

**POSTED: 05/21/19**

**LOS BANOS UNIFIED SCHOOL DISTRICT  
GOVERNING BOARD OF EDUCATION  
SPECIAL MEETING  
Los Banos Unified School District Boardroom  
1717 S. 11<sup>th</sup> Street, Los Banos, CA 93635  
Thursday, May 23, 2019  
4:00 P.M.  
AGENDA**

**I. OPENING BUSINESS**

**A. Call Public Session to Order**

**B. Roll Call of Board Members Present**

|                 |                  |
|-----------------|------------------|
| Margaret Benton | Anthony Parreira |
| Ray Martinez    | Anahi Rodriguez  |
| Gary Munoz      | Marlene Smith    |

**II. OPEN REGULAR MEETING**

**III. PLEDGE OF ALLEGIANCE**

**IV. APPROVAL OF AGENDA**

Motion by \_\_\_\_\_ Seconded by \_\_\_\_\_  
**Proposed Action:** Approve Agenda

**V. PUBLIC HEARING**

Members of the community may address specific items on the agenda once they are on the floor or prior to the Board going into closed session. The Board President will recognize individuals who wish to speak. Speakers are limited to three (3) minutes, with the total time for public input at twenty (20) minutes per agenda item. [BB 932]

**VI. BUDGET WORKSHOP**

The Board will review and provide feedback for the proposed 2018-19 budget. (No action).

**VII. NEW BUSINESS**

- A. California School Employees Association (CSEA) and Los Banos Unified School District (LBUSD) Negotiated Tentative Agreement (Pg 4) **5 Min**

It is recommended that the Board hold a Public Hearing and ratify the negotiated settlement between the CSEA and LBUSD.

1. Open Public Hearing
2. Close Public Hearing

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

**Proposed Action:** Hold Public Hearing and Ratify the Agreement

- B. Board Vacancy (Pg 13) **10 Min.**

It is recommended the Board President appoint three Board members to an Ad Hoc subcommittee to review candidates for provisional appointment.

Member \_\_\_\_\_  
Member \_\_\_\_\_  
Member \_\_\_\_\_

Motion By \_\_\_\_\_ Seconded By \_\_\_\_\_

**Proposed Action:** Approve Ad Hoc Committee

**VIII. CONSENT CALENDAR**

The Consent Calendar represents routine items acted upon in one motion by roll call vote. The recommendation is for adoption, unless otherwise specified. Any item can be removed for discussion upon request.

- A. Personnel Actions

1. Report of Certificated Employment (Pg 14)

- B. Mandated Policy Changes/Updates (Second Reading) (Pg 15)

|           |                                                        |
|-----------|--------------------------------------------------------|
| AR 1340   | Access to District Records; Community Relations        |
| BP 5117   | Interdistrict Attendance; Students                     |
| AR 5117   | Interdistrict Attendance; Students                     |
| AR 5125.2 | Withholding Grades, Diplomas, or Transcripts; Students |
| BP 5127   | Graduation Ceremoies and Activities; Students          |
| AR 6174   | Education for English Language Learners; Instruction   |
| BP 6174   | Education for English Learners; Instruction            |

C. Contracts/Agreements/Proposals

1. Agreement, SEMSA (DBA RIGGS) Training Site Agreement (Pg 71)

**IX. CLOSED SESSION**

1. Conference with Labor Negotiator (Section 54957.6) Agency Negotiators:  
Tammie Calzadillas, Paul Enos, Don Laursen, Mark Marshall and Paula Mastrangelo;  
Employee Organization: Unrepresented Employees (No Action).

**X. ADJOURNMENT**

Americans with Disabilities Act Assistance: Auxiliary aids and services include a wide range of services and devices that promote effective communications for individuals with disabilities. If you require such assistance, please notify the Office of the Superintendent at 826-2135 as soon as possible. Every effort will be made to give primary consideration to expressed preferences or provide equally effective means of communication to insure equal access to Los Banos Unified School District programs and events.

## **Board Reference Material**

**SUBJECT TITLE:** **California School Employees' Association and its Local Chapter #92 and Los Banos Unified School District Negotiated Tentative Agreement**

**REQUESTED ACTION:** Hold a Public Hearing and Ratify the Agreement

Action   X  

Discussion/Information \_\_\_\_\_

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### **RECOMMENDATION:**

It is recommended that the Board hold a public hearing and ratify the negotiated settlement between the California School Employees' Association and its local Chapter #92 and Los Banos Unified School District.

### **BACKGROUND INFORMATION:**

The District and CSEA have negotiated a Tentative Agreement for the 2018-2019 Bargaining Cycle. The association membership ratified the agreement on May 15, 2019.

### **HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?**

### **ALTERNATIVES/IDENTIFIED OPPOSITION:**

### **SPECIFIC FINANCIAL IMPACT (Include impact on School District Facilities):**

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ORIGINATOR: Tammie Calzadillas, Ed.D. Assistant Superintendent Human Resources

Date: May 23, 2019

### ***EMPLOYEE RIGHTS***

The District and CSEA recognize the right of employees to form, join, and participate in lawful activities of employee organizations and the equal, alternative right of employees to refuse to form, join or participate in employee organization activities. ~~Employees who are members of CSEA when this Agreement is executed or employees who join CSEA after this Agreement becomes effective shall remain in membership in CSEA for the life of this Agreement.~~ The District shall be held harmless from any litigation resulting from the operation of this Article.

### **CSEA Rights**

CSEA shall have the following rights in addition to the rights contained in any other portion of this Agreement:

1. The right of access to all areas in which employees work.
2. The right to use without charge designated bulletin boards, employee mailboxes, and District telephones for local call only at other than regular school hours for the purpose of communicating with members of the classified bargaining unit regarding legitimate CSEA business shall conform to the following A-D:
  - a. All communications must clearly indicate that they are CSEA communications unless they are official District communications such as job announcements.
  - b. A copy of any materials posted will be sent to the District, for informational, purposes only.
  - c. CSEA shall make every effort to ensure that the postings are appropriate.
  - d. Should the District have a question about the posting, it will consult with the the Chapter President or Labor Relations Representative.
3. The right to use without charge, institutional facilities and buildings at reasonable times.
4. The right to receive one copy of budget information and a copy of the financial statement which is furnished to the Board at the monthly meetings.
5. The right of release for one (1) classified person (night shift) for 1-1/2 hours per month to attend local Chapter meetings of CSEA.
  - a. The Maintenance & Operations Supervisor must be notified twenty-four (24) hours in advance of such release.

### **Agency Fee**

~~CSEA shall have the sole and exclusive right to have membership dues, initiation and service fees deducted for employees in the bargaining unit by the District. The District shall, upon appropriate written authorization from any employee, deduct and make appropriate remittance for insurance premiums, credit union payments, or other plans or programs jointly approved by CSEA and the District. The District shall pay to the designated payee all sums so deducted.~~

### **Dues Deductions**

~~The District shall deduct in accordance with the Association dues and service fee schedule, as provided by the Association, dues and service fees from the wages of all employees who are members of the association on the date of the execution of this agreement, and who have submitted dues/service fees authorization forms to the District.~~

~~The District shall deduct the initiation fee and dues in accordance with the dues and employees who, after the date of execution of this agreement, become members of the Association and submit to the service fee schedule, as provided by the Association, from the wages of all District a dues/service fees authorization form.~~

~~The District shall notify the Association Job Representative if any member revokes a dues/service fees authorization.~~

- 1. The Association shall have the sole and exclusive right to receive the payroll deduction for membership dues at the CSEA established rate.**
- 2. The District shall not be obligated to put into effect any new or changed deductions until the pay period commencing thirty (30) days after such submission.**
- 3. The District shall deduct in accordance with the Association dues schedule as provided by the Association, dues from the wages of all classified employees in the bargaining unit who are members of CSEA.**

4. **The District shall refer all classified employees to the Chapter President or Labor Relations Representative for any questions regarding dues deductions.**
5. **The Association certifies that it shall maintain employee written authorization for deduction of membership dues. The District shall only make changes to payroll deductions for new or current bargaining unit members when provided with written authorization from the Association.**

#### **Service Fee**

~~The Association and the District agree that each employee in the bargaining unit shall contribute equally toward the cost of administration of this agreement by the Association for the representation of employees in the bargaining unit by the California School Employees Association.~~

~~Employees in the bargaining unit shall either within thirty (30) days of either the date of this employment or the date of the ratification and execution of this agreement apply for membership and execute an authorization for dues/service fees deduction on a form provided by the Association or authorize the District to deduct from the salaries of such employees dues/service fees as set forth in the Association dues/service fee schedule.~~

~~In the event that any Association member revokes a dues/service fee authorization, the district shall notify the Association.~~

#### **Religious Objection**


~~If an employee in the bargaining unit belongs to a recognized religious sect who does not permit its members to pay a representational fee to an employee organization, an amount equal to the representational fee which would have been paid will be deducted monthly from the employee's paycheck and deposited in a scholarship fund chosen by the District.~~

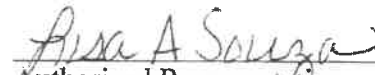
**Hold Harmless Clause**


~~The California School Employees' Association shall indemnify, defend, and hold harmless the District from any and all claims, demands, suits, or any other action arising from the organizational security provisions contained herein.~~

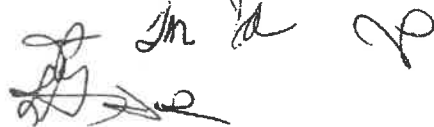
- 1. The Association agrees to furnish any information needed by the District to fulfill the provisions of this Article.**
- 2. The California School Employees Association shall indemnify, indemnify, defend, and hold the District harmless from any and all claims, demands, suits, or any other actions arising from the membership dues deduction provisions contained herein.**

[No further changes to this article]

  
Authorized Representative  
District

  
Authorized Representative  
CSEA Chapter #92

  
Authorized Representative  
CSEA *May 6, 2019*






Revise Article IX, Section 12 as follows:


12. Child Rearing Leave:

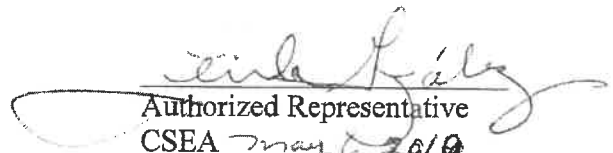
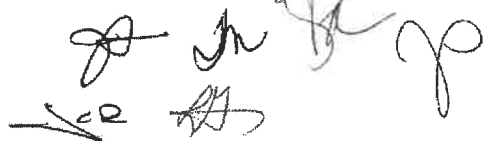
~~An employee who is the natural or adoptive parent of a child shall be entitled to an unpaid leave of absence for the purpose of rearing his/her child. Such leave shall be for a maximum period of three (3) months and shall be granted upon giving the District four (4) weeks' notice prior to the anticipated date of which the leave is to commence.~~

Parental Leave

1) An employee shall be entitled to use up to 12 work weeks of parental leave for reason of the birth of a child or the placement of a child with the employee in connection with the adoption or foster care of the child by the employee. Parental leave shall run concurrently with unpaid leave under the California Family Rights Act (CFRA). Current and accumulated sick leave shall be used for parental leave until it is exhausted. Thereafter, the employee shall receive differential pay as described in Article IX Section 6, Entitlement to Other Sick Leave/Differential Pay, or 50 percent pay, whichever is greater, for the remainder of the up to 12 work week period. Parental leave under this section shall be interpreted consistently with CFRA, except that an employee shall be eligible for parental leave even if he/she did not work 1,250 hours during the previous 12 months. The total aggregate parental leave and CFRA leave taken shall not exceed 12 workweeks in a 12 month period.

  
Authorized Representative  
District

  
Authorized Representative  
CSEA Chapter #92

  
Authorized Representative  
CSEA May 6, 2019  


**Tentative Agreement Between  
CSEA and its Local Chapter #92 and  
Los Banos Unified School District**

**May 6, 2019**

The District and CSEA and its Local Chapter #92 agree to settle negotiations for 2018-2019 as follows:

**Article VI -- Compensation and Benefits**

The base salary schedule shall be increased by **3.26 %** retroactive to July 1, 2018. All overtime and pay for extra hours worked by unit members in the 2018-2019 school year shall also be increased by 3.26% retroactive to July 1, 2018.

**Article IV – Parties’ Rights**

TA dated 5/6/19

**Article IX -- Leaves**

TA dated 5/6/19

**Article XI – Holidays**

**Holiday Eligibility**

Except as otherwise provided in this article, an employee must be in paid status on the working day immediately preceding or succeeding the holiday to be paid for the holiday. Employees in the bargaining unit who are not normally assigned to duty during the school holidays of ~~Christmas~~ **December 25, Local Holiday associated with December 25<sup>th</sup>**, New Year's or Easter shall be paid for those holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period. Earned vacation time, and bona fide sick leave for which the

employee furnishes a doctor's certificate, if required, are considered as days worked for this purpose. See Appendix B for the Classified Holiday Schedules.

**Local Holiday Associated with July 4<sup>th</sup> and Easter**

**Local Holidays** [Note: Effective with the 2019-2020 school year]

The District shall provide a full day holiday for the local holiday associated with Easter and July 4<sup>th</sup>. Subject to section 2, above. **Upon completion of one full fiscal year of service, each bargaining member shall receive another one full day pay for the local holiday associated with Dec 25<sup>th</sup>. Those with less than one full fiscal year of service shall not be paid for the local holiday associated with December 25<sup>th</sup>. This local holiday shall follow the same provisions as Article XVI, Vacation Pay in Lieu of Vacation. Local holidays associated with Easter and July 4<sup>th</sup> shall be mutually agreed upon by CSEA and the District.**

**Article XVI – Vacation Time**

**Vacation Pay in Lieu of Vacation**

The following job classifications **for nine (9) month employees** shall continue to have their vacation days paid to them in their monthly check:

~~All instructional aide classifications, Bus Drivers, Cafeteria assistants, campus security, clerical aides, bilingual clerical aides, health assistants, program leaders, assistant cooks, behavior support aides, behavior support specialists, and music accompanist~~

**Paraprofessionals, Bus Drivers, Child Nutrition Technicians & Workers, Child Nutrition Site Specialists, Campus Security, Behavior Assistants and Specialists, Community Liaisons, Leap Site Leaders, Music Accompanists, Speech/Language Pathology Assistant, Office Assistants, Health Aides**

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**Article XXX – Term**

This Agreement will be in full force and effect through June 30, 2019. Upon ratification of this Agreement by the parties, CSEA and the District agree to sunshine initial proposals and commence bargaining on a successor agreement.



Authorized Representative  
LBUSD



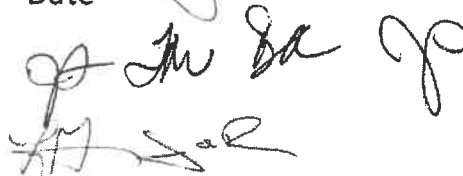
Authorized Representative  
CSEA Chapter 92



Authorized Representative  
CSEA

5/6/19  
Date

May 06, 2019  
Date





# LOS BANOS UNIFIED SCHOOL DISTRICT DIVISION OF HUMAN RESOURCES

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Dr. Tammie Calzadillas, Assistant Superintendent

|                                              |
|----------------------------------------------|
| <b>REPORT OF CERTIFICATED<br/>EMPLOYMENT</b> |
|----------------------------------------------|

**APPOINTMENT:**

Diaz, Zelda – Principal, Miano Elementary – effective 7/1/2019

**RESIGNED**

None

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**EXTRA DUTY**

**APPOINTMENTS:**

None



# Los Banos USD

## Board Policy

### Comprehensive Safety Plan

BP 0450

#### Philosophy, Goals, Objectives and Comprehensive Plans

The Governing Board recognizes that students and staff have the right to a safe and secure campus where they are free from physical and psychological harm. The Board is fully committed to maximizing school safety and to creating a positive learning environment that includes strategies for violence prevention and high expectations for student conduct, responsible behavior, and respect for others.

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3515 - Campus Security)

(cf. 3515.2 - Disruptions)

(cf. 3515.3 - District Police/Security Department)

(cf. 3515.7 - Firearms on School Grounds)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5131.4 - Student Disturbances)

**cf. 5131.41 - Use of Seclusion and Restraint)**

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

The school site council at each district school shall develop a comprehensive school safety plan relevant to the needs and resources of that particular school. New school campuses shall develop a safety plan within one year of initiating operations. (Education Code 32281, 32286)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

The school safety plan shall take into account the school's staffing, available resources, and building design, as well as other factors unique to the site.



The comprehensive safety plan(s) shall be reviewed and updated by March 1 of each year and forwarded to the Board for approval. (Education Code 32286, 32288)

The Board shall review the comprehensive safety plan(s) in order to ensure compliance with state law, Board policy, and administrative regulation and shall approve the plan(s) at a regularly scheduled meeting.

(cf. 0500 - Accountability)  
(cf. 9320 - Meetings and Notices)

By October 15 of each year, the Superintendent or designee shall notify the California Department of Education of any schools that have not complied with the requirements of Education Code 32281. (Education Code 32288)

#### Tactical Response Plan

Notwithstanding the process described above, any portion of a comprehensive safety plan that **includes addresses** tactical responses to criminal incidents that may result in death or serious bodily injury at the school site, including steps to be taken to safeguard students and staff, secure the affected school premises, and apprehend the criminal perpetrator(s), shall be developed by district administrators in accordance with Education Code 32281. In developing such strategies, district administrators shall consult with law enforcement officials and with a representative(s) of an employee bargaining unit(s), if ~~he/she~~ **they** chooses to participate.

When reviewing the tactical response plan, the Board may meet in closed session to confer with law enforcement officials, provided that any vote to approve the tactical response plan is announced in open session following the closed session. (Education Code 32281)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 9011 - Disclosure of Confidential/Privileged Information)  
(cf. 9321 - Closed Session Purposes and Agendas)  
(cf. 9321.1 - Closed Session Actions and Reports)

#### ~~Public~~ Access to Safety Plan(s)

The Superintendent or designee shall ensure that an updated file of all safety-related plans and materials is readily available for inspection by the public. (Education Code 32282)

(cf. 1340 - Access to District Records)

However, those portions of the comprehensive safety plan that include tactical responses to criminal incidents shall not be publicly disclosed.

**The Superintendent or designee shall share the comprehensive safety plans and any updates to the plans with local law enforcement, the local fire department, and other first responder entities. (Education Code 32281)**

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32260-32262 Interagency School Safety Demonstration Act of 1985

32270 School safety cadre

32280-32289 School safety plans

32290 Safety devices

35147 School site councils and advisory committees

35183 School dress code; uniforms

35291 Rules

35291.5 School-adopted discipline rules

**41020 Annual audits**

~~35294.10 35294.15 School Safety and Violence Prevention Act~~

48900-48927 Suspension and expulsion

48950 Speech and other communication

49079 Notification to teacher; student act constituting grounds for suspension or expulsion

67381 Violent crime

**GOVERNMENT CODE**

**54957 Closed session meetings for threats to security**

PENAL CODE

422.55 Definition of hate crime

626.8 Disruptions

11164-11174.3 Child Abuse and Neglect Reporting Act

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

CODE OF REGULATIONS, TITLE 5

11987-11987.7 School Community Violence Prevention Program requirements

11992-11993 Definition, persistently dangerous schools

UNITED STATES CODE, TITLE 20

7111-7122 Student Support and Academic Enrichment Grants

7912 Transfers from persistently dangerous schools

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, July 2016

**Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014**

Safe Schools: Strategies for Governing Boards to Ensure Student Success, October 2011

Community Schools: Partnerships Supporting Students, Families and Communities, Policy Brief, October 2010

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2010

~~Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014~~

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Safe Schools: A Planning Guide for Action, 2002

FEDERAL BUREAU OF INVESTIGATION PUBLICATIONS

Uniform Crime Reporting Handbook, 2004

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, January 2007

U.S. SECRET SERVICE AND U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates, 2004

WEB SITES

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

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>

California Governor's Office of Emergency Services: <http://www.caloes.ca.gov>

California Healthy Kids Survey: <http://chks.wested.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov/ViolencePrevention>

Federal Bureau of Investigation: <http://www.fbi.gov>

National Center for Crisis Management: <http://www.schoolcrisisresponse.com>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

U.S. Secret Service, National Threat Assessment Center:

<http://www.secretservice.gov/protection/ntac>

Policy LOS BANOS UNIFIED SCHOOL DISTRICT

adopted: November 2011 Los Banos, California

revised: October 12, 2017

**revised: March 14, 2019**

# Los Banos USD

## Board Policy

### Volunteer Assistance

BP 1240

#### Community Relations

The Governing Board ~~encourages~~ **recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the schools' relationships with the community. The Board encourages** parents/guardians and other members of the community to share their time, knowledge and abilities with our students. ~~Community volunteers in our schools enrich the educational program and strengthen our schools' relationships with homes, businesses, public agencies and private institutions. By their presence in the classroom and on school grounds, volunteers may also enhance supervision of students and contribute to school safety.~~

(cf. 1000 - Concepts and Roles)

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

(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

(cf. 4222 - Teacher Aides/Paraprofessionals)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

(cf. 6171 - Title I Programs)

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

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

~~may authorize the use of volunteers and shall establish procedures to protect the safety of both students and volunteers. The Superintendent or designee may require tuberculosis testing and fingerprinting of volunteers and may request criminal records checks as authorized by law. Volunteers shall act in accordance with district policies and regulations.~~

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

~~(cf. 1230 - School Connected Organizations)~~

~~(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)~~

~~(cf. 4212.5 - Security/Credit Check)~~

**The Board prohibits harassment of any volunteer on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition,**

**genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. (Government Code 12940)**

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

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

~~The primary responsibility for everyday maintenance of the schools and grounds rests with the district's~~

**Volunteer work shall be limited to those projects that do not replace the normal duties of classified employees staff. The Board nevertheless encourages volunteers to work on short-term 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 negotiated agreements.**

**(cf. 4141/4241 - Collective Bargaining Agreement)**

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

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

~~(cf. 6144 - Controversial Issues)~~ **(cf. 3515.2 - Disruptions)**

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

**(cf. 1150 - Commendations and Awards)**

**The Superintendent or designee shall periodically report to the Board regarding the district's volunteer assistance program.**

**(cf. 0500 - Accountability)**

**Workers' Compensation Insurance**

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

**Upon the adoption of a resolution by the Board, volunteers shall be entitled to workers'**

**compensation benefits for any injury sustained while engaged in the performance of service for the district. (Labor Code 3364.5)**

**(cf. 3530 - Risk Management/Insurance)**  
**(cf. 4157.1/4257.1/4357.1 - Work-Related Injuries)**

Legal Reference:

EDUCATION CODE

**8482-8484.6 After School Education and Safety program**

**8484.7-8484.9 21st Century Community Learning Center program**

35021 Volunteer aides

35021.1 Automated records check

**35021.3 Registry of volunteers for before/after school programs**

44010 Sex offense; definition

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

~~44227.5—Classroom participation by college level teaching methodology faculty~~

~~44814—Duty free lunch periods~~

~~44815—Noncertificated supervision~~

45125 Fingerprinting requirements

**45125.01 Interagency agreements for criminal record information**

45340-45349 Instructional aides ~~act, especially:~~

~~45344.5—Instructional aide; proficiency in basic skills~~

~~45347—Instructional aides as classified employees~~

~~45349—Volunteers~~

**45360-45367 Teacher aides**

**48981 Parental notifications**

**49024 Activity Supervisor Clearance Certificate**

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~~

**12940 Prohibited discrimination and harassment**

HEALTH AND SAFETY CODE

**1596.7995 Immunization requirements for volunteers in child care center or preschool**

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

LABOR CODE

**1720.4 Public works; exclusion of volunteers from prevailing wage law**

**3352 Workers' compensation; definitions**

**3364.5 Persons performing voluntary services for school districts Authority to provide workers' compensation insurance for volunteers**

PENAL CODE

**290 Registration of sex offenders**

290.4 Information re: sex offenders

**290.95 Disclosure by person required to register as sex offender**

**626.81 Sex offender; permission to volunteer at school**

~~CODE OF REGULATIONS, TITLE 5~~

~~18168 Personnel duties with infants and toddlers~~

~~CODE OF REGULATIONS, TITLE 22~~

101170 Criminal record clearance

**101216 Health screening, volunteers in child care centers**

**PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS**

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

~~Whisman Elementary School District, 15 Public Employee Reporter for California,  
Section 22043 (1991) PERB Decision No. 868~~

Management Resources:

WEB SITES

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

**California Department of Education, Parents/Family and Community:**

**<http://www.cde.ca.gov/ls/pf>**

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

**California Parent Teacher Association: <http://www.capta.org>**

**Commission on Teacher Credentialing: <http://www.ctc.ca.gov>**

Policy LOS BANOS UNIFIED SCHOOL DISTRICT

adopted: October 3, 1996 Los Banos, California

revised: March 14, 2019

# Los Banos USD

## Administrative Regulation

### Volunteer Assistance

AR 1240  
Community Relations

#### ~~Volunteer Definition~~ Duties of Volunteers

~~A volunteer is a parent, community member or other adult who is paid or unpaid and assists at a school site or program on a regular or semi-regular basis. Volunteers under the age of 21 shall be under the direct supervision of a district paid-employee.~~

#### Qualifications

~~1. Community Volunteers serving as classroom aides or otherwise supervising students and Parent Volunteers serving as classroom aides or otherwise supervising students in their own children's schools may:~~

~~a. Be determined not to be a registered sex offender. (Education Code 35021) Before authorizing any volunteer to serve as a nonteaching aide or to supervise students on a regular basis the Superintendent or designee shall ask a local law enforcement agency to conduct an automated records check or call the Department of Justice to determine that the individual is not a registered sex offender. Volunteers shall be informed that the district is pursuing this investigation.~~

~~b. Submit evidence that they are free from active tuberculosis in accordance with District policy.~~

~~2. Community Volunteers serving as classroom aides must be at least 21 years of age and shall give evidence of the following qualifications required of all instructional aides: (Education Code 45347, 45349)~~

~~a. Tuberculosis testing. (Education Code 49406)~~

~~b. Fingerprinting. (Education Code 45125)~~

~~(cf. 4212 Appointment and Conditions of Employment)~~

~~(cf. 4222 Teacher Aides/Paraprofessionals)~~

~~3. Community Volunteers for Co-curricular and Extra Curricular activities must be at least 18 years of age and:~~

~~a. Have evidence of a negative TB test and been fingerprinted.~~



b. ~~Have a clear police record with no criminal activity or convictions.~~

e. ~~Must be recommended by the teacher of the organization, and approved by the principal of the school, and the Superintendent or designee.~~

d. ~~Must have written approval from the district employee of the activity they will be volunteering for.~~

e. ~~A chaperone over 21 must be present at all practice events.~~

4. ~~Volunteer activities requiring fingerprinting and a criminal record clearance in addition to other specific requirements include, but are not limited to:~~

~~\* Coaching~~

~~\* One-on-one tutoring or mentoring outside the classroom or another supervised school setting~~

~~\* Attending or chaperoning overnight school-sponsored trips~~

~~\* Student observation as a part of a formal teacher preparation program~~

~~\* Any other volunteer activity, including that done by parents in child care and development programs, where there is the possibility of unsupervised contact with children~~

~~\* Any other volunteer activity where the funding agency requires such a criminal record clearance~~

5. ~~Only District employees or District-approved volunteers 21 or older are allowed to transport students during the course of their volunteer activity and must be cleared to drive through the District transportation department and are required to drive a District vehicle.~~

~~———— A DMV record will be reviewed. Drivers who have more than two points on the record or have had a DUI will not be allowed to transport students.~~

6. ~~All community volunteers and Parent Volunteers in child care and development programs shall:~~

~~———— Be tested for tuberculosis not more than 60 days before or within seven days after the volunteer service begins; staff shall also maintain annual follow-up reports indicating that the volunteer is free from tuberculosis. (5 CCR 18168)~~

7. ~~All Community Volunteers in child care and development programs shall and all Parent Volunteers in child care and development programs may:~~

~~———— Be fingerprinted for criminal record clearance unless they serve for less than 10 days a~~

~~month under the constant supervision of an adult who has met criminal record clearance requirements. (Health and Safety Code 1596.871)~~

#### ~~Exclusion of Volunteers~~

~~Upon receiving the criminal background information regarding a volunteer, the Superintendent or designee shall not place a volunteer in a child care or child development program who has been convicted of a crime other than a minor traffic violation or arrested for any crime under Penal Code 245, 273a, 273.5 or 290. (Health and Safety Code 1596.871) In all other programs, the Superintendent or designee shall not place a volunteer who has been convicted of a serious or violent felony as defined in Penal Code 667.5 and 1192.7. For any other conviction, the Superintendent or designee may decide to not utilize the volunteer depending upon the nature of the conviction as it relates to the volunteer's duties. A person who is required to register as a sex offender pursuant to Penal Code 290 shall not serve as a volunteer. (Education Code 35021)~~

#### ~~Duties~~

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

~~Community Volunteers and Parent Volunteer aides who work with or supervise students shall be under the immediate supervision of certificated employees. (Education Code 35021)~~

**The Superintendent or designee may assign volunteers to:**

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

**(cf. 4222 - Teacher Aides/Paraprofessionals)**

**(cf. 5148 - Child Care and Development)**

**(cf. 5148.2 - Before/After School Programs)**

**2. Serve as nonteaching aides under the immediate supervision and direction of certificated personnel to perform noninstructional work which assists certificated personnel in the performance of teaching and administrative responsibilities (Education Code 35021)**

**3. Supervise students during lunch, breakfast, or other nutritional periods (Education Code 35021, 44814, 44815)**

**4. Work on short-term facilities projects pursuant to the section below entitled "Volunteer Facilities Projects"**

**5. Perform other duties in support of district or school operations as approved by the Superintendent or designee**

**(cf. 6163.1 - Library Media Centers)**

**Volunteers shall not be authorized to assign grades to students, and shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off. (Education Code 35021, 45344)**

**(cf. 4217.3 - Layoff/Rehire)**

#### **Basic Skills Proficiency Requirement**

**Volunteers who supervise or provide instruction to students pursuant to Education Code 45349 shall submit evidence of basic skills proficiency to the Superintendent or designee. (Education Code 45344.5, 45349)**

**(cf. 4212 - Appointment and Conditions of Employment)**

#### **Criminal Background Check**

**Prior to assuming a volunteer position working with students in a district-sponsored student activity program, a volunteer shall obtain fingerprint clearance through the Department of Justice and Federal Bureau of Investigation. At his/her discretion, the volunteer may choose to meet this requirement by obtaining an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. (Education Code 49024)**

**(cf. 4112.5/4212.5/4312.5 - Criminal Background Check)**

**(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)**

**(cf. 6145 - Extracurricular and Cocurricular Activities)**

**The Superintendent or designee shall determine which volunteer positions in the district are subject to the above requirement.**

**The criminal background check requirement shall not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to volunteer nonteaching aides under the immediate supervision and direction of certificated personnel pursuant to Education Code 35021, including parents/guardians volunteering in a classroom or on a field trip or community members providing noninstructional services. (Education Code 49024)**

#### **Registered Sex Offenders**

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

**The principal may grant a registered sex offender, who is not the parent/guardian of a student at the school, permission to come into a school building or upon school grounds to volunteer at the school. At least 14 days prior to the first date for which permission has been granted, the principal or designee shall notify the parent/guardian of each student at the school, using one of the methods specified in Education Code 48981, that a person who is required to register as a sex offender pursuant to Penal Code 290 has been granted permission to come into a school building or upon school grounds, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency. (Penal Code 626.81)**

**(cf. 5145.6 - Parental Notifications)**

**However, no person who is required to register as a sex offender pursuant to Penal Code 290 shall be assigned as a volunteer to assist certificated personnel in the performance of their duties; supervise students during lunch, breakfast, or other nutritional period; or serve as a nonteaching aide to perform noninstructional tasks. In addition, a person who is required to register as a sex offender because of a conviction for a crime where the victim was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors. (Education Code 35021, 45349; Penal Code 290.95)**

**(cf. 3515.5 - Sex Offender Notification)**

#### **Tuberculosis Assessment/Examination**

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

**(cf. 4112.4/4212.4/4312.4 - Health Examinations)**

**Note: See AR 5148.2 - Before/After School Programs for information about health screening and fingerprint clearance requirements for volunteers in the After School Education and Safety program and 21st Century Community Learning Center program pursuant to Education Code 8483.4 and 35021.3.**

#### **Volunteer Facilities Projects**

**All Community Volunteer work projects shall have approximate start and completion dates and**

must ~~shall~~ be approved by the principal in advance. Projects ~~approved by the principal~~ shall also be approved in advance by the Superintendent or designee if they involve the following types of work:

1. Alterations, additions or repairs to buildings and grounds.
2. Construction involving wall or roof penetration, drilling or nailing.
3. Structural modifications.
4. Electrical, electronic, plumbing, or heating and cooling work.
5. Painting.
- ~~6. Installation of carpet.~~
- ~~7. Installation of playground equipment and benches.~~
- ~~8. Installation of sprinkler systems.~~
- 6. Installation of carpet, playground equipment, benches, sprinkler systems, marquees or signs**
- ~~9. 7. Paving.~~
- ~~10. Installation of marquees and signs.~~
- ~~11. 8. Tree planting, pruning or removal.~~

The Superintendent or designee shall ensure ~~that the above projects comply with health and safety codes, building codes, fire codes, environmental laws and agreements with employee bargaining units. The district will provide on-site assistance and supervision for such projects, depending upon their complexity and the expertise of the volunteers.~~

~~Projects shall be inspected upon completion to ensure that the work was done satisfactorily. Electrical, electronic, heating, ventilation, air conditioning, plumbing, welding and structural work must be done by a licensed contractor or performed under the supervision of a skilled district maintenance employee knowledgeable of the trade involved. volunteers possess the appropriate license and/or have sufficient expertise required for the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. The district shall provide on-site assistance and supervision for such projects as necessary.~~

(cf. 3514 - Environmental Safety)  
(cf. 3514.1 - Hazardous Substances)

~~(cf. 7111 - Evaluating Existing Buildings)~~  
(cf. 7140 - Architectural and Engineering Services)

#### Workers' Compensation

~~Unsalaries volunteers shall be considered employees of the district for Workers' Compensation Insurance purposes. If injured while serving as volunteers in the district, they should file Workers' Compensation Insurance forms provided by the district office.~~

Regulation    LOS BANOS UNIFIED SCHOOL DISTRICT  
approved:    November 27, 2000      Los Banos, California  
revised:      January 14, 2010  
revised:      November 10, 2010  
revised:      September 13, 2012  
**revised:      March 14, 2019**

# Los Banos USD

## Board Policy

### Visitors/Outsiders

BP 1250

#### Community Relations

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

(cf. 1240 - Volunteer Assistance)  
(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 6020 - Parent Involvement)

To ensure the safety of students and staff and minimize interruption of the instructional program, the Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the principal or designee. When a visit involves a conference with a teacher or the principal, an appointment should be scheduled during noninstructional time.

(cf. 6116 - Classroom Interruptions)

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

(cf. 1112 - Media Relations)

The principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

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

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

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)  
(cf. 1312.4 - Williams Uniform Complaint Procedures)  
(cf. 3515.2 - Disruptions)

### **Presence of Sex Offender on Campus**

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

**The principal shall indicate on the written permission the date(s) and times for which permission has been granted. (Penal Code 626.81)**

#### Legal Reference:

##### EDUCATION CODE

32210 Willful disturbance of public school or meeting  
32211 Threatened disruption or interference with classes; misdemeanor  
32212 Classroom interruptions  
35160 Authority of governing boards  
35292 Visits to schools (board members)

**49091.10 Parental right to inspect instructional materials and observe school activities**

##### **51101 Parent Rights Act of 2002**

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 to participate in child's educational activities

##### PENAL CODE

##### **290 Sex offenders**

626-626.10 Schools

**626.81 Misdemeanor for registered sex offender to come onto school grounds**

627-627.10 Access to school premises, especially:

627.1 Definitions

627.2 Necessity of registration by outsider

627.7 Misdemeanors; punishment

##### COURT DECISIONS

Reeves v. Rocklin Unified School District, (2003) 109 Cal.App.4th 652

##### ATTORNEY GENERAL OPINIONS

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



Policy LOS BANOS UNIFIED SCHOOL DISTRICT  
adopted: March 10, 2011 Los Banos, California  
**revised: March 14, 2019**

# Los Banos USD

## Board Policy

### Uniform Complaint Procedures

BP 1312.3  
Community Relations

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages the early, ~~informal~~ resolution of complaints whenever possible and appropriate. To resolve complaints which **may require a more** ~~cannot be resolved through such informal process~~, the Board shall adopt **S a the** uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

#### Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing **any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; American Indian education centers and early childhood education program assessments; bilingual education; California Peer Assistance and Review programs for teachers; state career technical and technical education, career technical, and technical training programs; federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; Economic Impact Aid; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; special education programs; California State Preschool Programs; Tobacco-Use Prevention Education programs; and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000** ~~adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs (5 CCR 4610)~~

(cf. 3553 - Free and Reduced Price Meals)  
(cf. 3555 - Nutrition Program Compliance)  
**(cf. 5131.62 - Tobacco)**  
~~(cf. 5141.4 - Child Abuse Prevention and Reporting)~~  
(cf. 5148 - Child Care and Development)  
**(cf. 5148.2 - Before/After School Programs)**  
**(cf. 5148.3 - Preschool/Early Childhood Education)**

(cf. 6159 - Individualized Education Program)  
(cf. 6171 - Title I Programs)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6175 - Migrant Education Program)  
(cf. 6178 - Career Technical Education)  
(cf. 6178.1 - Work-Based Learning)  
(cf. 6178.2 - Regional Occupational Center/Program)  
(cf. 6200 - Adult Education)

2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) ~~discriminatory harassment, intimidation, or bullying,~~ in district programs and activities against any person including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on ~~his/her~~ the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital or parental status, , pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on ~~his/her~~ the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(~~cf. 4030 - Nondiscrimination in Employment~~)  
(~~cf. 4031 - Complaints Concerning Discrimination in Employment~~)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging ~~bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics~~ 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)

(~~cf. 5131.2 - Bullying~~)

4. Any complaint alleging ~~district violation of 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) district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)~~

5. Any complaint alleging ~~that the district has not complied with legal requirements related to the implementation of the local control and accountability plan—(Education Code 52075)~~

~~(cf. 0460—Local Control and Accountability Plan) 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 ~~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~~ **district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)**

~~(cf. 0460 - Local Control and Accountability Plan)~~

~~(cf. 3100 - Budget)~~

7. Any ~~other complaint as specified in a district policy~~ **complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)**

~~(cf. 0420 - School Plans/Site Councils)~~

8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging **district noncompliance with any 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, district, or country; school or records 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)**

**9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)**

**(cf. 6173 - Education for Homeless Children)**

**(cf. 6173.2 - Education of Children of Military Families)**

**(cf. 6173.3 - Education for Juvenile Court School Students)**

**10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)**

**11. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 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)**

**12. 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)**

**13. 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**

**14. Any other complaint as specified in a district policy**

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 complaint that is agreeable to all parties. **ADR such as mediation may 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 assault or where there is a 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 laws and regulations.**

~~In filing and investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation, unlawful discrimination, or bullying,~~ **The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying),** the Superintendent or designee shall keep ~~confidential~~ the identity of the complainant and/or the subject of the complaint, if ~~he/she~~ is different from the complainant, **confidential when appropriate and** as long as the integrity of the complaint process is maintained.

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

When an allegation that is not 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.

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and related requirements **related to UCP**, including the steps and timelines specified in this policy and the accompanying administrative regulation.

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

The Superintendent or designee shall maintain records of ~~all UCP~~ **each complaintS and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy. and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.**

(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.

**(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 shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.~~ 4. Any complaint alleging fraud shall be referred to the California Department of Education.

**Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.**

~~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 , **or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)**  
(~~Education Code 35186~~)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

**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**  
**46015 Parental leave for students**  
**48853-48853.5 Foster youth**  
48985 Notices in language other than English  
49010-49013 Student fees  
49060-49079 Student records, especially:  
**49069.5 Records of foster youth**  
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, military-connected students, migrant students, and newly arrived immigrant 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  
52300-52490 Career technical education  
52500-52616.24 Adult schools  
**54000-54029 Economic Impact Aid**  
~~52800-52870 School-based program coordination~~  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process  
**65000-65001 School site councils**  
GOVERNMENT CODE  
11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act  
**HEALTH AND SAFETY CODE**  
**1596.792 California Child Day Care Act; general provisions and definitions**  
**1596.7925 California Child Day Care Act; health and safety regulations**  
**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~~ **Applicability of uniform complaint procedures to complaints**



**regarding students with disabilities**

4600-4687 70 Uniform complaint procedures

**4680-4687 Williams 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

6301-6577 Title I basic programs

6801-6871 Title III language instruction for limited English proficient and immigrant students

~~7101-7184 Safe and Drug-Free Schools and Communities Act~~

~~7201-7283g Title V promoting informed parental choice and innovative programs~~

~~7301-7372 Title V rural and low-income school programs~~

~~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

**12101-12213 Title II equal opportunity for individuals with disabilities**

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

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

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, September 22, 2017**

**Dear Colleague Letter: Title IX Coordinators, April 2015**

**Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014**

~~Questions and Answers on Title IX and Sexual Violence, April 2014~~

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

~~Dear Colleague Letter: Sexual Violence, April 2011~~

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:** <https://www2.ed.gov/policy/gen/guid/fpco>

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

Policy                   LOS BANOS UNIFIED SCHOOL DISTRICT  
adopted:                October 2014 Los Banos, California  
revised:                 December 11, 2014  
**revised:                April 11, 2019**

# Los Banos USD

## Administrative Regulation

### Uniform Complaint Procedures

AR 1312.3  
Community Relations

Except as the Governing Board may otherwise specifically provide in other district policies, these ~~general~~ uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.2 - Complaints Concerning Instructional Materials)  
(cf. 1312.4 - Williams Uniform Complaint Procedures)  
(~~cf. 4031 - Complaints Concerning Discrimination in Employment~~)  
(**cf. 4030 - Nondiscrimination in Employment**)

#### Compliance Officers

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(**S**) to handle complaints regarding ~~sex~~ **unlawful** discrimination (**such as discriminatory harassment, intimidation, or bullying**). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.7 - Sexual Harassment)

Assistant Superintendent-Human Resources  
1717 S. 11th Street  
Los Banos CA 93635  
(209) 286-3801  
~~pat~~**instcalzadillas@losbanosusd.k12.ca.us**

The compliance officer who receives a complaint may assign another compliance officer to investigate the complaint. The compliance officer shall promptly notify the complainant **and respondent, if applicable**, if another compliance officer is ~~designated~~ **assigned** to investigate the complaint.

In no instance shall a compliance officer be ~~designated~~ **assigned** to ~~investigate~~ a complaint if **in which he/she is mentioned in the complaint or has a has a bias or** conflict of interest that would prohibit him/her from fairly investigating the **or resolving** the complaint. Any complaint ~~filed~~

against or implicating a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall ~~may~~ be filed with the Superintendent or designee **who shall determine how the complaint will be investigated.**

The Superintendent or designee shall ensure that employees ~~designated~~ **assigned** to investigate **and resolve** complaints receive training and are knowledgeable about the laws and programs **at issue in the complaints to** which they are assigned to ~~investigate~~. Training provided to such ~~designated~~ employees shall ~~include~~ **cover** current state and federal laws and regulations governing the program, applicable processes for investigating **and resolving** complaints, including those ~~involving~~ **alleged unlawful discrimination (such as discriminatory harassment, intimidation, or bullying)**, applicable standards for reaching decisions on complaints, and appropriate corrective measures. ~~Designated~~ Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 4331 - Staff Development)  
(cf. 9124 - Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures ~~may~~ **shall** remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

#### Notifications

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians, ~~the of district students, district advisory committee members~~ school advisory committees **members**, appropriate private school officials or representatives, and other interested parties. **The notification shall include information regarding the prohibition of discrimination, harassment, intimidation, and bullying; unlawful student fees; local control and accountability plan (LCAP) requirements; and requirements related to the educational rights of foster youth, homeless students, former juvenile court school students, and children of military families.** (Education Code 262.3, 48853, 48853.5, 49010- 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)  
**(cf. 0460 - Local Control and Accountability Plan)**  
(cf. 1220 - Citizen Advisory Committees)  
(cf. 3260 - Fees and Charges)  
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications) (cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)  
(cf. 6173.3 - Education for Juvenile Court School Students)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
  - e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that

discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.

g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.

h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.

i. A foster youth, homeless student, former juvenile court school student, or child of a military family who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to:

(1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed

(2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency

(3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

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

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

k. The appeal to CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

1. Copies of the district's UCP are available free of charge.

**The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.**

**(cf. 1113 - District and School Web Sites)  
(cf. 1114 - District-Sponsored Social Media)**

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

~~The notice shall:~~

- ~~1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints~~
- ~~2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable~~
- ~~3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination.~~
- ~~4. Include statements that:~~
  - ~~a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.~~
  - ~~b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.~~
  - ~~e. A complaint alleging retaliation, unlawful discrimination, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.~~

~~d. — A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.~~

~~e. — The Board is required to adopt and annually update a local control and accountability plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.~~

~~(cf. 0460—Local Control and Accountability Plan)~~

~~f. — The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.~~

~~g. — The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.~~

~~h. — Copies of the district's UCP are available free of charge.~~

#### District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

**For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.**

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation, or unlawful discrimination, (**such as discriminatory harassment, intimidation, or bullying**) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

**All complainants shall be protected from retaliation.**

#### Filing of Complaint

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



All complaints shall be filed in **writing and signed by the complainant**. **If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.** (5 CCR 4600)

**Complaints shall also be filed in accordance with the following rules, as applicable:**

1. A ~~written~~ complaint alleging district violation of applicable state or federal law or regulations governing ~~any the programs or activity conducted by the district, which is funded directly by, or that receives or benefits from any state financial assistance. (GC 11135, EC 200, 220, 234.1, 5 CCR 4610, PC 422.55.)~~ **specified in the accompanying Board policy (item #1 of the section "Complaints Subject to the UCP") may be filed by any individual, public agency, or organization.** (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. **A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred.** (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination, ~~including~~ **(such as discriminatory harassment, intimidation, or bullying)** may be filed only 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 it. The complaint shall be initiated no later than six months from the date when the alleged **unlawful** discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged **unlawful** discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination **(such as discriminatory harassment, intimidation, or bullying)** is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant ~~or alleged victim~~ of unlawful discrimination **(such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant** requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

~~6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)~~

### Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation, **He/she** shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. **At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.**

To ~~resolve~~ **investigate** a complaint alleging retaliation, unlawful discrimination, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

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

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

### Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report ~~of the district's investigation and decision~~, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. **When required by law, the matter shall be considered in closed session.** The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

**In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the district's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.**

#### Final Written Decision

The district's decision **on how it will resolve the complaint** shall be in writing and shall be sent to the complainant **and respondent.** (5 CCR 4631)

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties ~~that~~ **who** may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected. **In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.**

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In other all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination,

the following factors may be taken into account:

- a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion(s) of law
  3. Disposition of the complaint
  4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination, ~~including~~ (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. ~~How~~ **The manner in which** the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, ~~the district will attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint,~~ **a remedy that comports with** Education Code 49013 and 5 CCR 4600

~~A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5 CCR 4630(e)(2))~~

For complaints of unlawful discrimination, **including (such as discriminatory harassment, intimidation, or bullying)**, the ~~notice~~ **decision** may, as required by law, include:

- a. ~~The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint~~ **respondent**
  - b. Individual remedies offered or provided to the subject of the complaint, **but this information should not be shared with the respondent.**
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's **and respondent's** right to appeal the district's decision to **CDE** within 15 calendar days ~~to the CDE~~ and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination, **including based on state law (such as discriminatory harassment, intimidation, and bullying)**, ~~based on state law~~, the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

#### Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies, training for faculty, staff, and students, updates to school policies, or school climate surveys.

For complaints involving retaliation, **or unlawful discrimination (such as discriminatory**

**harassment, intimidation, or bullying), appropriate corrective actions remedies that focus on that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:**

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim.
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (**such as discriminatory harassment, intimidation, or bullying**), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

**When an employee is found to have committed retaliation or unlawful discrimination (such**

**as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.**

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination, ~~including~~ **(such as discriminatory harassment, intimidation, or bullying)**, that the district does not tolerate it, and how to report and respond to it.

**When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.**

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges **physical education instructional minutes for students in elementary schools**, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians **subject to procedures established by regulation of the State Board of Education.** (Education Code 49013, **51223**, 52075)

For complaints alleging noncompliance with the laws regarding student fees, ~~such remedies, where applicable,~~ the district ~~will~~ **shall** attempt in good faith by engaging in reasonable efforts to identify and fully reimburse all **affected students-pupils and** parents/guardians who ~~paid a pupil~~ **the unlawful student fees** within one year prior to the filing of the complaint. Education Code 49013 and 5 CCR 4600

~~A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred. (5 CCR 4630(e)(2))~~

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision **of a complaint regarding any specified federal or state educational program subject to the UCP** may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code **222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075**; 5 CCR 4632)

**When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with CDE.**

The complainant shall specify the basis for the appeal of the decision and ~~whether~~ **how** the facts are incorrect and/or the law has been misapplied. The appeal shall be ~~accompanied by~~ **sent to CDE with** a copy of the locally filed complaint and a copy of the district's decision **in that complaint** (5 CCR 4632)

Upon notification by the CDE that the complainant **or respondent** has appealed the district's

decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

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

Regulation LOS BANOS UNIFIED SCHOOL DISTRICT  
approved: October 2014 Los Banos, California  
revised: September 10, 2015  
**revised: March 14, 2019**



# Los Banos USD

## Administrative Regulation

### Williams Uniform Complaint Procedures

AR 1312.4  
Community Relations

~~Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Los Banos Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.~~

#### Types of Complaints

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

1. **Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)**

a. A ~~pupil~~ **student**, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

b. A ~~pupil~~ **student** does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.

c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

d. A ~~pupil~~ **student** was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

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

2. **Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)**

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners ~~pupils~~ in the class.

(cf. 4112.22 - Staff Teaching ~~Students of Limited-English Learners Proficiency~~)

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

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

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

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

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

**3. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)**

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

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of ~~pupils~~ **students** or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer 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~~ **students** or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (Education Code 17592.72)

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

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

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

**In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.**

(cf. 3514 - Environmental Safety)  
(cf. 3517 - Facilities Inspection)

#### 4. ~~High school exit examination intensive instruction and services~~

~~A pupil, including an English learner, who has not passed the exit exam by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the pupil has passed both parts of the exam, whichever comes first. (Education Code 35186)~~

~~(cf. 6162.52 - High School Exit Examination)  
(cf. 6179 - Supplemental Instruction)~~

#### Filing of Complaint

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

~~A complaint alleging any deficiency specified in item #4 in the section entitled "Types of Complaints" above shall be filed with a district official designated by the Superintendent. Such complaints may be filed at the district office or school site and shall be immediately forwarded to the Superintendent or designee. (Education Code 35186)~~

## Forms and Notices

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

**The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 8235.5, 35186; 5 CCR 4680)**

**The Superintendent or designee shall post in each K-12 classroom in each school a notice containing the components specified in Education Code 35186. In each license-exempt CSPP classroom, a notice containing the components specified in Education Code 8235.5 shall be posted. (Education Code 8235.5, 35186)**

## Filing of Complaint

**A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee, or the preschool administrator or designee as appropriate, at the school in which the complaint arises. A complaint about problems beyond the authority of the principal or preschool administrator shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 8235.5, 35186; 5 CCR 4680)**

## Investigation and Response

**The principal/preschool administrator or designee of the Superintendent shall make all reasonable efforts to investigate any problem within his/her their authority. ~~He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received.~~ (Education Code 8235.5, 35186; 5 CCR 4685)**

**Investigation of a complaint regarding preschool health or safety issues shall begin within 10 calendar days of receipt of the complaint. (Education Code 8235.5)**

**The principal/preschool administrator or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 8235.5, 35186; 5 CCR 4685)**

~~Complaints may be filed anonymously. If the complainant has indicated on the complaint form a desire to receive that he/she would like a response to the complaint, the principal/preschool administrator or Superintendent's or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form.~~ **the principal/preschool administrator makes this report, the information**

**shall be reported** at the same time **to the Superintendent** ~~the principal~~ or designee shall report the same information to the Superintendent or designee. (Education Code **8235.5**, 35186; 5 CCR 4680, 4685)

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

If a complainant is not satisfied with the resolution of a complaint, ~~he/she~~ **the complainant** has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code **8235.5**, 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of ~~pupils~~ **students** or staff as described in item #3a or #4 in the section entitled "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal/**preschool administrator** or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code **8235.5**, 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code **8235.5**, 35186; 5 CCR 4686)

(cf. 1340 - Access to District Records)

## Reports

**On a quarterly basis**, the Superintendent or designee shall report ~~summarized data on the nature and resolution of all complaints~~ to the Board **at a regularly scheduled public Board meeting** and to the County Superintendent of Schools, **summarized data on the nature and resolution of all complaints.** ~~on a quarterly basis.~~ The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. ~~These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting.~~ (Education Code **8235.5**, 35186; 5 CCR 4686)

## Forms and Notices

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

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

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

Legal Reference:

**EDUCATION CODE 234.1 Prohibition of discrimination, harassment, intimidation, and bullying**

1240 County superintendent of schools, duties

**8235-8239.1 California State Preschool Programs, especially:**

**8235.5 California State Preschool Program, complaints regarding health and safety issues**

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

35292.5 -~~35292.6~~ Restrooms, maintenance and cleanliness

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

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

**HEALTH AND SAFETY CODE**

**1596.792 California Child Day Care Act; general provisions and definitions**

**1596.7925 California Child Day Care Act; health and safety regulations**

**CODE OF REGULATIONS, TITLE 5**

4600-4687 Uniform complaint procedures, especially:

4680-4687 Williams complaints

**UNITED STATES CODE, TITLE 20**

**6314 Title I schoolwide program**

Management Resources:

WEB SITES

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

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

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

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

Regulation approved: LOS BANOS UNIFIED SCHOOL DISTRICT  
January 20, 2005 Los Banos, California  
revised: June 12, 2007  
revised: May 14, 2009  
revised: September 13, 2012  
revised: **April 11, 2019**

# Los Banos USD

## Exhibit

### Williams Uniform Complaint Procedures

E 1312.4

#### Community Relations

~~Cautionary Notice:—As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Los Banos Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.~~

#### Exhibit 1

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

Parents/Guardians, Pupils, and Teachers:

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

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

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

Misassignment means the placement of a certificated employee in a teaching or services

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

~~4. — Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.~~

~~5. — A complaint form can be obtained at the school office or district office, or downloaded from the school or district web site at <http://www.losbanosusd.k12.ca.us>. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>. Complainants need not use the Williams complaint form to file a complaint.~~

**If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or district office, or downloaded from the school or district web site:**

**<http://www.losbanosusd.org/> You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.**

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Exhibit (2) 1312.4

## WILLIAMS UNIFORM COMPLAINT PROCEDURES

~~Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Los Banos Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.~~

### **K-12 COMPLAINT FORM:**

## **WILLIAMS UNIFORM COMPLAINT PROCEDURES**

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair or teacher vacancy or misassignment, ~~or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12.~~ The complaint and response are public



documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested?  Yes  No

Contact information: (if response is requested)

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

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

Phone number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

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

School name/address: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

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

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

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4682)

A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position

to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

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

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

3. Facilities conditions: (Education Code 17592.72, 35186, 35292.5, 35292.6; 5 CCR 4683)

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

\_\_\_ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.

~~1. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.~~

~~2. School facilities must be clean, safe, and maintained in good repair.~~

~~3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.~~

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

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

4. ~~Pupil, including English Learners, who have not passed or both parts of the high school examination by the of the 12th grade are to be provide the opportunities to receive intensive instructions and services for up to two consecutives academic years after completion of grade 12.~~

5. ~~A complaint form may be obtained at the school office, district office, or downloaded from the bottom of the district's web site at <http://www.losbanosusd.k12.ca.us/> You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/ep/ue/>. Complainants need not use the Williams complaint form to file a complaint.~~

Response requested?  Yes  No

Contact information:

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

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

Phone number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

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

School name/address: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

Date problem was observed: \_\_\_\_\_

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

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

**For a school that serves students in any of grades 6-12 with 40 percent of more of its students from low-income families, as defined, the school has not stocked at least half of its restrooms with feminine products at all times and made those products available to students at no cost.**

**The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs.**

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

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**Please file this complaint at the following location:**

\_\_\_\_\_  
**(principal or designee)**

\_\_\_\_\_  
**(address)**

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

\_\_\_\_\_

**(Signature)**

**(Date)**

1. ~~Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)~~

~~\_\_\_\_\_ A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state or district adopted textbooks or other required instructional materials to use in class.~~

~~\_\_\_\_\_ A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.~~

~~\_\_\_\_\_ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.~~

~~\_\_\_\_\_ A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.~~

2. ~~Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)~~

~~\_\_\_\_\_ A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.~~

~~\_\_\_\_\_ A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.~~

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

3. ~~\_\_\_\_\_ Facility conditions: (Education Code 17592.72, 35186, 35292.5; 5 CCR 4683)~~

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

~~\_\_\_\_\_ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.~~

~~\_\_\_\_\_ The school has not kept all restrooms open during school hours when pupils are not in classes and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs.~~

4. ~~\_\_\_\_\_ High school exit exam intensive instruction and services: (Education Code 35186)~~

~~\_\_\_\_\_ Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.~~

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

~~\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_~~

~~Please file this complaint at the following location:~~

~~\_\_\_\_\_  
\_\_\_\_\_  
(principal or title of designee of the Superintendent)~~

1717 S. 11th Street  
Los Banos, CA, 93635

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

(signature) \_\_\_\_\_  
(date)

Exhibit           LOS BANOS UNIFIED SCHOOL DISTRICT  
version:           September 13, 2007   Los Banos, California  
revised:           July 17, 2008  
revised:           September 13, 2012  
**revised:           April 11, 2019**

**Board Reference Material**

**SUBJECT TITLE:**        **SEMSA (DBA RIGGS) Training Site Agreement**

**REQUESTED ACTION:** Approve

Action   X  

Discussion/Information \_\_\_\_\_

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**RECOMMENDATION:**

It is recommended the Board approve the SEMSA (DBA RIGGS) Training Site Agreement.

**BACKGROUND INFORMATION:**

The agreement is required in order for Los Banos Unified School District to become its own training site for providing Heartsaver First Aid, CPR, AED, and Basic Life Support skills certification for all employees. The number of medically fragile students at all school sites necessitates that all school personnel are prepared with the basic training that could aid a child in need. The District’s nursing staff has completed the required courses to provide the training for the staff.

**HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?**

**ALTERNATIVES/IDENTIFIED OPPOSITION:**

None

**SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):**

The contract amount is \$5.00 for each staff member who completes the training so that they can receive the certification card. There is an additional \$2.00 per employee charge for materials; however this fee can be saved by creating a library of resources and reusing the materials.

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ORIGINATOR: Tammie Calzadillas, Ed.D. Assistant Superintendent Human Resources

Date: May 23, 2019



## SEMSA (DBA RIGGS) Training Site Agreement

Training Site: Los Banos School District

Training Site Contract for:  BLS  ACLS  PALS

\_\_\_\_\_ Agrees to adhere to all American Heart Association guidelines outlined in the Program Administration Manual.

\_\_\_\_\_ Agrees to adhere to all SEMSA Training Center specific policies and procedures to be provided to each Training Site.

\_\_\_\_\_ Agrees to carry \$1M in Liability Insurance.

\_\_\_\_\_ Agrees to pay SEMSA as follows:

|                                   |                                 |                                        |
|-----------------------------------|---------------------------------|----------------------------------------|
| \$ <u>5.00</u> BLS Cards          | \$ <u>0.00</u> Instructor Class | <input type="checkbox"/> Book Included |
| \$ _____ PALS Cards               | Instructor Fee                  | Material Cost                          |
| \$ _____ ACLS Cards               | Start Date _____                | End Date _____                         |
| \$ <u>20.00</u> Heart Saver Cards |                                 |                                        |
| \$ <u>5.00</u> Heart Saver K-12   |                                 |                                        |

\_\_\_\_\_ Agrees to on-site monitoring of courses and administrative functions prior to approval and ongoing monitoring at least once a year.

\_\_\_\_\_ Agrees to operate according to all policies and procedures as well as the Program Administration Manual. Failure to comply with any policy or guideline may result in termination of the agreement.

\_\_\_\_\_ Agrees to use Enrollware to submit all paperwork to SEMSA within 10 days of the course.

\_\_\_\_\_ Training Sites teaching more than 500 participants a year will also be required to identify potential Training Site Faculty to ensure adequate monitoring and support of the Site is available.

\_\_\_\_\_ All instructor documents and information must be provided to the Training Center to ensure adequate documentation is available at the Training Center for each instructor aligned.



\_\_\_\_\_ All Training Site instructors must be aligned with an American Heart Association Training Center and a copy of all certifications and demographic information must be on file at the Training Site and the Training Center.

\_\_\_\_\_ SEMSA requires all Training Sites to maintain course files as well as instructor files at the Training Site. A duplicate of all this information must also be forwarded to the Training Center for complete file eminence.

\_\_\_\_\_ Training Sites may be approved to issue their own provider cards after extensive monitoring and a review of all policies and procedures with the Training Center Coordinator. A site must also have the ability to generate cards electronically and ensure that all security requirements can be achieved.

\_\_\_\_\_ Training Sites issuing cards understand that failure to strictly follow policies and procedures will result in the revocation of card issuing privileges.

\_\_\_\_\_ Training sites agree to purchase all AHA provider e-cards through the Training Center to ensure proper reporting and tracking are possible.

\_\_\_\_\_ The Training Site will also receive biannual updates for all instructors by the Training Center.

\_\_\_\_\_ The SEMSA Training Center also provides opportunity for all Training Site Instructors to teach at the SEMSA Training Center to ensure enough classes are available for the instructor within a two-year period.

\_\_\_\_\_ All Training Site disputes should be handled according to Training Site policies. In the event that resolution is not possible at the Training Site level, the Training Center Coordinator or Regional Faculty may assist in resolution.

\_\_\_\_\_ Consistent communication and meetings are mandatory for the success of a Training Site and Training Center relationship. Upon completion of the agreement, the Training Center Coordinator and the Training Site Coordinator will establish the best method for communication and meetings and determine a rough schedule for a one-year period.

Training Site

SEMSA Training Center

By: \_\_\_\_\_

By: Greg Petersen \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

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

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

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

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

# Training Memo: Heartsaver® for K-12 Schools Course Completion Card



## CPR & Emergency Cardiovascular Care

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|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Date of Release</b>                           | December 14, 2017<br><br>This memo supersedes the <i>Training Memo: Workbook Policy for Secondary Schools</i> , issued October 11, 2017.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Purpose</b>                                   | To provide information and guidance on the appropriate issuance of the Heartsaver for K-12 Schools course completion card. This memo applies to US Training Centers (TCs) only.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>General Information</b>                       | The AHA and ECC recognize the opportunity to support AHA Advocacy efforts for CPR in Schools and to train the next generation of lifesavers in CPR, AED, and first aid.<br><br>The Heartsaver for K-12 Schools course completion card was created to provide a cost-effective Heartsaver course completion card for K-12 school systems. The card signifies that an individual in the K-12 school system has successfully completed the objectives and skills evaluations in accordance with the curricula of the AHA Heartsaver programs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Policy Specifics</b>                          | Training Centers may begin using the Heartsaver for K-12 Schools course completion cards for all Heartsaver courses taught in schools for kindergarten through 12 <sup>th</sup> grade. This includes elementary, middle, junior, and high schools. This card may be issued to school students, faculty, and staff. For this policy, "faculty" refers to teachers and coaches; "staff" refers to an employee of a K-12 school or K-12 school system. <ul style="list-style-type: none"> <li>• Additional optional training modules with this card include first aid, child CPR AED, infant CPR, and the optional written exam</li> <li>• All Heartsaver courses should be taught in accordance with the <i>Heartsaver First Aid CPR AED Instructor Manual</i> and course DVD to meet course completion requirements</li> <li>• K-12 schools remain the only training entity that may library Heartsaver workbooks                         <ul style="list-style-type: none"> <li>◦ The Program Administration Manual requires TCs to ensure each student has a copy of the current, appropriate student workbook, in eBook or hard copy, for use before, during, and after an Instructor-led (ILT) Heartsaver Course where a course completion card is issued</li> <li>◦ The library must contain enough copies of the course workbook, in eBook or hard copy, to accommodate the population of students taking the course at any one time</li> <li>◦ High schools with healthcare-related programs are not eligible to library <i>BLS Provider Manuals</i> due to the nature of those programs. For BLS Provider courses, each student must have his or her own personal manual before, during, and after the course.</li> </ul> </li> <li>• AHA Training Centers issuing Heartsaver for K-12 Schools eCards must obtain written approval from a parent/guardian before gathering data online from students under the age of 13. TCs may wish to consult legal counsel regarding the Children's Online Privacy Protection Act (COPPA) and other regulations.</li> </ul> |
| <b>Card Identification and Security Features</b> | The Heartsaver for K-12 Schools course completion card includes the following identification and security features: <ul style="list-style-type: none"> <li>• Includes space for optional modules:                         <ul style="list-style-type: none"> <li>◦ Child CPR AED</li> <li>◦ Infant CPR</li> <li>◦ First Aid</li> <li>◦ Exam (optional; not mandated by the AHA)</li> </ul> </li> <li>• Features green instead of blue color used on other Heartsaver course completion cards</li> <li>• Features "mortarboard" green graphic watermark</li> <li>• Includes title specific to card audience, which is also used as security microprint</li> <li>• Audience is specified in small print on front of card</li> <li>• Print card back includes School Name in place of TC Location field</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |