

PIEDMONT UNIFIED SCHOOL DISTRICT
BOARD POLICIES & ADMINISTRATIVE REGULATIONS

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Community Relations

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**PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy**

Community Relations

BP 1000

CONCEPTS AND ROLES

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

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

(cf. 1020 - Youth Services)

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

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

(cf. 0420.5 - School-Based Decision Making)

(cf. 0510 - School Accountability Report Card)

(cf. 1220 - Citizen Advisory Committees)

(cf. 1240 - Volunteer Assistance)

(cf. 1312 - Complaints Concerning the Schools)

(cf. 1330 - Use of School Facilities)

(cf. 6020 - Parent Involvement)

(cf. 6141 - Curriculum Development and Evaluation)

(cf. 9323 - Meeting Conduct)

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

(cf. 1112 - Media Relations)

(cf. 1160 - Political Processes)

(cf. 9000 - Role of the Board)

Legal Reference:

EDUCATION CODE

35160 Authority of Boards of Education

35172 Promotional activities

Adopted: November 10, 1999

**Piedmont Unified SD
Board Policy**

BP 1100
Community Relations

Communication With The Public

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

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

As part of the Board's continuing commitment to advance education, it shall endeavor to establish and maintain effective communications with the community by:

1. Promoting school public relations at both school and district level.
2. Providing a variety of ways for people to become involved in their schools so they can express their interest in and concern for their schools and students.
3. Anticipating the information needed by the public and providing the information in timely, understandable and appropriate ways.
4. Facing controversial issues squarely and presenting the public with the information it needs to understand them.

Legal Reference:
EDUCATION CODE
35172 Promotional activities

Adopted: November 10, 1999

PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy

Community Relations

BP 1112

Media Relations

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

(cf. 9320 - Meetings and Notices)

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

(cf. 0510 - School Accountability Report Card)

(cf. 1100 - Communication with the Public)

(cf. 1160 - Political Processes)

(cf. 1340 - Access to District Records)

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

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 9010 - Public Statements)

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

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergency and Disaster Preparedness Plan)

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

(cf. 1250 - Visitors/Outsiders)

(cf. 3515.2 - Disruptions)

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

The district shall not impose restraints on students' right to speak freely with media representatives at times which do not disrupt the educational program. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.

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

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes

32212 Classroom interruptions

35144 Special meetings

35145 Public meetings

35145.5 Agenda; public participation

35146 Closed sessions

35160 Authority of Boards of Education

35172 Promotional activities

PENAL CODE

627-627.10 Access to school premises

ATTORNEY GENERAL OPINIONS

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

Adopted: November 10, 1999

**Piedmont Unified SD
Board Policy**

BP 1150

Community Relations

Commendations And Awards

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

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

Legal Reference:

EDUCATION CODE

35160 Authority of Boards of Education

35160.1 Broad authority of school districts

44015 Awards to employees and students

Policy PIEDMONT UNIFIED SCHOOL DISTRICT

adopted: November 10, 1999 Piedmont, California

Piedmont Unified SD Board Policy

BP 1160

Community Relations

Political Processes

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

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

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

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

Legislation

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

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

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

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

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

Ballot Measures/Candidates

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

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

(cf. 9323 - Meeting Conduct)

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

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

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

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

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

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

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

Political Forums

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

(cf. 1330 - Use of School Facilities)

Legal Reference:

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 Boards of Education

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)

Adopted: November 10, 1999

**Piedmont Unified SD
Board Policy**

BP 1220

Community Relations

Citizen Advisory Committees

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

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

Advisory committees should include representation from all affected parties. With Board approval, the Superintendent or designee may appoint committee members.

Legal Reference:

EDUCATION CODE

- 11503 Parent involvement program
- 35147 School site councils and advisory committees
- 35172 Promotional activities
- 52012 School site council
- 52065 American Indian advisory committee
- 52176 Advisory committees (LEP program)
- 52208 Parent participation (GATE)
- 52852 Site council, school-based program coordination
- 54724 Site council, motivation and maintenance program
- 56190-56194 Community advisory committee, special education

GOVERNMENT CODE

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

Policy **PIEDMONT UNIFIED SCHOOL DISTRICT**

adopted: November 10, 1999 Piedmont, California

**Piedmont Unified SD
Administrative Regulation**

AR 1220
Community Relations

Citizen Advisory Committees

In creating a new citizen's advisory committee, the Board shall:

1. Define the committee assignment.
2. Set a date for a preliminary and final report if applicable.
3. Appoint a staff and/or Board liaison member.

Committees Subject to Brown Act Requirements

The following citizen advisory committees shall comply with open meeting, notice and public participation requirements of law:

1. Advisory committees created by Board action
2. Advisory committees established pursuant to Education Code 56190-56194 related to special education
3. Advisory committees established pursuant to Education Code 52208 related to gifted and talented education

Committees Not Subject to Brown Act Requirements

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

1. School site councils established pursuant to Education Code 52012, 52852 or 54724
(cf. 0420 - School Plans/Site Councils)
2. Any advisory committee established pursuant to Education Code 52065
3. Any advisory committee established pursuant to Education Code 52176 related to programs for students of limited English proficiency
(cf. 6174 - Education for English Language Learners)
4. Parent advisory committees established pursuant to Education Code 62002.5 related to bilingual education
5. Committees established pursuant to Education Code 11503 related to parent involvement

Meetings of the above councils or committees shall be open to the public, and any member of the public

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

The above councils or committees shall not take action on any item not listed on the agenda unless all members present unanimously find that there is a need to take immediate action and that this need came to the group's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee or public may ask questions or make brief statements that do not have a significant effect on district students or employees or that can be resolved solely by providing information. (Education Code 35147)

Councils or committees violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, first allowing for public input on the item. (Education Code 35147)

Any materials provided to a school site council shall be made available to any member of the public upon request. (Education Code 35147)

The Superintendent or designee may create citizen advisory committees to advise the administration; such committees do not report to the Board and are not subject to open meeting laws.

Regulation PIEDMONT UNIFIED SCHOOL DISTRICT
approved: November 10, 1999 Piedmont, California

**PIEDMONT UNIFIED SCHOOL DISTRICT
B O A R D P O L I C Y**

Community Relations

BP 1240

VOLUNTEER ASSISTANCE

The Board of Education encourages parents/guardians and other members of the community to share their time, knowledge and abilities with our students. Community volunteers in our schools enrich the educational program and strengthen our schools' relationships with homes, businesses, public agencies and private institutions. The presence of volunteers in the classroom and on school grounds also enhances supervision of students and contributes to school safety.

Volunteers shall act in accordance with district policies, regulations and school rules. At his/her discretion, a staff member may ask any volunteer who violates school rules or acts inappropriately to leave the campus. Staff members also may confer with the principal or designee regarding any such volunteers. The Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5144 - Discipline)
(cf. 6144 - Controversial Issues)

The Board encourages volunteers to work on projects to the extent that they enhance the classroom or school, meet a specific need, comply with established building and safety codes, do not significantly increase maintenance workloads and comply with employee commitments and contracts.

Legal Reference:

EDUCATION CODE

35021 Volunteer aides
35021.1 Automated records check
44010 Sex offense; definition
44227.5 Classroom participation by college methodology faculty
44814 Duty-free lunch periods
44815 Noncertificated supervision
45125 Fingerprinting requirements
45340-45349 Instructional aide act, especially:
45344.5 Instructional aide; proficiency in basic skills
45347 Instructional aides as classified employees
45349 Volunteers
45360-45367 Teacher aides
49406 Examination for tuberculosis

GOVERNMENT CODE

3100-3109 Oath or affirmation of allegiance
3543.5 Prohibited interference with employees' rights
96100-96114 Academic Volunteer and Mentor Service Act of 1992

HEALTH AND SAFETY CODE

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

LABOR CODE

3364.5 Persons performing voluntary services for school districts

PENAL CODE

290.4 Information re sex offenders

CODE OF REGULATIONS, TITLE 5

18168 Personnel duties with infants and toddlers
CODE OF REGULATIONS, TITLE 22
101170 Criminal record clearance

Adopted: November 10, 1999

**PIEDMONT UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE REGULATION**

Community Relations

BP 1240

VISITORS/OUTSIDERS

The Board of Education encourages parents/guardians and interested members of the community to visit the schools and view the educational program. Visitors should make advance arrangements.

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

No visitor may confer with a student in school without the approval of the principal or designee

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

(cf. 5144 - Discipline)

Legal Reference:

EDUCATION CODE

32210 Willful disturbance of public school or meeting

32211 Threatened disruption or interference with classes; misdemeanor

32212 Classroom interruptions

35160 Authority of Boards of Education

35292 Visits to schools (board members)

51512 Prohibited use of electronic listening or recording device

EVIDENCE CODE

1070 Refusal to disclose news source

LABOR CODE

230.8 Discharge or discrimination for taking time off

PENAL CODE

626-626.10 Schools

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

Adopted: November 10, 1999

**PIEDMONT UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE REGULATION**

Community Relations

AR 1240

VISITORS/OUTSIDERS

The Superintendent or designee shall post at every entrance to each school and school grounds a notice setting forth the requirements for visitors to register.

Registration Procedure

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

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

Denial of Registration

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

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

(cf. 3515.2 - Disruptions)

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

Appeal Procedure

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

Approved: November 10, 1999

PIEDMONT UNIFIED SCHOOL DISTRICT

Community Relations

BP 1312

COMPLAINTS CONCERNING THE SCHOOLS

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

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

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

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3320 - Claims and Actions Against the District)

Legal Reference:

EDUCATION CODE

35146 Closed sessions

GOVERNMENT CODE

950-950.8 Actions against public employees

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671

4600-4671 Uniform complaint procedures

Adopted: November 10, 1999

**PIEDMONT UNIFIED SCHOOL DISTRICT
Board Policy**

Community Relations

BP 1312.1

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

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

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3515.2 - Disruptions)

It is cautioned that in no way will a teacher or other school personnel endure insults or abusive treatment from any person pertaining to any complaint. Such persons will be subject to misdemeanor penalties prescribed by law.

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

Adopted: November 10, 1999

**Piedmont Unified School District
Administrative Regulation**

Community Relations

AR 1312.1

Complaints Concerning District Employees

Complaint Procedures

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or the individual.

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is made. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.
2. If a complainant is unable or unwilling to resolve the complaint directly with the person involved, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. When a written complaint is received, the employee shall be notified in accordance with collective bargaining agreements.
4. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to a Board member or to the Superintendent shall be initially filed in writing with the Board.
5. A written complaint must include:
 - a. The name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it and
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. The person responsible for investigating complaints will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days.
7. The complainant may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days. Complainants should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not be limited to:
 - a. The name of each employee involved

b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense

c. A copy of the signed original complaint

d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons

9. The Board may uphold the Superintendent's decision without hearing the complaint.

10. All parties to a complaint may be asked to attend a Board meeting in order to present all available evidence and allow every opportunity for explaining and clarifying the issue.

11. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than closed session. This notice shall be delivered personally or by mail at least 24 hours before the time of the session, and the employee may request that the complaints or charges be heard in open session. Complaints concerning Board members shall be addressed in open session unless a closed session is warranted pursuant to Education Code 35146 or 48918 or Government Code 54957 or 54957.6. (Government Code 54957)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9323 - Meeting Conduct)

12. Any decision of the Board shall be final.

Complaints Regarding Child Abuse

When a complaint of child abuse is alleged, the district shall provide parents/guardians procedures for filing a child abuse complaint with the appropriate child protective agencies. Upon request, such procedures shall be written in the primary language of the parent/guardian, and the Superintendent or designee shall provide an interpreter if needed. (Education Code 48987)

Providing the above procedures to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4144/4244/4344 - Complaints)

(cf. 5141.4 - Child Abuse Reporting Procedures)

Approved: November 10, 1999

PIEDMONT UNIFIED SCHOOL DISTRICT

Exhibit

Community Relations

E 1312.1

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

CDE Legal Advisory LO: 4-93 Procedures For Parents Or Guardians Of Students To Identify And Report Child Abuse Committed At A School Site By A School District Employee Or Other Person

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

What is Child Abuse and What is Not Child Abuse

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

It also means the sexual abuse of a child.

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

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

Child abuse also means neglect of a child or abuse in out-of-home care.

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

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

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

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

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

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

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

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

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

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

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

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

If the complaint is substantiated, the local child protective agency is required to forward a copy of the investigation report to the Board of Education of the local school district or county office of education. (Penal Code 11165.14)

Approved: November 10, 1999

**PIEDMONT UNIFIED SCHOOL DISTRICT
Administrative Regulation**

Community Relations

AR 1312.21

Complaints Concerning Library Materials

The following procedures have been established to provide a system for receiving, considering, and acting upon written complaints involving library materials used in the district.

1. If a complaint is made, the Principal or Librarian should:
 - a. Inform complainant of the selection procedures.
 - b. Request the complaint to submit a formal "Request for Reconsideration of Materials."
 - c. Inform the Principal, Superintendent, and other appropriate personnel.
 - d. Keep challenged materials on the shelves during the reconsideration process.
2. Upon receipt of the completed form, the principal will request review of the challenged materials by an ad hoc materials review committee within fifteen working days and will notify the Superintendent that such review is being done. The review committee will be appointed by the Principal, with the assistance of the Librarian and Assistant Superintendent. The committee will include library professionals, representatives from the classroom teachers, one or more parents, and one or more students.
3. The review committee will take the following steps after receiving the challenged materials:
 - a. Read, view, or listen to the material in its entirety;
 - b. Check general acceptance of the material by reading reviews and consulting recommended lists;
 - c. Evaluate the material for its strength and value as a whole and not as a part;
 - d. Present written recommendation to the Superintendent.
 - e. Challenged materials will be retained or withdrawn as mandated by the decision of the Superintendent
 - f. The decision of the Superintendent shall be final. However, the decision may be appealed to the Board of Education

Approved: July 25, 1990

**Piedmont Unified SD
Exhibit**

E 1312.21

Community Relations

Complaints Concerning Library Materials

Citizen's Request for Reconsideration Of Instructional Materials

Date: _____

TITLE: _____

AUTHOR: _____

PUBLISHER: _____ DATE OF EDITION: _____

Request received by: _____ Title: _____

Citizen's Name: _____ Phone: _____

Citizen Represents: Himself/Herself: _____ Organization or Group: _____

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

Signature of citizen _____

Action taken: _____ Date: _____

REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

School: _____

Please check type of material: _____

Book	CD-ROM	Compact disc/cassette
Periodical	Laserdisc	Filmstrip/slides
Pamphlet	Video/film	Other

Title: _____

Author: _____

Publisher or producer: _____

Request initiated by: _____

Telephone: _____ Address: _____

City: _____ State: _____ Zip: _____

Complainant represents:

_____ Self

_____ Organization, Name: _____

_____ Other (identify): _____

Why do you object to this material?

What do you feel might be the result of a student using this material?

Are there any good aspects of this material?

For what age group would you recommend this material?

Are you aware of the judgment of this material by reviewers or critics?

Have you read the School Library Bill of Rights?

What would you judge to be the purpose of this material?

In its place, what material of equal value would you recommend?

Other comments:

I attest that I have read, viewed, or listened to this material in its entirety.

Signature of complainant

Date: _____

Version: November 10, 1999

PIEDMONT UNIFIED SCHOOL DISTRICT

Board Policy

BP 1312.3

Community Relations

UNIFORM COMPLAINT PROCEDURES

The Board of Education recognizes that the District is responsible for ensuring that it complies with applicable state and federal laws and regulations governing educational programs. The Board encourages the early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint process specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

The district shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations that are subject to the Uniform Complaint Procedure (UCP). A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations.

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

The Superintendent or designee shall meet the notification and posting requirements of 5 CCR 4622 and 4684, including the annual dissemination to students, employees, parents/guardians, district/school councils, advisory committees and other interested parties, of District complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies.

UCP Complaints

Upon receipt of a written complaint from an individual, public agency, or organization, UCPs shall be initiated. UCPs are a very specialized form of complaint for violation of certain federal and state laws and regulations used specifically to investigate and resolve the following:

1. Any complaint to identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment.
2. Any complaint alleging the occurrence of unlawful discrimination. This, however, shall not apply to employer/employee relations such as hiring and evaluations of staff, assignments of classrooms or duties or other issues within the purview of the Public Employees Relations Board or a Memorandum of Understanding or other collective bargaining agreement; the provision of core curricula subjects; student classroom assignments; student discipline; student advancement retention or grades; graduation requirements; homework policies and practices; selection of instructional materials; or the

use of general education funds. The district will review and address any report or complaint of unlawful discrimination involving a student, employee or third party against another student, employee or third party. Specifically:

- a. Any sexual harassment or sexual violence report or complaint involving a student complainant or a student respondent shall be addressed through BP 5145.7 and the Uniform Complaint Procedures. Any other report or complaint of unlawful discrimination involving a student complainant or a student respondent shall be addressed through BP/AR 5145.3 and the Uniform Complaint Procedures.
- b. Any unlawful discrimination report or complaint, including sexual harassment or sexual violence complaints, between employees or between employees and third parties, but not involving student complainants or student respondents, shall be addressed through BP/AR 4119.11/4219.11/4319.11 and AR 4031.
- c. Any unlawful discrimination report or complaint, including sexual harassment or sexual violence complaints, between third parties which took place in the educational setting shall be referred to the District Compliance Officer to determine how to appropriately address the complaint.

A “report” or “complaint” is defined as any oral or written communication to a school district employee or administrator which alleges behavior or misconduct that may constitute unlawful discrimination. A report or complaint may include an oral report, an email, a text message or other message conveyed to a school district employee or administrator. The report or complaint does not have to be on a particular form or use specific words to identify the law which may have been violated.

A “third party” is defined as someone who is connected to the school or the district for educational, business or extra-curricular purposes. For example, a third party may include a vendor; volunteer; coach; or other person who is on school or district grounds during the hours of operation or who is present in the educational setting.

“Educational setting” includes all educational programs and activities of the school or district, including all the academic, educational, extracurricular, athletic, and other programs and activities of the school, whether those programs or activities take place in a school’s facilities, on a school bus, or at a class or training program sponsored by the school at another location.

(cf. 5145.7 - Sexual Harassment)

(cf.4119.11/4219.11/4319.11 - Sexual Harassment)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.3 - Nondiscrimination/Harassment)

3. Any complaints alleging failure to comply with state or federal law for all specified programs, including adult education, career-technical education, child development, consolidated categorical aid programs, migrant education, special education and child nutrition programs. 5 CCR 4610
4. Any complaint alleging district noncompliance with the requirement to provide reasonable

accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

(cf. 5146 - Married/Pregnant/Parenting Students)

5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)
(cf. 3260 - Fees and Charges)
(cf. 3320 - Claims and Actions Against the District)
6. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)
7. (cf. 0460 - Local Control and Accountability Plan)
Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
(cf. 6173.1 - Education for Foster Youth)
8. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)
(cf. 6173 - Education for Homeless Children)
9. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)
(cf. 6152 - Class Assignment)
10. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)
(cf. 6142.7 - Physical Education and Activity)
11. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
12. Any other complaint as specified in a district policy

Alternative Dispute Resolution

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complainant that is agreeable to all parties. One type of ADR is mediation, which will be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual violence, sexual harassment, or where there is reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal regulations.

Retaliation and Confidentiality

The Board prohibits any retaliatory behavior or action against any person who reports, testifies about, files a complaint, or otherwise participates in a district complaint, investigation, or grievance process under the

Uniform Complaint Procedures. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant. An individual who believes he or she has been subjected to retaliation defined herein may also file a complaint under the Uniform Complaint Procedures.

Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

The Board acknowledges and respects student and employee rights to privacy. In investigating complaints, the confidentiality of the parties involved and facts shall be protected, as required by law. As appropriate for any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the district shall keep confidential the identity of all parties except when the Principal/designee or the District Compliance Officer has a duty to share the parties' identifying information as necessary to gather a response to the complaint, in order to take subsequent corrective action if misconduct is found to have occurred, and/or to conduct ongoing monitoring. When a complainant requests confidentiality, the Principal/designee or the District Compliance Officer shall notify the complainant that the request may limit the District's ability to investigate the harassment or take other necessary action. An intentional breach of the complainant's confidentiality by a student or employee may be considered a violation of this policy or a retaliatory act.

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

(cf. 5125 - Student Records)

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

Notwithstanding the above, all complaints and responses regarding sufficient textbooks and instructional materials, including English learners; teacher vacancy or misassignment; and school facilities are matters of public record.

Record Keeping

The Superintendent or designee shall maintain records of all UCP complaints, the investigations of those complaints, and the resolution of the complaints in confidential complaint files, to enable the district to monitor, address, and prevent repetitive behavior in district schools.

(cf. 5125 - Student Records)

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP, but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency. However, the District may still be obligated to address and investigate any complaint alleging child abuse or neglect of a student by an employee or third party which took place in the educational setting.(cf.5141.4 - Child Abuse Prevention and Reporting)
2. Any complaint alleging health and safety violations by a child development program shall, for

licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Non Discrimination in Employment
4. Any complaint alleging fraud shall be referred to the California Department of Education.
5. In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint 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, or teacher vacancies and misassignments. (Education Code 35186)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

The district's Williams uniform complaint procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments
4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination (cf. 1312.4 - Williams Uniform Complaint Procedures)

When an allegation that is not the subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the District's complaint procedures as delineated in the Administrative Regulations.

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination
[222](#) Reasonable accommodations; lactating students
[8200-8498](#) Child care and development programs
[8500-8538](#) Adult basic education
[18100-18203](#) School libraries
[32280-32289](#) School safety plan, uniform complaint procedures
[33380-33384](#) California Indian Education Centers
[35186](#) Williams uniform complaint procedures
[44500-44508](#) California Peer Assistance and Review Program for Teachers
[48853-48853.5](#) Foster youth
[48985](#) Notices in language other than English
[49010-49013](#) Student fees
[49060-49079](#) Student records
[49069.5](#) Rights of parents
[49490-49590](#) Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, and military-connected students; course credits; graduation requirements
51226-51226.1 Career technical education
51228.1-51228.3 Course periods without educational content
52060-52077 Local control and accountability plan, especially:
52075 Complaint for lack of compliance with local control and accountability plan requirements
52160-52178 Bilingual education programs
52300-52462 Career technical education
52500-52616.24 Adult schools
54000-54029 Economic Impact Aid
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000- 56865 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process
GOVERNMENT CODE
11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act
HEALTH AND SAFETY CODE
104420 Tobacco-Use Prevention Education
PENAL CODE
422.55 Hate crime; definition
422.6 Interference with constitutional right or privilege
CODE OF REGULATIONS, TITLE 2
11023 Harassment and discrimination prevention and correction
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
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX of the Education Amendments of 1972
6301-6576 Title I basic programs
6801-7014 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
12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy Act
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

Adopted: November 10, 1999
Revised: May 28, 2003
Revised: November 19, 2003
Revised: January 24, 2006
Revised: June 13, 2018

Community Relations

UNIFORM COMPLAINT PROCEDURES

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

A reference guide (Exhibit 1312.3(c)) to the various complaint procedures that are required by law or were established locally is provided.

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

Complaints Concerning School Facilities:

Director of Facilities
760 Magnolia Ave.
Piedmont, CA 94611
(510) 594-877

Complaints Concerning District Employees, Teacher Assignment/Misassignment, and/or Instructional and/or Library Materials:

Superintendent
760 Magnolia Ave.
Piedmont, CA 94611
(510) 594-2614

Complaints Concerning Discrimination / Hate-Motivated Incidents And Hate Crimes / Hazing / Harassment, Sexual Harassment, Intimidation, Bullying And Cyberbullying:

Director of Curriculum and Instruction
760 Magnolia Ave., Piedmont, CA 94611
(510) 594-2686

In addition to serving as the compliance officer and responsible employee pursuant to these Uniform Complaint Procedures, the district designates the individual identified above as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual or

perceived race, color, ethnicity, ethnic group identification, culture, heritage, immigration status, national origin, nationality, ancestry, age, marital or parental status, gender, gender identity, gender expression, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices, or association with a person or group with one or more of these actual or perceived characteristics. .

(cf. 9124 -Attorney) **Notifications**

The Superintendent or designee shall meet the notification requirements of 5 CCR 4622 and 4684, including the annual dissemination of District complaint procedures.

Complainants may seek help from agencies such as legal assistance agencies, local mediation centers or the county office of education. Local resources include:

Alameda County Office of Education 313 W. Winton Avenue
Hayward, California 94544-1198

Procedures

The following procedures shall be used to address complaints which allege that the District has violated federal or state laws or regulations governing educational programs, as follows:

Adult Education

- Career-Technical Education
- Child Development
- Consolidated Categorical Aid Programs
- Migrant Education
- Special Education
- Child Nutrition programs

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4632.

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.

Steps for Filing A Complaint on Issues of Educational Programs (see above list)

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the District. A complaint may be filed anonymously.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged 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.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint (5 CCR 4600). When 15 percent or more of the students in the school speak a single primary language other than English, all notices to parents or guardian regarding complaint procedures shall be in the student's primary language in addition to English (Education Code Section 48985; 5 CCR 4620-4652). The fifteen percent shall be determined from the census data submitted to the Department of Education in the preceding year, pursuant to Education Code Section 52164.

Step 2: Interim Measures

After a report or complaint is received, the responsible administrator (Principal or designee and/or the District's compliance officer) shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the responsible administrator shall implement reasonable measures to stop, prevent or address the effects of the alleged discrimination, including discriminatory intimidation or retaliation, harassment, or bullying during and pending any information resolution and/or investigation. The interim measures may include such actions as no-contact directives, increased supervision, placing students in separate classes, or transferring a student to a class taught by a different teacher. To the extent possible, interim measures will be implemented in a manner that minimizes the burden on the individual who was the target of the alleged discrimination. Where sexual harassment or sexual violence is alleged, interim measures shall be determined pursuant to AR 5145.3.

Step 3: Mediation

Except in complaints alleging sexual violence and/or sexual harassment, 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 District's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 4: Investigation of Complaint

The compliance officer shall hold an investigative meeting within ten school days of receiving 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 and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

For complaints of sexual harassment or sexual violence, the responsible administrator shall follow the procedures set forth in in AR 5145.73 for investigation of complaints at school and additional procedures related to sexual harassment or sexual violence.

Step 5: Response

Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant and the respondent a written report of the district's investigation and decision (5 CCR 4631), unless the complainant agrees in writing to an extension of time. The decision shall maintain any applicable confidentiality rights of the parties and be issued in consideration of any legal limitations based on such confidentiality.

Step 6: Final Written Decision

A final written decision of the district's decision shall be sent to the complainant and the respondent. The District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write the final in the complainant's primary language, the District shall arrange a meeting at which a community member will interpret it for the complainant. This written decision shall include:

1. The findings and disposition of the complaint, including corrective actions, if any (5 CCR 4631)
2. The rationale for the above disposition (5 CCR 4631)
3. Notice of the complainant's right to appeal the decision within fifteen days to the California Department of Education, and procedures to be followed for initiating such an appeal. (5 CCR 4631)

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

Disciplinary Actions

Student Discipline

The Superintendent or designee may impose student discipline up to and including suspension or expulsion as provided by the California Education Code and Board policy.

Employee Discipline

The Superintendent or designee (or, if the Superintendent is the accused, the Board) may impose employee discipline up to and including unpaid leave and dismissal as provided by the California Education Code and Board policy.

Knowingly False Statements or Accusations

Upon a determination that a report or complaint contained knowingly false statements or accusations, the Superintendent or designee (or, if the Superintendent is the accused, the Board) will decide the appropriate corrective, restorative, or disciplinary action.

Filing a Complaint on Issues of Instructional Materials, Teacher Vacancy or Misassignment, and School Facilities

Step 1: Filing of Complaint

The complaint must first be filed with the principal of the school. A complaint about problems beyond the authority of the school principal shall be forwarded within 10 working days to the Superintendent or designee for resolution. These complaints may be filed anonymously, however, only a complainant who identifies himself/herself is entitled to a response. Additionally, all complaints and responses are public records.

Step 2: Mediation

If the filing of a complaint does not bring about a resolution or if a direct request is received by the State for direct intervention, the State will make a determination whether direct intervention is warranted, and shall conduct an investigation, including an on-site investigation, if necessary. The State will complete its investigation within sixty (60) days after receiving a request.

Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (5 CCR 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (5 CCR 4652)

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

Civil Law Remedies

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

Approved: November 10, 1999

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Revised: May 28, 2003

Revised: November 19, 2003

Revised: January 24, 2006

Revised: January 23, 2007

Revised: June 13, 2018

**Uniform Complaint Procedure Discrimination/Harassment and Compliance
with State and Federal**

Programs Complaint Reporting Form

The Piedmont Unified School District maintains a uniform complaint procedure for investigating complaints of: (1) discrimination, including discriminatory harassment, intimidation, or bullying on the basis of actual or perceived characteristics of age, sex, sexual orientation, ethnic group identification, race, ancestry, nationality, national origin, religion, color, or mental or physical disability, gender, gender identity, gender expression, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics, including retaliation; and (2) complaints of violations of the laws and regulations governing consolidated categorical aid programs, Adult Education, Career/Technical Education, Child Development, Special Education and Nutrition services, or Federal and State Categorical Programs (No Child Left Behind, Title 1, McKinney Vento, English Language Learners, Foster Youth, other programs) and the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities. Any individual, public agency or organization may file a written complaint of noncompliance.

For Williams Settlement Complaint Procedures: (a) Sufficiency of Materials, (b) Emergency or Urgent Facilities Issues, or (c) Teacher Vacancies and Misassignment Issues, USE SEPARATE WILLIAMS COMPLAINT FORM.

I. Contact Information:

Name: _____
Address: _____
City: _____ Zip: _____
Home Phone: _____ Work or Cell Phone: _____

II. Complainant

You are filing this complaint on behalf of:
 yourself your child or a (student) another student a group

III. School Information

School Name: _____ Principal's Name: _____
Address: _____ City: _____

IV. Basis of Complaint: (Please check the appropriate box)

Discrimination/Harassment

In accordance with the District's Uniform Complaint Procedures (5 CCR 4620) each school district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, harassment, intimidation and bullying against any protected group, including retaliation. Protected groups are enumerated by Education Code §§ 200 and 220. Additionally, it is the policy of the State of California, pursuant to Section 200, that all individuals shall enjoy freedom from discrimination and/or harassment of any kind in the educational institutions of the state. This also includes sexual harassment, which is a form of sexual discrimination (EC § 231.5)

Please check the following box(s), based on the actual or perceived characteristics of discrimination, harassment, intimidation and bullying you experienced, (Education Code §§ 200 and 220

- | | |
|--|---|
| <input type="checkbox"/> Sexual orientation | <input type="checkbox"/> Ancestry |
| <input type="checkbox"/> Gender/Sex | <input type="checkbox"/> Mental or physical disability |
| <input type="checkbox"/> Race/Ethnicity | <input type="checkbox"/> Age |
| <input type="checkbox"/> Gender Expression | <input type="checkbox"/> Association with any of these categories |
| <input type="checkbox"/> National origin/Nationality | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Gender Identity |
| <input type="checkbox"/> Color | |

Compliance with State and Federal Programs

In accordance with the District’s Uniform Complaint Procedures (5 CCR 4620) each school district shall follow uniform complaint procedures when addressing complaints alleging complaints of violations of the laws and regulations governing consolidated categorical aid programs, Adult Education, Career/Technical Education, Child Development, Special Education and Nutrition services and the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities.

V. Details of Complaint

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of incident(s) you experienced that led to this complaint, including the events or actions, in as much detail as possible:

List the **individuals** involved in the incident(s) complaint of:

List any **witnesses** to the incident(s):

Describe the **location where** the incident(s) occurred:

Please provide a duplicate copy to the complainant.

PUSD Rev. 06/9/18

**Piedmont Unified School District
(PUSD)
Williams Complaints Form**

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

Response requested: Yes No

Name (Optional): _____ Mailing Address (Optional): _____

Phone Number Day (Optional): _____ Evening (Optional): _____

Issue of complaint (please check all that apply):

1. Textbooks and Instructional Materials

- A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Facility Conditions

- A condition poses an urgent or emergency threat to the health or safety of students or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-conditioning systems, electrical power failure, major sewer line stoppage, major pest or vermin infestation, broken windows or exterior doors or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
- A school restroom has not been maintained or cleaned regularly, is not fully operational and has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- The school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes.

3. Teacher Vacancy or Misassignment

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

Date of Problem: _____

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

Course or Grade Level and Teacher Name: _____

Please describe the issue of your complaint. You may attach additional pages if necessary to fully describe the matter. _____

A complaint may be filed anonymously. The complaint shall be filed with the Principal of the school or his or her designee. The Principal or appropriate District official will remedy valid complaints within thirty (30) working days from the date the complaint was received and shall complete a written report within forty-five (45) working days of the initial filing.

A complainant not satisfied with the resolution of the Principal or appropriate District official has the right to describe the complaint to the Board during a regularly scheduled hearing. If the complaint involves a condition of a facility that poses an emergency or urgent threat, a complainant who is not satisfied with the resolution proffered by the Principal or appropriate District official has the right to file an appeal to the Superintendent of Public Instruction within fifteen (15) days of receiving the District's decision.

For complete information concerning the filing of uniform complaints, please see District Williams Complaint UCP.

PUSD 06/9/18

PIEDMONT UNIFIED SCHOOL DISTRICT
Exhibit
E1312.3(c)

Community Relations

Uniform Complaint Procedures

Type of Complaint/Allegation	Who May File	Complaint Procedure	Other Related Policies/Regulations
Complaints Regarding Treatment of Students			
Discrimination, bullying or hate motivated behavior of a student by another student or employee, based on specified actual or perceived student characteristics or association with a person or group with those characteristics	Student who alleges he/she personally suffered discrimination or bullying A person who believes that an individual or any specific class of individuals has been subjected to discrimination or bullying	BP/AR 1312.3 – Uniform Complaint Procedures	BP 0410 – Nondiscrimination in District Programs and Activities BP/AR 5131.2 – Bullying BP/AR 5145.3 – Nondiscrimination/Harassment BP/AR 5145.7 – Sexual Harassment BP 5145.9 – Hate Motivated Behavior
Abuse or neglect of a student by an employee, volunteer or other person	Student, Parent/guardian, Any Mandated Reporter	Refer to law enforcement, county welfare department or county probation department in accordance with BP 5141.4 – Child Abuse Prevention and Reporting	
Sexual Harassment, Misconduct	Individuals with first-hand knowledge of sexual harassment or misconduct	Compliance Officer/Title IX Coordinator	BP/AR 5145.7 – Sexual Harassment BP/AR 4119.21 – Professional Standards
Complaints Regarding Employment Discrimination			
Discrimination against employee or job applicant	Affected employee or job applicant	BP/AR 4031 – Complaints Concerning Discrimination in Employment As applicable, complaint also may be filed with California Department of Fair Employment and	BP/AR 4030- Nondiscrimination in Employment

		Housing or Equal Employment Opportunity Commission	
Complaints Regarding Employees			
Any complaint regarding the performance of conduct of an employee	Student, Parent/Guardian, Employee	BP 1312.1 – Complaints Concerning District Employees Individuals with first-hand knowledge of misconduct by certificated personnel also may file a complaint with the Commission on Teacher Credentialing	
Complaints Regarding District Programs/Activities			
Violation of law or regulations governing special education, adult education, career technical education, child care, and development program, migrant education or other categorical program	Any individual, Public agency, Organization	BP/AR 1312.3 -	BP/AR 5148 – Child Care and Development BP/AR 6159 – Individualized Education Program BP/AR Title I Programs BP/AR 6178 – Career Technical Education BP/AR 6200 – Adult Education
Improper charging of student fees, deposits or other charges to participate in educational activities	Student, Parent/Guardian, Employee	BP/AR 1312.3 – Uniform Complaint	BP/AR 3260 – Fees and Charges
Violation of requirements for Local Control and Accountability Plan	Student, Parent/Guardian, Employee	BP/AR 1312.3 – Uniform Complaint	BP/AR 0460 – Local Control and Accountability Plan
Concern regarding content or use of instructional materials	Student, Parent/Guardian, Employee, District Resident	BP/AR 1312.3 – Complaints Concerning Instructional Materials	BP/AR 6161.1 – Selection and Evaluation of Instructional Materials BP 6161.11 – Supplementary Instructional Materials BP 6144 – Controversial Issues
Insufficiency of textbooks or other instructional materials	Student, Parent/Guardian, Employee	AR/E 1312.3(b) – Williams Uniform - Complaint	BP/AR 6161.1 – Selection of Evaluation of Instructional Materials
Teacher Vacancies or misassignments	Student, Parent/Guardian, Employee	AR/E 1312.3(b) – Williams Uniform - Complaint	BP/AR 4112.2 – Certification BP/AR 4113 - Assignment

Condition of school facilities, including conditions that pose a threat to health and safety of students or staff or a restroom that has not been cleaned, maintained or kept open	Student, Parent/Guardian, Employee	AR/E 1312.3(b) – Williams Uniform -	BP/AR – Environmental Safety
Complaints Regarding Financial Improprieties			
Fraud	Any person	Refer to California Department of Education	BP/AR 3400 – Management of District Assets/Accounts
Complaints Regarding Retaliation			
Retaliation against a complaint or other participant in complaint process	Any complaint or participant in a complaint	BP/AR 1312.3 – Uniform Complaint Procedures	BP 4119/4319.1 – Civil and Legal Rights BP 4144/4244/4344 – Complaints

PIEDMONT UNIFIED SCHOOL DISTRICT

Board Policy

BP 1313

Community Relations

Civility and Protections from Inappropriate Behavior

The Board of Education believes that teachers, administrators, and all other staff members have the right to perform their duties in a safe and civil environment. The Board prohibits discrimination, hate-motivated incidents and hate crimes, hazing, harassment, intimidation, bullying or cyberbullying against any teacher, administrator or staff member by a student, another employee, or any other person in the District authorized to transact business or perform services on behalf of the District.

Discrimination, hate-motivated incidents and hate crimes, hazing, harassment, intimidation, bullying, or cyberbullying, like other disruptive or violent behaviors, disrupt the ability to teach and learn, and a school's ability to educate its students in a safe environment.

The district is committed to maintaining orderly educational and administrative processes to keep schools and administrative offices free from disruptions, and preventing unauthorized persons from entering school/district grounds. In order to provide a safe, caring and orderly environment, the Piedmont Unified School District expects civility from all who engage in school activities. Mutual respect, professionalism and common courtesy are essential qualities that all participants need to demonstrate in promoting an educational and work environment free from disruptions, harassment, bullying and aggressive actions. The district is committed to maintaining orderly educational and administrative processes to keep schools and administrative offices free from disruptions.

No employee of the District shall be subject to harassment, abusive language, and/or upbraiding by parents, other citizens, students and/or other District employees. Likewise, members of PUSD staff will treat parents and other members of the public with similar respect.

This policy promotes mutual respect, civility and orderly conduct among district employees, parents and the public. This policy is not intended to deprive any person of his/her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, respectful, harassment-free workplace for our students and staff. In the interest of presenting district employees as positive role models to the children of this district as well as the community, PUSD encourages positive communication, and discourages volatile, hostile or aggressive actions. The district expects public cooperation with this endeavor.

(cf. 0410.1 - Recognition of Human Diversity)

Inappropriate Behavior Prohibited

Inappropriate behavior includes chronic and continuous badgering, as well as verbal abuse. Verbal abuse includes abusive language, screaming, yelling, insults, threats, profanity and

upbraiding. Employees shall not be subjected to harassment, bullying or cyberbullying, inappropriate behavior or interference by a parent or any other person in the performance of the employee's duties. Employees shall not be expected to remain in any meeting in which prohibited behavior occurs.

Any individual who disrupts or threatens to disrupt school/office operations, threatens the health and safety of students or staff; willfully causes property damage; uses loud and/or offensive language which could provoke a violent reaction; or who has otherwise established a continued pattern of unauthorized entry on school district property, will be directed to leave school or school district property promptly by the site chief administrative officer or designee.

If any member of the public uses obscenities or speaks in a demanding, loud, insulting, and/or demeaning manner, the site administrator or employee to whom the remarks are directed will calmly and politely admonish the speaker to communicate civilly. If corrective action is not taken by the abusing party, the district employee will verbally notify the abusing party that the meeting, conference or telephone conversation is terminated and, if the meeting or conference is on district premises, the offending person will be directed to leave promptly.

1. In extraordinary circumstances, the District may assist the affected employee(s) in obtaining a restraining order against the offending person pursuant to California Code of Civil Procedure [527.6](#) and [527.8](#).
2. When violence, threat, assault, battery or other illegal action is threatened or directed, district employees may: (1)
 - a. Report the occurrence to their principal or supervisor, Complete an Incident Report, and/or
 - b. Report the incident to law enforcement officials.

Definition of Discrimination, Hazing, Harassment, Intimidation, or Bullying (see following separate definitions of Hate-Motivated Incidents and Hate Crimes, Hazing, Cyberbullying, and Misconduct)

Discrimination, harassment, intimidation, or bullying means any gesture or written, verbal or physical act that causes or threatens to cause bodily harm or emotional suffering that takes place on school property, at any school-sponsored function or on a school bus, that is one or more of the following:

1. Acts motivated by any actual or perceived characteristic, such as ethnic group, religion, gender, gender identity and expression, sexual orientation, ancestry, national origin, color, race, or mental, physical or sensory handicap, or by any other distinguishing characteristic;
2. Acts that a reasonable person should know, under the circumstances, will have the effect of harming a person or damaging the person's property, or placing a person in reasonable fear of harm to his /her person or damage to his/her property, to include extortion, and/or
3. Acts that have the effect of insulting, demeaning, or ridiculing any person(s) or group of persons in such a way as to cause substantial disruption in, or substantial interference

with the orderly operation of the school.

- 4 Acts that have the effect of insulting, demeaning, or ridiculing any teacher, administrator, staff member, or any other person in the District authorized to transact business or perform services on behalf of the District or group thereof in such a way as to cause substantial disruption in, or substantial interference with the orderly operation of the school.
- 5 Acts include those directed against someone because of their association or affinity with anyone who exhibits or is believed by the offender to exhibit any distinguishing characteristic protected by this policy, or in retaliation for their objection to or reporting of such misconduct.

Definition of Hate-Motivated Incidents and Hate Crimes

A “hate-motivated incident” means an act or attempted act which constitutes an expression of hostility against a person, property, or institution because of the target’s real or perceived race, color, national origin, religion, disability, sex, sexual orientation, or gender-identity. This may include using bigoted insults, taunts, or slurs in words or writing, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, posting or circulating demeaning jokes or leaflets, or sending insulting or threatening messages by phone, e-mail, web sites, or any other electronic or written communication.

Some hate-motivated behavior may also be a crime as defined in State or Federal law. These crimes include, but are not limited to: bomb threats, cross burnings, destruction or defacement of property, and certain types of vandalism and assaults. (Education Code Section 233(e); Penal Code Sections 422.6, 422.7, 422.75). They may also include an act that willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person. (18 USC Section 249)

Definition of Cyberbullying

Cyberbullying includes the posting of harassing messages, direct threats, social cruelty, or other harmful text or images on the internet, social networking sites, or other digital technologies, as well as breaking into another person’s account and assuming that person’s identity in order to damage that person’s reputation or friendships.

Districts have the ability to monitor use of the District’s internet system and to conduct a search of person or possessions such as, but not limited to, computer, locker, backpacks, if there is reasonable suspicion that a user has violated District policy or the law (see also BP/AR 6163.4, “Acceptable Use of Technology”). Cyberbullying conducted using District-owned equipment or on school premises, as well as off-campus cyberbullying that impacts school

activity or school attendance may be subject to discipline in accordance with District policies and regulations.

(cf. 5146 - Campus Disturbance)

(cf. 9323 - Meeting Conduct)

Legal Reference:

EDUCATION

CODE

32210 Disturbing School

44014 Assault on Personnel

44810 Person on School Grounds

44811 Insults and Abuses

PENAL CODE

243.5 Arrest on School Grounds

415.5 Fighting on School Grounds

627.7 Refusal to Leave School Grounds

628.8 Entry of School by Person Not on Lawful Business

Adopted: December 12, 2001

Revised: June 13, 2018

Revised: November 14, 2018

Piedmont Unified SD Board Policy

BP 1321

Community Relations

Solicitation Of Funds From And By Students

Solicitations on Behalf of Charitable Organizations

The Board of Education recognizes that participation in fund-raising for nonprofit, nonpartisan charitable organizations can help students develop a sense of social responsibility.

When approved in advance by the Board, funds may be solicited or materials distributed for those nonprofit, nonpartisan organizations that are properly chartered or licensed by state or federal law. (Education Code 51520)

Solicitations on Behalf of the School

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

(cf. 1230 - School-Connected Organizations)

The Superintendent or designee shall ensure that parents/guardians are informed of the purpose of all fund-raisers benefiting the school or school groups. After the fund-raiser is held, parents/guardians shall be told how much money was raised and how it was spent.

All Solicitations

Whether solicitations are made on behalf of the school or on behalf of another charitable organization, the Board particularly desires that no students shall be made to feel uncomfortable or pressured to provide funds. Staff is expected to emphasize the fact that donations are always voluntary.

Staff members are prohibited from distributing materials, selling articles, disseminating information, or soliciting for personal gain the participation of students for non-school activities if prior approval has not been granted in accordance with procedures established by the Superintendent.

Legal Reference:

EDUCATION CODE

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

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

BUSINESS AND PROFESSIONS CODE

17510-17510.7 Charitable solicitations

Adopted: November 10, 1999

Piedmont, California

**Piedmont Unified SD
Board Policy**

BP 1325

Community Relations

Advertising And Promotion

Distribution of Noncommercial Materials

The Superintendent or designee may approve the distribution to students of materials prepared by organizations which are school sponsored or school related. Materials approved for distribution shall further the district's intended purpose, directly benefit the students, support the basic educational mission of the district or be of intrinsic value to the students. Materials shall not promote any particular religious or political interest except as specified below.

Distribution of Commercial Materials/Advertising

School-sponsored publications, announcements and other school communications may accept paid advertising except for that prohibited by law and administrative regulation. The Superintendent or designee may prohibit advertisements which are inconsistent with school objectives and do not reasonably relate to the educational purpose of school-sponsored publications. In addition, the Superintendent or designee may allow the distribution of promotional material of a commercial nature within the parameters of law and administrative regulation but also may prohibit the distribution of materials which lack educational value or are not related directly to the school program.

Legal Reference:

EDUCATION CODE

35172 Promotional activities

38130-38138 Civic Center Act

48907 Student exercise of free expression

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: November 10, 1999 Piedmont, California

**Piedmont Unified SD
Administrative Regulation**

AR 1325

Community Relations

Advertising And Promotion

Distribution of Materials

Materials generated by nonstudents may be distributed or posted in district schools only when prior approval has been granted by the Superintendent or designee.

Unless generated by the school, surveys or questionnaires requiring student or parent/guardian response also must be first approved by the Superintendent or designee. All materials to be distributed shall bear the name and contact location of the sponsoring group.

Regulation PIEDMONT UNIFIED SCHOOL DISTRICT
approved: November 10, 1999 Piedmont, California

Piedmont Unified SD Board Policy

BP 1330

Community Relations

Use Of School Facilities

The Board of Education recognizes that District facilities are a community resource whose primary purpose is to be used for school programs and activities. The Board authorizes the use of school facilities by community groups for purposes provided for in the Civic Center Act when such use does not interfere with school activities.

Because the facilities are a community resource, the Board has developed policies intended to preserve the quality and useful life of the facilities, to provide access to the facilities when appropriate and available, and to also ensure that the facilities are available to the community for non-scheduled leisure/family use and enjoyment.

(cf.6145.5 – Student Organizations and Equal Access)

Priority of Users: All school-related activities (clubs, class and athletic events, etc.) shall be given first priority in the use of facilities under the Civic Center Act. The District's need to schedule maintenance/repair shall supercede the priority order for use of each facility. The Adult Education program and the City of Piedmont programs (Recreation Department sponsored programs at the Middle School and Schoolmates) shall have second priority. Thereafter, the use of facilities shall be on a first-come, first-served basis in accordance with the following parameters:

1. Free Use: District facilities shall be granted without charge to officially recognized Piedmont Unified School District student and staff groups, Piedmont Recreation Department, parent club organizations and school community advisory councils. Free use may also be granted for fund-raising, entertainment or meetings where admission fee charges or contributions solicited are expended for the welfare of school programs.
2. Direct Costs Fee: Organizations, clubs or associations organized for cultural activities, general character building or welfare purposes of Piedmont citizens shall pay direct cost charges, as shall organizations (including those in #1 above) requesting use for entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for district programs. Piedmont organizations including youth and adult groups committed to community service (Campfire, Scouts, Piedmont Language School, Piedmont Choirs, Piedmont Light Opera Theatre, League of Women Voters, etc.) senior citizen organizations and other Piedmont public agencies shall be assessed direct cost fees. Direct cost charges are listed in the adopted fee schedule. Included in this category would be fund-raising benefits for nonprofit organizations and organizations for Piedmont youth and adults including private social dance classes, language classes, musical organizations and sports programs.
3. Fair Rental Value Fee: Profit-making organizations or non-Piedmont based organizations, which do not qualify for free or direct cost rates shall be charged fair rental value rates in accordance with the adopted fee schedule. Included in this category might be independent

dance, theater, or musical groups, private instructors or private businesses, assuming these groups would satisfy city zoning and business ordinances.

A current fee schedule may be obtained from the Facilities Use Manager in the District Office and the District website.

EDUCATION CODE

10900-10914.5 Community Recreation Programs

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

LEGAL REFERENCES:

COURT DECISIONS

Lamb's Chapel v. Center Moriches Union Free School District, (1993) 113 S.Ct. 2141

Cole v. Richardson, (1972) 405 U.S. 676, 92 S.Ct. 1332

Connell v. Higgenbotham, (1971) 403 U.S. 207, 91 S.Ct. 1772

ACLU of So. Calif. v. Board of Education of San Diego, (1963) 59 Cal .2d 224

ACLU of So. Calif. v. Board of Education of Los Angeles, (1963) 59 Cal .2d 203

ACLU of So. Calif. v. Board of Education of San Diego, (1961) 55 Cal .2d 906

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CDE LEGAL ADVISORIES

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

ADOPTED: NOVEMBER 10, 1999

REVISED: OCTOBER 22, 2003

**Piedmont Unified SD
Administrative Regulation**

AR 1330
Community Relations

Use Of School Facilities

Application for Use of Facilities

The Superintendent or designee shall maintain application procedures and regulations for the use of school facilities as described in the District's Facilities Use Handbook which: (Education Code 38133)

1. Encourage and assist groups desiring to use school facilities for approved activities.
2. Preserve order in school buildings and on school grounds, and protect school facilities.
3. Ensure that the use of facilities or grounds is consistent with the use of the school facilities or grounds for school purposes and does not interfere with the regular conduct of school work.

Permit Applications may be obtained from the Facilities Use Manager in the District Office or directly from the Piedmont Unified School District website, www.piedmont.k12.ca.us.

Permits for the use of school facilities may be issued by the Facilities Use Manager if, in the opinion of the principal of the school, such use does not conflict with school activities and is in accordance with normally approved use. Interested parties must first contact the principal of the school, who will determine availability of the desired facility. For availability of a high school facility only, directly contact the Facilities Use Manager in the District Office.

While an individual or group may be granted a permit for use for an extended period, such individual or group is to defer to a school function and shall cancel any meeting which may be in conflict with a school program.

All permits shall be revocable and shall not be considered as a lease, and the Board or its authorized agent may reject any application or cancel any permit. A permit is not transferable. New permits will not be issued to groups with outstanding bills from past facilities use.

Subject to District policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes (*Education Code 38131, 38132*):

1. Public, literary, scientific, recreational, educational or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination
7. A community youth center
8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

Restrictions

1. All facilities are closed for use by the public during school hours.
2. School facilities may only be used by permit holders during the approved and stated dates and times. See Facilities Use Handbook for additional restrictions.
3. Permit holders must abide by all rules and regulations as described in the Facilities Use Handbook.
4. School facilities shall not be used for any of the following activities:
 - a. Any use by an individual or group for the commission of any crime or any act prohibited by law.
 - b. Any use of school facilities or grounds which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or school work.
 - c. Any use which is discriminatory on the basis of sex, race, age, sexual orientation or religious denomination.
 - d. Any use which involves the possession, consumption or sale of alcoholic beverages, tobacco, or any restricted substances on school property.
5. Facility keys will not be issued to non-employees, volunteers, off-site coaches and/or representatives of non-school groups.

Damage and Liability

1. A responsible adult must be in charge at all times during the use of school facilities and shall accept responsibility for actions of members of the group.
2. Groups or persons using school facilities under the provisions of this policy shall be liable for any damages to property caused by the activity. The Board shall charge the amount necessary to repair any damages. Further use of the school facilities may be denied the responsible party.
3. Any group using school facilities shall be liable for any injuries resulting from its negligence during such use. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk and shall provide evidence of insurance upon the district's request. Further use of school facilities by such groups shall not be permitted until all claims for loss or damage shall be paid to the district.
4. The Superintendent or designee may require a hold harmless agreement when warranted by the type of activity or the specific facility being used.

Approved: November 10, 1999

Revised: October 22, 2003

**Piedmont Unified SD
Board Policy**

BP 1340

Community Relations

Access To District Records

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

The district may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication.

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

Legal Reference:

EDUCATION CODE

35145 Public meetings

35170 Authority to secure copyrights

35250 Duty to keep certain records and reports

42103 Publication of proposed budget; hearing

44031 Personnel file contents and inspections

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

49060-49079 Pupil records

49091.10 Parental review of curriculum and instruction

52015 Ongoing evaluation and modification of school improvement plans

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

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

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

GOVERNMENT CODE

3547 Proposals relating to representation

6250-6270 California Public Records Act

53262 Employment contracts

54957.2 Minute book record of closed sessions

54957.5 Agendas and other writings distributed for discussion or consideration

81008 Public records; inspection and reproduction

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

4061 Availability of evaluation information

Policy PIEDMONT UNIFIED SCHOOL DISTRICT

Adopted: November 10, 1999

**Piedmont Unified SD
Administrative Regulation**

AR 1340
Community Relations

Access To District Records

Records Open to the Public

The approved budget, statistical compilations, reports, notices, bulletins, memoranda, minutes of meetings and official communication between governmental branches are public records, and access thereto during normal hours of business shall be granted to any citizen. School records will be examined in the presence of the record custodial regularly responsible for maintenance of files. (Government Code 6252)

Not included in the category of records to which the privilege of access is given are personnel records, student records and personal correspondence.

Confidential Records

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

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)
2. Personnel records, medical records, student records, personal correspondence, 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 requests in writing that the information not be disclosed
 - d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
3. Test questions, scoring keys and other examination data except as provided by law (Government Code 6254)

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

(cf. 6163.1 - Library Media Centers)

5. 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)

Inspection of Records and Requests for Copies

Within 10 days of receiving any request for a copy of records, the Superintendent or designee shall determine whether to comply with the request and shall immediately inform the person making the request of his/her determination and the reasons for it. (Government Code 6253)

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made.

Any person may request a copy of any district record open to the public and not exempt from disclosure. Upon request for a copy that reasonably describes an identifiable record, an exact copy shall be promptly provided unless it is impracticable to do so. (Government Code 6253)

The Superintendent or designee may charge an amount for copies that reflects the direct costs of duplication.

Regulation PIEDMONT UNIFIED SCHOOL DISTRICT
approved: November 10, 1999 Piedmont, California

Piedmont Unified SD Board Policy

BP 1400

Community Relations

Relations Between Other Governmental Agencies And The Schools

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

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
- 35160 Authority of Boards of Education
- 35160.1 Broad authority of school districts
- 48902 Notification of law enforcement agencies re student violations
- 48909 District attorney may give notice re student drug use, sale or possession
- 49305 Cooperation of police and California Highway Patrol (re Safety Patrols)
- 49402 Contracts with city, county or local health departments
- 49403 Cooperation in control of communicable disease and immunization
- 51202 Instruction in personal and public health and safety (re: fire prevention)

ELECTIONS CODE

- 12283 Polling places: schools

WELFARE AND INSTITUTIONS CODE

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

Policy PIEDMONT UNIFIED SCHOOL DISTRICT
adopted: November 10, 1999 Piedmont, California