

**Tri-Valley Regional Occupational Center/Program
Board Policies and Administrative Regulations**

SERIES 1000 – COMMUNITY RELATIONS

Concepts and Roles.....	1000	BP
Media Relations	1112	BP/AR/E
District Web Site	1113	BP/AR
Public and Partner District Participation	1200	BP
Coordinating Council	1221	BP/AR
Advisory Committees	1222	BP
Volunteer Assistance	1240	BP
Complaints Regarding TVROCP Employees	1312	BP/AR/E
Gifts to Employees	1313	BP/AR
Soliciting of Funds from and by Students	1321	BP/AR
Competitions and Activities for Students	1322	BP
Gifts from Employees to Students and the Public	1325	BP
Advertising and Promotion	1327	BP/AR
Access to District Records	1340	BP/AR
Relationships with Other Agencies and Schools.....	1400	BP
Institutional Memberships.....	1500	BP
Uniform Complaint Procedures	1700	BP/AR

3/12/09;
8/11/11

CONCEPTS AND ROLES

This series deals with the Tri-Valley Regional Occupational Center Program's ("District's") external relations with mass media of communication, with citizens' committees, with complaints concerning personnel, with other governmental and private groups concerned with Career Technical Education, and the like.

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

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

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

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

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35172 Promotional activities

Policy

Adopted: March 12, 2009

TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM

Livermore, CA

MEDIA RELATIONS

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

Media representatives are welcome at all Governing Board meetings and shall receive meeting agendas upon request in accordance with Governing Board policy.

Media representatives, like all other visitors, shall register immediately upon entering any facility, school building or grounds where a district program or service is provided when school is in session.

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

Legal Reference: (next page)

MEDIA RELATIONS

Legal References:

EDUCATION CODE

32210-32212 Willful disturbance of public school or meeting

35144 Special meetings

35145 Public meetings

35160 Authority of governing boards

35172 Promotional activities

EVIDENCE CODE

1070 Refusal to disclose news source

PENAL CODE

627-627.10 Access to school premises

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

Management Resources:

CSBA PUBLICATIONS

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

WEB SITES

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

MEDIA RELATIONS**Interviewing and Photographing Students**

The district shall not impose restraints on students' right to speak freely with media representatives at those times which do not disrupt students' educational program. However, interviews of students may not create substantial disorder or impinge on the rights of others. Therefore, in order to minimize possible disruption, media representatives who wish to interview students at school must make prior arrangements with the school site principal. At their discretion, parents/guardians may instruct their children not to communicate with media representatives. A signed "TVROCP Parent/Guardian Consent Photo, Statement and Student Work Release Form" is required for all minor students whose name and/or picture appears in any media presentation.

In order to protect the privacy and safety of students, a media representative who wishes to interview and/or photograph students on school grounds should first make arrangements with the students' home school principal or designee and the principal or designee where the interview or photo shoot is to take place. See paragraph above for parental consent of minor students.

The school site and students' home school principal or designee are strongly encouraged to notify the TVROCP Superintendent or designee of any media arrangements involving any TVROCP program or student. TVROCP staff must notify the TVROCP Superintendent or designee of any media arrangements involving any TVROCP program or student.

When interviewing or photographing a special education student, he/she shall not be identified.

Media Communications Plan

In order to help develop strong relations with the media, the Superintendent or designee shall develop a proactive media communications plan. This plan may include, but not be limited to, information related to district programs and needs, student awards, accomplishments and events of special interest. The Superintendent shall be notified of all media inquiries.

The plan shall specify the TVROCP and/or site's primary media contact to whom all media inquiries shall be routed. Spokespersons designated to speak to the media on behalf of the district include the Governing Board Chairperson and TVROCP Superintendent. Other Governing Board members and staff and partner districts' Superintendents and their designated staff may be asked by the TVROCP Superintendent or designee to speak to the media on a case-by-case basis, depending on their expertise on an issue. The TVROCP Superintendent or designee shall provide training on effective media relations to all designated spokespersons.

MEDIA RELATIONS**Crisis Communications Plan**

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

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

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

*Legal References:*EDUCATION CODE*32210-32212 Willful disturbance of public school or meeting**35144 Special meetings**35145 Public meetings**35160 Authority of governing boards**35172 Promotional activities*EVIDENCE CODE*1070 Refusal to disclose news source*PENAL CODE*627-627.10 Access to school premises*COURT DECISIONS*Lopez v. Tulare Joint Union High School District, (1995) 34 Cal.App.4th 1302*ATTORNEY GENERAL OPINIONS*95 Ops.Cal.Atty.Gen. 509 (1996)***Regulation****Approved:** March 12, 2009**TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM****Livermore, CA**



**Tri-Valley
Regional Occupational Center/Program**

2600 Kitty Hawk Road #117, Livermore, CA 94551-9699
925-455-4800 FAX 925-449-9126

E 1112

**RELEASE OF STUDENT'S PHOTOGRAPH, IMAGE, VOICE, TESTIMONIALS, AND
WORK PRODUCTS TO THE TRI-VALLEY ROP AND/OR THE MEDIA**

Student's Name: _____ Home School: _____

Tri-Valley ROP Course: _____

Student photographs, images, voice recordings, testimonials, and work products are often used to provide information to the community for publicity of district and school programs, events, and activities, student accomplishments, educational news, and/or promotional activities. Parent/guardian permission is required before the district can use this material.

I have read and understand that I may restrict the use of my student's photograph, image, voice, testimonials, and work products in Tri-Valley ROP publications, television productions, and website, and I hereby... (check one)

- grant** permission to use my student's photograph, image, voice, testimonials, and work products and/or interview information about him/her, including name, on Tri-Valley Regional Occupational Center/Program publications, television and website.
- deny** permission to use my student's photograph, image, voice, testimonials, and work products and/or interview information about him/her, including name, on Tri-Valley Regional Occupational Center/Program publications, television and website.

MEDIA RELEASE

In addition to TVROP publications, I understand that there may be times when a member of the local media will write an article and/or take photographs or recordings of a TVROP program which may include my student, and I hereby... (check one)

- grant** permission for my student to be interviewed, photographed, recorded or filmed by members of the media.
- deny** permission for my student be interviewed, photographed, recorded or filmed by members of the media.

PARENT/GUARDIAN AUTHORIZATION

I hereby certify I am the parent/guardian of: _____

Parent/Guardian Name (print): _____

Parent/Guardian Signature: _____ Date: _____

If student is 18 years or older on the first day of school, the student may authorize below:

I hereby consent to and authorize the production and use of photographs, videos, and/or interview information about me, including my name, by Tri-Valley ROP for publicity of student accomplishments, school programs, educational news, and/or promotional activities.

Student Signature: _____ Date: _____

DOB: ____/____/____

DISTRICT WEB SITE

To enhance communication with students, parents/guardians, staff, community members and the public at large, the Governing Board encourages the development and ongoing maintenance of the district web site on the Internet. The web site shall support the educational vision of the district and shall be consistent with the district's plans for communications and media relations.

The Superintendent or designee shall develop guidelines regarding the content of the district web site which shall include standards for the ethical and responsible use of information and technology. These guidelines shall be consistent with law, Governing Board policy and administrative regulation.

The district web site shall not include content which is obscene, libelous or slanderous, or which creates a clear and present danger of inciting students to commit unlawful acts on school premises, violate school rules or substantially disrupt the district's and school's orderly operation. The district and any student/staff web site developed at school and/or sponsored by a district school and/or the district shall follow these same standards.

Any links to external sites shall follow the same guidelines applicable to the district and school web sites.

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on district or school web sites.

Content

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

No personal information about students or their parents/guardians, including phone numbers, home addresses or e-mail addresses, shall be published on a district web page. Student directory information shall not be published if parents/guardians have requested that it be withheld.

Photographs of students or statements using a students name shall be used only with written permission from the students' parents/guardians.

(cf. AR 1112 – Media Relations)

DISTRICT WEB SITE

Home and personal addresses, telephone numbers, or email addresses of staff members shall not be posted.

Communications to TVROCP Governing Board members shall be arranged through the TVROCP Superintendent's office.

The TVROCP web site shall not post the home address, home telephone number or home email of any elected or appointed official without the prior written permission of that individual.

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

The TVROCP Superintendent or designee may establish standards for the design of the TVROCP web site in order to maintain a consistent identity, professional appearance and ease of use.

Staff and students may submit materials for web site publication to the TVROCP webmaster, or TVROCP Superintendent's designee, who shall ensure that the content adheres to TVROCP guidelines and policies.

Legal Reference: (next page)

DISTRICT WEB SITE

Legal References:

EDUCATION CODE

35182.5 Contracts for advertising

35258 Internet access to school accountability report cards

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

49073 Release of directory information

60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers

6254.21 Publishing addresses and phone numbers of board members

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act (FERPA)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.11 Children's Online Privacy

COURT DECISIONS

Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112

Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37

Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

DISTRICT WEB SITE

Content

The Tri-Valley Regional Occupational Center/Program District web site shall provide current and useful information regarding district programs, activities and operations. Such information shall be appropriate for both internal and external audiences.

The content of the web site may include, but not be limited to, TVROCP news, mission and goals, agendas and minutes of the TVROCP Governing Board meetings, policy information, messages from the community, TVROCP Governing Board or administrators, information about curriculum and instruction, school calendars, student projects, school clubs and activities, educational resources, links to other educational sites and contacts for further information.

Student work may be published on the web site provided that the student, and in the case of a minor student, his/her parent/guardian provide written permission. (See TVROCP AR 1112 – TVROCP Parent/Guardian Consent Photo, Statement and Student Work Release Form) Permission is not required when the work is part of an existing publication such as a newspaper or school newsletter.

Students, staff or other individuals may not use the TVROCP web site to provide access to their personal web pages or online services.

If any copyrighted material is posted on the TVROCP web site, the web site shall include a notice crediting the original producer of the material and noting how and when permission to reprint the material was granted.

Roles and Responsibilities

The TVROCP webmaster or TVROCP Superintendent's designee shall be responsible for the content and publication of the TVROCP web site upon approval of the TVROCP Superintendent or designee. He/she shall review all content before publication, upload content to the TVROCP web server, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed.

Security

Security procedures for the web site server and/or web site host shall prohibit unauthorized persons from accessing system-level controls or making changes to web site content. The host computer shall be in a secure location and have restricted access.

Regulation

Approved: March 12, 2009

**TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM
Livermore, CA**

PUBLIC AND PARTNER DISTRICT PARTICIPATION

The Governing Board encourages parents/guardians and other members of the community to actively participate and share their time, knowledge and abilities as active members to support the district mission and vision.

The TVROCP Mission is:

To educate and train the broad spectrum of students by providing a bridge of opportunity connecting school to continuing education and career.

To support and guide the development of life and career skills valued by business, industry, colleges, and society.

To provide an environment of continuous program improvement, responsive to the changing needs of students, employers, and industry.

The TVROCP Vision is:

TVROCP will cultivate a world-class talent pool through the guidance of professional educators of the highest quality, by engaging every student in rigorous and relevant career pathways developed in partnership with business and industry, and by promoting global awareness, innovation, and ethics to empower students to turn their passion into a high-wage career.

COORDINATING COUNCIL

The TVROCP Superintendent or designee will act as chair over the Coordinating Council. This permanent committee is established by the Joint Exercise of Powers Agreement (JPA) and shall be called by the TVROCP Superintendent.

COORDINATING COUNCIL

A Coordinating Council shall be established for advising the TVROCP Superintendent and the Governing Board when deemed necessary. The Coordinating Council shall consist of the each partner district's Superintendent and the TVROCP Superintendent or his or her respective designee. Designees shall be a certificated district or TVROCP administrator at an administrative level equivalent to Assistant Superintendent or Director appointed by the respective Superintendent to serve on the Coordinating Council. Other staff members, as appropriate, may attend meetings or participate in Coordinating Council activities.

Coordinating Council members are not entitled to compensation.

The Coordinating Council shall meet at least once annually. The TVROCP Superintendent shall set the agenda and arrange the meeting(s).

Responsibilities

The Coordinating Council's responsibilities shall include, but are not limited to:

Discussing issues and making recommendations to the TVROCP Superintendent regarding the development and operation of TVROCP programs and services;

Discussing and making recommendations to the TVROCP Superintendent regarding rules, regulations, and policies pertaining to any aspect of the development and operation of the TVROCP and its programs and services;

Receiving and advising the TVROCP Superintendent on recommendations from TVROCP staff, partner district's staff, employer advisory committees, community agencies and organizations, students, and parents on matters concerning the instructional program, building and equipment needs, location, and balance of programs and overall goals of the TVROCP and each partner district;

Notifying, planning, and including TVROCP staff in each partner district's professional development opportunities;

Including TVROCP informational materials in partner districts' publications;

Coordinating school calendars and schedules;

Sharing resources including, but not limited to, facilities and equipment;

Supporting instruction, students, faculty and community needs;

COORDINATING COUNCIL

Inclusion of TVROCP programs in partner districts' planning;

Advising and assisting the TVROCP Superintendent and staff on program and relationship issues; and

Setting student enrollment goals.

ADVISORY COMMITTEES

The TVROCP Superintendent or designee(s) shall oversee all advisory committees.

ADVISORY COMMITTEES

The types of advisory committees shall be:

Ad Hoc Advisory Committee: At the discretion of the TVROCP Superintendent or designee, formed to assist ROP staff in operational concerns, including but not limited to attendance, enrollment and discipline. Each Ad Hoc Advisory Committee will have a definite purpose for forming and a proposed date set for dissolution.

Subject Matter/Career Technical Education/Employer: At the discretion of the TVROCP Superintendent or designee, or pursuant to law, formed to assist the TVROCP teacher(s) in matters including, but not limited to, curriculum development, course planning, assessment, course sequencing, workbased learning opportunities, course review and program evaluation.

Legal Reference:

EDUCATION CODE

52302.2

Regulation

Approved: March 12, 2009

TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM

Livermore, CA

VOLUNTEER ASSISTANCE

The Governing Board encourages parents/guardians and other members of the community to share their time, knowledge and abilities with students. Volunteer assistance in schools enriches the educational program, enhances supervision of students and contributes to school safety while strengthening the schools' relationships with the community.

The district shall adhere to the policies and procedures established by its partner districts where the TVROCP program is located and in which the TVROCP volunteer is visiting in order to protect the safety of concurrently enrolled students. These procedures shall include laws related to tuberculosis testing and may also include laws related to criminal record checks.

To protect the safety of students and adults, volunteers shall adhere to and act in accordance with district policies, procedures and school rules. Volunteers shall also adhere and act in accordance with partner district policies, procedures and school rules of the school site where the volunteer may be assisting with TVROCP programs and services.

Volunteer maintenance work shall be limited to those projects that do not replace the normal maintenance duties of classified staff.

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)

Legal Reference:

EDUCATION CODE

35021 Volunteer aides

35021.1 Automated records check

Policy**Adopted:** March 12, 2009**TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM****Livermore, CA**

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

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

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

Matters of sexual harassment are addressed under Board Policy 4300.

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

*Legal Reference:*EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

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

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

Management Resources:

CDE LEGAL ADVISORIES

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

Policy

Adopted: March 12, 2009

TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM

Livermore, CA

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

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

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

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. Formal Complaint
 - a. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal. Complaints related to an immediate supervisor or central office administrator shall be initially filed in writing with the TVROCP Superintendent or designee. Complaints related to the TVROCP Superintendent shall be initially filed in writing with the TVROCP Governing Board. Failure to submit the complaint in writing will result in the complaint being dropped
 - b. A formal complaint must be made in writing within 30 calendar days of occurrence. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so.

A written complaint shall include all of the following:
 - (1) The full name of each employee involved
 - (2) A brief but specific summary of the complaint and the facts surrounding it
 - (3) A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
3. When a written complaint is received, the employee shall be notified within five (5) working days.
4. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

5. Appeal of Decision

- a. Both the complainant and the employee against whom the complaint was made may, within ten (10) calendar days appeal a decision by the immediate supervisor in writing to the TVROCP Superintendent or designee.
 - b. The Superintendent or designee shall attempt to resolve the complaint to the satisfaction of the person involved within thirty (30) working days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Governing Board regarding the complaint.
6. Before any Governing Board consideration of a complaint, the Superintendent or designee shall submit to the Governing Board a written report concerning the complaint, including but not limited to:
- a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Governing Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
 - c. A copy of the signed original complaint
 - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons
7. The Governing Board may uphold the Superintendent's decision without hearing the complaint.
8. All parties to a complaint may be asked to attend a Governing Board meeting in order to clarify the issue and present all available evidence.
9. A closed session may be held to hear the complaint in accordance with law.
10. The decision of the Governing Board shall be final.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

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

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

**(See District Office for Exhibit 1312,
Complaint Form for Complaints Concerning TVROCP Employees.)**

GIFTS TO EMPLOYEES

Students, parents, and community members shall be discouraged from the routine presentation of gifts to district employees. Where a student or parent feels a spontaneous desire to present a gift to a staff member, the gift will not be elaborate or unduly expensive. The Governing Board shall consider as always welcome, and in most circumstances more appropriate, the writing of letters to staff members expressing gratitude or appreciation.

The provision herein stated will not be interpreted as intended to discourage acts of generosity in unusual situations.

Gifts to officials and specified employees are delineated in the Conflict of Interest Code (BP 9270) and conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

GIFTS TO EMPLOYEES

A gift includes money, gift certificates, goods, services, loans, travel, entertainment, hospitality, discounts, promises or any other thing for which full value is not paid by the recipient.

Gifts to TVROCP Employees

A person who presents a gift to a TVROCP employee may expect something in return. Similarly, an employee who asks for a gift may become obligated to the gift-giver. The public is concerned that those who provide gifts to a government official or employee may receive special treatment from the official or employee. The policies limiting gift solicitation and acceptance are intended to eliminate conflicts of interest, thereby fostering trust in public officials.

An employee shall not solicit or coerce the offering of a gift. Nor shall an employee use exceptions to accept gifts on such a frequent basis that a reasonable person would believe that the employee was using public office for private gain or accept a gift, directly or indirectly, under circumstances in which it reasonably may be inferred that the gift is intended to influence or reward the performance of official duties. Soliciting or accepting a prohibited gift results in an unlawful conflict of interest.

Some other things are not treated as gifts and may be accepted without any limitations. Modest refreshments (such as coffee and donuts), greeting cards, plaques and other items of little intrinsic value, and rewards and prizes open to the general public. Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions may be given or exchanged, provided that the gifts exchanged are not substantially disproportionate in value.

If an employee has received a gift that cannot be accepted, the employee may return the gift or pay its market value. If the gift is perishable and it is not practical to return it, the gift may, with approval, be given to charity or shared in the office.

The laws and guidelines described below are intended to prevent the creation of a conflict of interest, as well as the appearance of a conflict of interest. An appearance of a conflict of interest occurs upon the acceptance of a prohibited gift, even if receiving the prohibited gift would not change how an employee or public official carries out their duties.

Gifts in Excess of \$200

The district's gift policy distinguishes between gifts valued in excess of \$200 and gifts valued equal to or less than \$200. This policy prohibits employees from soliciting or accepting, directly or indirectly, any gift or gifts under the following circumstances:

GIFTS TO EMPLOYEES

1. The gift-giver or source of the gift(s) has an interest that the employee may affect in carrying out his or her duties; and
2. Gift(s) that are valued singly or in the aggregate in excess of \$200 over a fiscal year are prohibited.

Gifts that exceed \$200 are automatically prohibited, as long as the gift-giver has an interest that the employee may affect in the course of fulfilling his or her job duties. A gift that exceeds \$200 is not prohibited if the donor does not have an interest that the employee may affect in performing his or her work.

Gifts Valued At or Below \$200

Gifts at or less than \$200 in value shall not be solicited or accepted if a reasonable person could conclude that the gift is intended to influence or reward the employee in the performance of an official duty. The TVROCP considers the following factors in determining whether a gift valued below \$200 may be requested or accepted:

1. The duties of the recipient, especially when they include action directly affecting the donor;
2. The business relationship between the recipient and the donor;
3. The existence of past, present, or predictable future applications or contracts between the donor and the school district;
 - a. Whether the recipient presently has before him or her an application affecting the donor; and
 - b. Whether the contract was made or granted through an open, public process;
4. Whether the gift will aid the recipient in performing his or her ROP duties, and, therefore benefits the district, or whether the recipient gains a personal benefit;
5. Whether receipt of the gift impugns the integrity of the recipient's District, and/or department;
6. What benefit the donor may gain from giving the gift; and
7. The value of the gift.

GIFTS TO EMPLOYEES**General Guidelines for Officers and Employees**

1. Tokens of gratitude
TVROCP employees may accept small tokens of gratitude, such as flowers or food to be shared with co-workers, especially during a holiday season, that a reasonable person would not believe that the employee is being influenced or rewarded by these small gifts of appreciation.
2. Gifts of relatively small value
TVROCP employees or officials who do not have discretionary authority over an interest of the gift-giver may accept a gift of relatively small value, such as a pen, watch or tote bag valued at less than \$50 from a donor.
3. Gifts of charity fundraiser tickets
A gift of charity fundraiser tickets may be accepted if a reasonable person would not believe the employee is being influenced or rewarded by the gift and the value is less than \$200. The value of a gift of a charity fundraiser ticket made to an employee is equal to the value of the food and drink, not the value of the donation made to the charity. The value of the food and drink is determined by the charity to be the amount of the donation that is not tax deductible and is less than \$200.

Gifts From Officials and Specified Employees

Employees, as specified in the TVROCP Conflict of Interest Code (BP 9270), are subject to restrictions on the gifts that they may accept. They shall not accept gifts that are given because of their official position or that come from certain interested or prohibited sources. Those sources include persons (or an organization made up of such persons) who

1. are seeking official action by the employee's agency
2. are doing or seeking to do business with the employee's agency
3. are regulated by the employee's agency, or
4. have interests that may be substantially affected by performance or nonperformance of the employee's official duties.

Gifts to officials and specified employees are delineated in the Conflict of Interest Policy (BP 9270) and conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

Regulation**Approved:** March 12, 2009**TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM****Livermore, CA**

SOLICITATION OF FUNDS FROM AND BY STUDENTS

The Governing Board recognizes that student participation in fundraising activities for the TVROCP, partner schools and nonprofit, nonpartisan charitable organizations can help develop a sense of social responsibility in students, enhance the relationship between the school and community, and contribute to the improvement of the school program.

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

The Superintendent or designee shall ensure that parents/guardians are informed of the purpose of fundraisers.

Solicitations on Behalf of the School

With the prior written approval of the Superintendent or designee and the school site principal, official TVROCP-related organizations may organize fundraising events involving students. The TVROCP Superintendent or designee must be notified by the event organizer of the school site approval prior to the event.

Per the school site policies and procedures, after the fundraiser has been held, parents/guardians may be informed of how much money was raised and how it was spent.

Legal Reference: (next page)

SOLICITATION OF FUNDS FROM AND BY STUDENTS

Legal References:

EDUCATION CODE

51520 Prohibited solicitations on school premises

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

BUSINESS AND PROFESSIONS CODE

17510-17510.95 Charitable solicitations

PENAL CODE

319-329 Raffles

REVENUE AND TAX CODE

6361 Sales tax exemption for certain sales

CODE OF REGULATIONS, TITLE 8

11706 Dangerous activities and occupations

Management Resources:

CSBA PUBLICATIONS

Healthy Food Policy Resource Guide, 2003

ATTORNEY GENERAL PUBLICATIONS

Guide to Charitable Solicitation, 1999

Attorney General's Guide for Charities, 1988

WEB SITES

Office of the Attorney General: <http://caag.state.ca.us>

SOLICITATION OF FUNDS FROM AND BY STUDENTS

The TVROCP Superintendent or designee shall approve all fundraising activities at least 15 days before the activity. If the event involves a contract with a commercial vendor, the contract shall be reviewed and approved by the TVROCP Superintendent or designee.

In order to minimize interruptions to the educational program, staff shall limit fundraising activities to appropriate time periods designated by the principal.

No student shall be required to raise a specified amount of money in order to participate in an activity sponsored by a TVROCP-related organization.

Students engaged in fundraising activities on behalf of the school or for TVROCP-related projects are expected to be courteous and respectful towards all individuals and businesses.

Door-to-Door Sales

Students under 16 years of age may engage in door-to-door sales of newspaper or magazine subscriptions, candy, cookies, flowers or other merchandise only under the following conditions:

1. The students shall work in pairs, as a team, on the same or opposite side of the street. (8 CCR 11706)
2. The students shall be supervised by an adult, with one adult for every crew of 10 or fewer students. (8 CCR 11706)
3. The students must be within the sight or sound of their adult supervisor at least once every 15 minutes. (8 CCR 11706)
4. The students shall be returned to their respective homes or meeting places after each day's work. (8 CCR 11706)

COMPETITIONS AND ACTIVITIES FOR STUDENTS

TVROCP students shall be encouraged to participate in contests and activities sponsored by organizations whose objectives for such contests are for the benefit of the student. The decision to approve such contests and activities will reside with the TVROCP Superintendent or designee.

Student must be currently enrolled and actively attending a TVROCP course to be eligible to participate in TVROCP-sponsored contests, activities and student organizations. This requirement may be waived for DECA students when an Agreement for Non-TVROCP Enrolled Student Participation in DECA Activities has been entered into between TVROCP and the member district to indemnify and hold harmless TVROCP against any claims that may arise from a non-TVROCP student's participation.

Policy**TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM****Adopted:** November 17, 1993**Livermore, CA****Revised:** March 12, 2009**Suspended in Part:** November 30, 2010 – June 10, 2011**Revised:** September 14, 2011

GIFTS FROM EMPLOYEES TO STUDENTS, PARENTS, AND OTHER MEMBERS OF THE PUBLIC

A gift includes money, gift certificates, goods, services, loans, travel, entertainment, hospitality, discounts, promises or any other thing for which full value is not paid by the recipient.

Employees shall not give gifts to students, parents, or any other member of the public that have been obtained with public funds.

ADVERTISING AND PROMOTION

The Governing Board desires to promote positive relationships between TVROCP and the community in order to enhance community support and involvement in TVROCP programs. The Superintendent or designee may approve:

1. Distribution of noncommercial materials that publicize services, special events, public meetings or other items of interest to students or parents/guardians
2. Distribution of promotional materials of a commercial nature to students or parents/guardians
3. Paid advertisements in school-sponsored publications, yearbooks, announcements and other school communications
4. Products and materials donated by commercial enterprises for use in the classroom, as long as they serve an educational purpose and do not unduly promote any commercial activity or products. Such materials may bear the name and/or logo of the donor.

Prior to distribution or publication, the TVROCP Superintendent or designee and school site principal shall review and approve all advertising copy and promotional materials to ensure compliance with TVROCP and partner district's Governing Board policy.

The TVROCP Superintendent or designee may selectively approve or disapprove distribution of materials or publishing of copy based on the criteria listed below, but may not disapprove materials or copy in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on a subject that would otherwise be allowed. All materials to be distributed shall bear the name and contact information of the sponsoring entity.

The use of promotional materials or advertisements does not imply TVROCP endorsement of any identified products or services. A disclaimer in school publications and yearbooks stating that TVROCP does not endorse any advertised product or service is encouraged.

Criteria for Approval

The TVROCP Superintendent or designee shall not accept for distribution any materials or advertisements that:

1. Are obscene, libelous or slanderous (Education Code 48907)
2. Incite students to commit unlawful acts, violate school rules or disrupt the orderly operation of the schools (Education Code 48907)

ADVERTISING AND PROMOTION

3. Promote any particular political interest, candidate, party or ballot measure, unless such materials are being distributed at a forum in which candidates or advocates from all sides are presenting their views to the students during school hours or during events scheduled pursuant to the Civic Center Act
4. Discriminate against, attack or denigrate any group on account of any unlawful consideration; or promote one group over another
5. Contain content that is not curricular and/or TVROCP mission related
6. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including but not limited to materials or advertisements for tobacco, intoxicants, and movies or products unsuitable for children
7. Solicit funds or services for an organization, with the exception of solicitations authorized in TVROCP Governing Board policy
8. Distribute unsolicited merchandise for which an ensuing payment is requested
9. Announce the meetings of non curricular student-initiated groups.

The TVROCP Superintendent or designee also may consider the educational value of the materials or advertisements, the age or maturity of students in the intended audience, and whether the materials or advertisements support the basic educational mission of the TVROCP, directly benefit the students or are of intrinsic value to the students or their parents/guardians. Partner schools and agencies may establish additional criteria pertaining to the content of advertisements in school publications and yearbooks. Such criteria may limit advertisements to those that contain congratulatory or commemorative messages, curriculum-related content, advertisements for products or services of interest to students, noncontroversial content, and/or other content deemed appropriate by the school publication staff and adviser in accordance with law and TVROCP Governing Board policy.

Legal Reference: (next page)

ADVERTISING AND PROMOTION

Legal References:

EDUCATION CODE

7050-7058 Political activities of school officers and employees

35160 Authority of governing boards

35160.1 Broad authority of school districts

35172 Promotional activities

38130-38138 Civic Center Act

48907 Student exercise of free expression

BUSINESS AND PROFESSIONS CODE

25664 Advertisements encouraging minors to drink

U.S. CONSTITUTION

Amendment 1, Freedom of speech and expression

COURT CASES

DiLoreto v. Downey Unified School District, (1999) 196 F.3d 958

Yeo v. Town of Lexington, (1997) U.S. First Circuit Court of Appeals, No. 96-1623

Hemry v. School Board of Colorado Springs, (D.Col. 1991) 760 F.Supp. 856

Bright v. Los Angeles Unified School District, (1976) 134 Cal. Rptr. 639, 556 P.2d 1090, 18 Cal. 3d 350

Lehman v. Shaker Heights, (1974) 418 U.S. 298

Policy adopted: 3-12-09

ADVERTISING AND PROMOTION**Distribution of Materials**

Materials generated by non-students relating to Tri-Valley Regional Occupational Center/Program District (TVROCP) activities may be distributed or posted in partner district schools only when prior approval has been granted by the TVROCP Superintendent or designee and the partner district's Superintendent or designee.

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

Prohibitions

Materials shall not be distributed to students or advertised in TVROCP-sponsored publications if they:

1. Are obscene, libelous, or slanderous. (Education Code 48907)
2. Incite students to commit unlawful acts, violate school rules, or disrupt the school's orderly operation. (Education Code 48907)
3. Discriminate against, attack or denigrate any group on account of gender, race, color, religion, ancestry, national origin, disability, or other unlawful consideration; or promote one group over another.
4. Solicit funds or services for an organization, with the exception of solicitations authorized by the TVROCP Governing Board.
5. Promote the use or sale of materials or services which are illegal or inconsistent with school objectives, including but not limited to materials or advertisements for tobacco, intoxicants, and movies or products unsuitable for children.
6. Announce the meetings of non curricular student-initiated groups.
7. Promote any particular political interest, candidate, party or ballot measure, unless such materials are being distributed at a forum in which candidates or advocates from all sides are presenting their views to the students during school hours or during events scheduled pursuant to the Civic Center Act.
8. Contain content that is not curricular and/or TVROCP mission related

ADVERTISING AND PROMOTION

9. Distribute unsolicited merchandise for which an ensuing payment is requested
Before publication, the TVROCP Superintendent or designee shall review all advertising copy to assure that it complies with the provisions of TVROCP Governing Board policy and administrative regulations.

At their discretion, TVROCP teachers may use commercial-free instructional television programs and other instructional materials that do not require advertising to be viewed.

ACCESS TO DISTRICT RECORDS

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

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

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

Legal Reference: (next page)

ACCESS TO DISTRICT RECORDS

Legal References:

Education Code

35145 Public meetings

35170 Authority to secure copyrights

35250 Duty to keep certain records and reports

42103 Publication of proposed budget; hearing

44031 Personnel file contents and inspections

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

49060-49079 Pupil Records

49091.10 Parental review or curriculum and instruction

52015 Ongoing evaluation and modification of school improvement plans

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

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

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

Government Code

3547 Proposals relating to representation

6250-6268 California Public Records Act

53262 Employment contracts

54957.2 Minute book record of closed sessions

54957.5 Agendas and other writings distributed for discussion or consideration

81008 Public records; inspection and reproduction

Code of Regulations, Title 5

430-438 Individual pupil records

Court Decisions

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

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

Attorney General Opinions 71 Ops. Cal. Atty. Gen 235 (1988)

ACCESS TO DISTRICT RECORDS**Records Open to the Public**

Public records include any official writing containing information relating to the conduct of the Tri-Valley Regional Occupational Center/Program District (TVROCP) business prepared, owned, used or retained by the TVROCP regardless of physical form or characteristics that are in standard TVROCP report form. (Government Code 6252)

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

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

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

1. The proposed and approved budgets (Government Code 6252, Education Code 42103)
2. Statistical compilations (Government Code 6252)
3. Reports and memoranda (Government Code 6252)
4. Notices and bulletins (Government Code 6252)
5. Minutes of public meetings (Government Code 6252)
6. Meeting agendas (Government Code 6252, 54957.5)
7. Official communications between governmental branches (Government Code 6252)
8. School-based program plans (Education Code 52850, 54722)
9. Information and data relevant to the evaluation and modification of school improvement plans (Education Code 52015.5)

ACCESS TO DISTRICT RECORDS

10. Initial proposals of exclusive employee representatives and of the TVROCP (Government Code 3547)
11. Tort claims filed against the TVROCP and records pertaining to pending litigation which predate the filing of the litigation, unless protected by some other provision of law (Government Code 6254.25; Fairley v. Superior Court; 71 Ops. Cal. Atty. Gen 235 (1988))
12. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)
13. Contracts of employment and settlement agreements (Government Code 53262)

Confidential Records

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

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by the TVROCP in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code 6254)
2. Records specifically prepared for litigation to which the TVROCP is a party or to claims made pursuant to the Tort Claims Act, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1998))
3. Personnel records, medical records, student records, personal correspondence, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

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

- (a) To an agent or a family member of the individual to whom the information pertains
- (b) To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
- (c) To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed

ACCESS TO DISTRICT RECORDS

- (d) To an agent of a health benefit plan providing health services or administering claims for health services to TVROCP employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
- 4. Test questions, scoring keys and other examination data except as provided by law (Government Code 6254)
- 5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the TVROCP relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)
- 6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)
- 7. Library circulation records kept for the purpose of identifying the borrower of items available in the library (Government Code 6254)
- 8. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)
- 9. Documents prepared by the TVROCP to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that is for distribution or consideration in closed session
- 10. Recall petitions or petitions for the reorganization of school districts (Government Code 6253.5)
- 11. The minutes of TVROCP Governing Board meetings held in closed session (Government Code 54957.2)
- 12. Computer software developed by the TVROCP (Government Code 6254.9)
- 13. Written instructional textbooks or other materials for which providing a copy would infringe a copyright or would constitute an unreasonable burden on the operation of the TVROCP (65 Ops.Cal.Atty.Gen. 185 (1981))

ACCESS TO DISTRICT RECORDS

14. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

Inspection of Records and Requests for Copies

Public records are open to inspection at all times during TVROCP office hours. Any reasonably segregable portion of a record shall be made available for inspection by every person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253) Every person may request a copy of any TVROCP record open to the public and not exempt from disclosure. (Government Code 6253)

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

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

1. The need to search for and collect the requested records from field facilities, storage areas, or other establishments that are separate from the office processing the request
2. The need to search for, collect and appropriately examine a voluminous amount of separate and TVROCP records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the TVROCP having substantial subject matter interest therein
4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

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

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

ACCESS TO DISTRICT RECORDS

The TVROCP Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the TVROCP Superintendent or designee.

If any person requests a public record be provided in an electronic format, the TVROCP shall make that record available in any electronic format in which it holds the information. The TVROCP shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the TVROCP to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals
2. The request would require data compilation, extraction, or programming to produce the record

Assistance in Identifying Requested Records

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

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified
If after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the TVROCP Superintendent or designee is still unable to identify the information, this requirement will be deemed satisfied.
2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

ACCESS TO DISTRICT RECORDS

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

RELATIONSHIPS WITH OTHER AGENCIES AND SCHOOLS

The TVROCP Governing Board, as an independent body and separate entity district, has no statutory relationship to other local governmental bodies. Complete autonomy will be maintained at all times.

The TVROCP Governing Board, in providing educational programs and services, shall cooperate with certain other agencies (schools, industries, businesses, service clubs, etc.) to provide services beyond the TVROCP basic program, limited to budgetary or Education Code constraints. In matters affecting the budgets of several agencies, the TVROCP Governing Board will neither seek special considerations nor assume costs that properly fall outside of its jurisdiction.

INSTITUTIONAL MEMBERSHIPS

In order to support and encourage research, publication, advocacy, and professional activities in the field of education, the TVROCP shall be an institutional member of the California Association of Regional Occupational Centers and Programs (CAROCP) and may participate as institutional members with other selected professional and/or community organizations, as permitted under the Education Code and with TVROCP Governing Board approval.

UNIFORM COMPLAINT PROCEDURES

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

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

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and career technical and technical training programs, child care and development programs, child nutrition programs, special education programs, and federal safety planning requirements. (5 CCR 4610) Individuals, agencies, organizations, students and interested third parties have the right to file a complaint using this procedure described below.

Complaints related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the TVROCP's Williams uniform complaint procedure.

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

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

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

UNIFORM COMPLAINT PROCEDURES

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

*Legal Reference:*EDUCATION CODE

200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32289 School safety plan, uniform complaint procedure
35186 Williams uniform complaint procedure
41500-41513 Categorical education block grants
48985 Notices in language other than English
49060-49079 Student records
49490-49590 Child nutrition programs
52160-52178 Bilingual education programs
52300-52499.6 Career-technical education
52500-52616.24 Adult schools
52800-52870 School-based coordinated programs
54000-54028 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56885 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS. TITLE 5

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

UNIFORM COMPLAINT PROCEDURES

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

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

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

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

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

Management Resources:

WEB SITES

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

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

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

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The TVROCP Governing Board designates the following compliance officer to receive and investigate complaints and to ensure district compliance with law:

Business & Personnel Services Manager
2600 Kitty Hawk Rd., #117
Livermore, CA 94551
925-455-4800

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

Notifications

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

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

The notice shall:

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

UNIFORM COMPLAINT PROCEDURES

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

Procedures

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

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

Step 1: Filing of Complaint

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

A complaint alleging unlawful discrimination shall be initiated no later than six months from the date when the alleged discrimination occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. A complaint may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. (5 CCR 4630)

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

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

UNIFORM COMPLAINT PROCEDURES

Step 2: Mediation

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

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall precede with his/her investigation of the complaint.

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

Step 3: Investigation of Complaint

The compliance officer is encouraged to hold an investigative meeting within five (5) days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally.

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

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

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

UNIFORM COMPLAINT PROCEDURES**Step 4: Response**

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the TVROCP's investigation and decision, as described in Step #5 below, within 60 days of the TVROCP's receipt of the complaint. (S CCR 4631) This sixty (60) day time period may be extended by written agreement of the complainant. The TVROCP person responsible for investigating the complaint shall conduct and complete the investigation in accordance with sections 4680-4687 and in accordance with local procedures adopted under section 4621.

Step 5: Final Written Decision

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

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

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

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

UNIFORM COMPLAINT PROCEDURES**Appeals to the California Department of Education**

If dissatisfied with the TVROCP's decision, the complainant may appeal in writing to the CDE within 15 days of receiving the TVROCP's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the TVROCP's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the TVROCP'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 TVROCP, 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 TVROCP's complaint procedures
7. Other relevant information requested by the CDE

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

Civil Law Remedies

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