activities
2. Preserve order in department buildings and on Department grounds and protect Department facilities, designating a person to supervise this task, if necessary
3. Ensure that the use of Department facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work

Fees

The County Superintendent authorizes the use of Department facilities 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, may be charged at least direct costs.

Groups shall be charged fair rental value when using Department facilities 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 students. (Education Code 38134)

Legal Reference: (see next page)

USE OF DEPARTMENT FACILITIES (continued)

Legal Reference:

EDUCATION CODE

10900-10914.5 *Community recreation programs*

32282 *School safety plan*

37220 *School holidays*

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

BUSINESS AND PROFESSIONS CODE

25608 *Alcoholic beverage on school premises*

MILITARY AND VETERANS CODE

1800 *Definitions*

UNITED STATES CODE, TITLE 20

7905 *Equal access to public school facilities*

COURT DECISIONS

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

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

ATTORNEY GENERAL OPINIONS

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

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

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

WEB SITES

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

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

ACCESS TO DEPARTMENT RECORDS

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

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

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

Legal Reference: (see next page)

ACCESS TO DEPARTMENT RECORDS (continued)

Legal Reference:

EDUCATION CODE

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

GOVERNMENT CODE

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

CALIFORNIA CONSTITUTION

Article I, Section 3 Right of access to governmental information

CODE OF REGULATIONS, TITLE 5

430-438 *Individual pupil records*

COURT DECISIONS

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

Los Angeles Times v. Alameda Corridor Transportation Authority, (2001) 88 Cal.App.4th 1381

Kleitman v. Superior Court, (1999) 74 Cal.App. 4th 324

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

North County Parents Organization for Children with Special Needs v. Department of Education, (1994) 23 Cal.App. 4th 144

ATTORNEY GENERAL OPINIONS

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

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

Management Resources:

ATTORNEY GENERAL PUBLICATIONS

Summary of the California Public Records Act, 2004

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

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

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

State Bar of California: <http://www.calbar.ca.gov>

ACCESS TO DEPARTMENT RECORDS

Definitions

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

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

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

Public Records

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

1. Proposed and approved budgets and annual audit of the Department (Government Code 6252; Education Code 41020, 42103)
2. Statistical compilations (Government Code 6252)
3. Reports and memoranda (Government Code 6252)
4. Notices and bulletins (Government Code 6252)
5. Minutes of public meetings (Government Code 6252)
6. Meeting agendas (Government Code 6252, 54957.5)
7. Official communications between governmental branches (Government Code 6252)
8. School-based program plans (Education Code 52850)
9. Information and data relevant to the evaluation and modification of Department plans
10. Initial proposals of exclusive employee representatives and of the Department (Government Code 3547)

ACCESS TO DEPARTMENT RECORDS (continued)

(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)

11. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)
12. Contracts of employment and settlement agreements (Government Code 53262)

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

Confidential Records

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

1. Preliminary drafts, notes, inter-department or intra-department memoranda which are not retained by the Department in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)
2. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

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

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

ACCESS TO DEPARTMENT RECORDS (continued)

3. Test questions, scoring keys, and other examination data except as provided by law (Government Code 6254)
4. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the Department relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)
5. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)
6. Library circulation records kept for the purpose of identifying the borrower of items available in the library (Government Code 6254)
7. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)
8. Documents prepared by or for the Department to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt Department operations and that are for distribution or consideration in closed session (Government Code 6254)
9. Recall petitions or petitions for the reorganization of school districts (Government Code 6253.5)
10. Minutes of County Board meetings held in closed session (Government Code 54957.2)
11. Computer software developed by the Department (Government Code 6254.9)
12. Written instructional textbooks or other materials which, when providing a copy, would infringe a copyright or would constitute an unreasonable burden on the operation of the Department (65 Ops.Cal.Atty.Gen. 186 (1981))
13. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)

ACCESS TO DEPARTMENT RECORDS (continued)

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

Inspection of Records and Requests for Copies

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

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

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

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

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

ACCESS TO DEPARTMENT RECORDS (continued)

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

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

Assistance in Identifying Requested Records

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

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

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

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

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

RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE DEPARTMENT

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

The Tehama County Department of Education may enter into agreements with other agencies which involve the exchange of funds or reciprocal services. Such agreements shall be approved by the County Superintendent and executed in writing.

Legal Reference:

EDUCATION CODE

- 10900-10914.5 Cooperative community recreation programs*
- 12400 Authority to receive and expend federal funds*
- 12405 Authority to participate in federal programs*
- 17050 Joint use of library facilities*
- 17051 Joint use of park and recreational facilities*
- 32001 Fire alarms and drills*
- 32288 Notice of safety plan*
- 35160 Authority of governing boards*
- 35160.1 Broad authority of school districts*
- 48902 Notification of law enforcement agencies*
- 48909 District attorney may give notice student drug use, sale or possession*
- 49305 Cooperation of police and California Highway Patrol*
- 49402 Contracts with city, county or local health departments*
- 49403 Cooperation in control of communicable disease and immunization*
- 51202 Instruction in personal and public health and safety*

ELECTIONS CODE

- 2145-2148 Distribution of voter registration forms*
- 12283 Polling places: schools*

WELFARE AND INSTITUTIONS CODE

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

Management Resources:

WEB SITES

- CSBA: <http://www.csba.org>*
- California Secretary of State: <http://www.ss.ca.gov>*
- California Voter Foundation: <http://www.calvoter.org>*
- Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>*

WAIVERS

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

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

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

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

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

Legal Reference:

EDUCATION CODE

5000-5033 Governing board elections

8750-8754 Grants for conservation education

10400-10407 Cooperative improvement programs

17047.5 Facilities used by special education students

17291 Portable school buildings

33050-33053 General waiver authority

37202 Equity length of time

41000-41360 School finance

41381 Minimum school day

41600-41854 Computation of allowances

41920-42842 Budget requirements; local taxation by school districts

44520-44534 New program for careers

44666-44669 School-Based Management and Advanced Career Opportunities

44681-44689 Administrator Training and Evaluation

45108.7 Maximum number of senior management positions

48660-48666 Community day schools

48800 Attendance at community college

49550-49560 Meals for needy students

51224.5 Algebra instruction

Legal Reference continued: (see next page)

WAIVERS

Legal Reference (continued next page):

EDUCATION CODE (continued):

51745.6 Charter school independent study ratio
51870-51874 Educational technology
52053-52055.55 Immediate Intervention for Underperforming Schools Program
52055.600-52055.662 High Priority Schools Grant Program
52080-52090 Class size reduction grade 9
52122.6-52122.8 Class size reduction - impacted school sites
52160-52178 Bilingual-Bicultural Education Act of 1976
52180-52186 Bilingual teacher waiver
52200-52212 Gifted and Talented Pupils Program
52340-52346 Career Guidance Centers
52522 Plans for adult education
52850-52863 School-Based Coordinated Program
54000-54028 Disadvantaged Youth Program
54100-54145 Miller-Unruh Basic Reading Program
54407 Waiver for compensatory education programs
56000-56867 Special education programs
58407 Waiver related to individualized instruction program
58900-58928 Restructuring demonstration programs
60119 Public hearing on sufficiency of instructional materials
60422 Instructional materials funding realignment program
CODE OF REGULATIONS, TITLE 5
1032 Academic Performance Index
3100 Resource specialist caseload waivers
3945 Cooperative programs
9531 Instructional materials funding
11960 Charter school attendance
11963.4 Charter school percentage funding
13017 Waivers
13044 Waivers
UNITED STATES CODE, TITLE 20
1400-1482 Individuals with Disabilities Education Act
7115 Safe and Drug Free Schools, authorized activities

Management Resources:

WEB SITES

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

RELATIONS BETWEEN PRIVATE INDUSTRY AND THE DEPARTMENT

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

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

*Legal Reference:*EDUCATION CODE*8070 Career technical education advisory committee**35160 Authority of governing boards**35160.1 Broad authority of school districts**41030-41037 Gifts and bequests**51760-51769.5 Work experience education**52300-52499.66 Career technical education*UNITED STATES CODE, TITLE 20*2301-2414 Carl D. Perkins Career and Technical Education Act of 2006, especially:**2354 Local plan for career technical education, business involvement**Management Resources:*CSBA PUBLICATIONS*School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006**Maximizing School Board Governance: Community Leadership, 1996*COUNCIL FOR CORPORATE AND SCHOOL PARTNERSHIPS PUBLICATIONS*A How-To Guide for School-Business Partnerships*NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS*Building Business Support for School Health Programs, 1999*WEB SITES*CSBA: <http://www.csba.org>**California Consortium of Education Foundations: <http://www.cceflink.org>**California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ls/pf>**Council for Corporate and School Partnerships: <http://www.corpschoolpartners.org>**National Association of State Boards of Education: <http://www.nasbe.org>*