

# MILLBRAE SCHOOL DISTRICT

## Chapter 1: Board of Trustees Series 1000

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CHAPTER 1

**THE BOARD OF TRUSTEES**

Series 1000

**Article 1 - Legal Status of the Board of Trustees**

1110 Legal Basis

1110.1 The legal basis for education in the Millbrae School District is vested in the will of the majority of the people as expressed in the Constitution of the State, the statutes pertaining to education, court interpretation of the validity of these laws, and the powers implied under them.

1120 Election

1120.1 The will of the people of the Millbrae School District is expressed at the regular school election held on the day and the place prescribed by State law.

1130 Powers of the Board of Trustees

1130.1 The Board of Trustees shall act as the general agent of the State in carrying out the will of the people of its district in the matter of public education. It shall be responsible for carrying out certain mandatory laws, and shall consider and accept or reject the provisions of the permissive laws. In all cases where the State laws do not provide or prohibit, the Board of Trustees shall consider itself the agent responsible for establishing and appraising the educational activities.

1130.2 The Board of Trustees has the power of contract through which it buys goods and employs services necessary for the operation of the schools of the District.

1130.3 It has the power of eminent domain.

1130.4 It has the power of calling, or causing to be called, elections for certain purposes among the voters of the District.

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- 1130.5 It has the power of making rules and regulations for the operation of the schools of the District.
- 1130.6 It has the power of determining the educational program of the schools.
- 1130.7 It has the power of establishing its own mode of procedure for the conduct of its business.
- 1130.8 It has the power of appraisal or review of its policies and actions, its own program of educational services and the work of its employees.
- 1130.9 The Board of Trustees has the power to promote continuous, systematic effort to improve educational programs in this District through staff involvement in organized program planning, implementation and evaluation efforts, and activities to upgrade the knowledge and ability of the total school staff. Employees shall be provided opportunities for the development of increased competence beyond that which they may attain through the performance of their assigned duties.
- 1130.10 The Board of Trustees has the power to demote a person holding a management position due to the incompetence of the employee. The Superintendent will present a written statement to the Board of Trustees which details the reasons for the Superintendent's recommendation, assuring that the rights of the employee are fully observed and that any applicable statutory deadlines are met. The Board of Trustees shall act on the Superintendent's recommendation and the decision of the Board of Trustees shall be final.
- 1130.11 The Board of Trustees has the power to approve the use of consultants when it is clear they can provide valuable and necessary specialized services not normally required on a continuous basis and which cannot be provided by District personnel because of limitations of time, experience or knowledge. The Board of Trustees shall not enter into any contract for personnel consulting services, except legal services or services for the fiscal audit of the District finances, until and unless the following steps have been completed:
- 1) The abilities of the employees of the District to perform the service have been examined, and
  - 2) The abilities of the employees of the Office of the County Superintendent of Schools to provide the service have been examined, and

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- 3) The abilities of the employees of districts or county offices of education adjoining the District have been examined, and finding has been entered into the minutes of a meeting of the Board of Trustees that steps 1) through 3) have been followed and that the Board of Trustees has determined that the services available from those sources will not meet the needs of the District.

1140 Functions

1140.1 There are four functions in the Board of Trustees' Administration of Public Education within the District:

1140.1.1 **Policy Making** - The Board of Trustees adopts Policy which determines what shall be done and establishes procedures for accomplishing the tasks.

1140.1.2 **Planning** - The Board of Trustees engages in short-term and long-range planning for the District.

1140.1.3 **Executive** - The Board of Trustees selects a Superintendent and delegates to him the placing of plans and policies into operation. The Superintendent keeps the Board of Trustees informed and furnishes creative leadership to the Board of Trustees and to the profession.

1140.1.4 **Appraisal** - The Board of Trustees attempts, through careful examination and study of facts and conditions, to determine the efficiency, worth and value of the District's activities.

1150 Responsibilities of the Board of Trustees

1150.1 Establish and maintain a high quality of education in the public schools of the District in accordance with State laws and in cooperation with the Superintendent and staff and engage in short and long-range planning for the District.

1150.2 Select the Superintendent of Schools, who serves as chief executive and secretary of the Board of Trustees.

1150.3 Determine with the Superintendent and staff the general nature of the educational program and provide for periodic evaluation of the program.

1150.4 Establish policies governing the organization and administration of the school system with the

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recommendation of the Superintendent and staff.

- 1150.5 Approve, disapprove or amend, by a majority vote of the Board of Trustees, all recommendations and proposals of the Superintendent.
- 1150.6 Employ all school personnel for the District with recommendations of the Superintendent of schools and in keeping with District personnel policies.
- 1150.7 Adopt an annual budget after due consideration of such administrative financial reports as may be required.
- 1150.8 Approve all financial policies not specifically defined by law.
- 1150.9 Purchase sites for school buildings, approve building plans, and enter into contracts for the erection of school buildings and facilities with the recommendation of the Superintendent and staff; sell or lease schools and sites declared surplus by the Board of Trustees.
- 1150.10 Provide for the dissemination of information throughout the community concerning the schools, interpret the Board of Trustees' policies to the public, and assist in acquainting the community with the educational program.

1160 Limits of Board of Trustees (revised 6/7/99)

- 1160.1 The Board of Trustees has broad but clearly limited powers. The exercise of its authority is restricted to the functions required or permitted by law, and then only when a majority of the Board (3 members) acts in a legally constituted meeting.
- 1160.2 The Board of Trustees is the unit of authority. Apart from the normal function as part of the unit, the Board member has no individual authority to act on behalf of the District, unless specifically authorized by a majority of the Board to act on its behalf for a specific purpose. Individually, the Board member may not commit the District to any policy, act, or expenditure. Nor may an individual Board member represent to any person, including District employees or outside contractors of the District, that such individual has the authority to act on behalf of the District, unless specifically authorized by a majority of the Board to act on its behalf for a specific purpose. The Board member cannot do business with the district served, nor should the Board member have an interest in any contract with the school district in general. The Board member does not represent any factional segment of the community, but is rather a part of the

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body which represents and acts for the community as a whole.

1160.2.1 An individual Trustee does not have a right to request information which is not readily available and which would require district staff members to depart from their normal work schedules, unless such request is approved by a majority of the Board.

1160.2.2 Requests for information from an individual Trustee shall be directed to the Superintendent, who will determine whether the information is readily available and, if so, will delegate the request to the appropriate staff member.

1160.3 Because individual members of the Board hold no individual authority, no individual member of the Board shall exercise any administrative responsibility with respect to the schools or the District Office; nor, as an individual, command the services of any District employee.

1160.3.1 If an individual member of the Board of Trustees has a complaint or charge against a District employee other than the Superintendent or the way in which such employee is performing his or her duties, the individual Board member may refer the complaint/charge to the Superintendent, who shall then refer the complaint/charge to the lowest appropriate administrative or supervisory level (See Board Policies 4810.2 - Classified, and 4280.2 - Certificated). An individual member of the Board of Trustees shall not, under any circumstances, individually pursue any complaint or charge against any employee of the District, including the Superintendent. Complaints or charges by an individual Board member against the Superintendent shall be discussed only at a closed session meeting of the Board duly called for said purpose..

1160.3.2 The Board of Trustees agrees that all concerns brought by District employees to the Board of Trustees or individual members of the Board of Trustees shall be referred to the Superintendent for consideration except that any complaint about the Superintendent from District employees must be in writing and shall be referred to the Board President. For all employees except senior managers of the District, the Board of Trustees will act as an appellate body only after the provisions of the Board of Trustees' adopted policies have been implemented (see Board Policies

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4130.3 - Certificated, and 4340.3 - Classified).

1160.3.3 Trustees have the same rights as any parent or member of the community; however, individual Trustees should be aware that suggestions made to District staff members or outside contractors of the District may be misunderstood to be directives. Therefore, individual members of the Board shall refrain from becoming directly involved in the discharge of duties and responsibilities of any staff member or outside contractor of the District in the day-to-day operations of the District.

(2/6/97)

1160.3.4 Any staff member or outside contractor of the District who believes that a Board member has exceeded his/her individual authority as described in this policy shall bring the matter to the Superintendent by providing a written complaint specifying the facts giving rise to the complaint and identifying the complainant. The Superintendent shall review the written complaint and, upon substantial evidence that there exists a basis in fact for such complaint, shall bring the matter to the Board of Trustees, including a matter involving the Superintendent directly. (2/6/97)

1160.4 No member of the Board shall be asked to perform any routine or clerical duties which may be assigned to a District employee, nor shall any Board member be an employee of the District while serving on the Board, except that a Board member may serve as a volunteer aide in a school upon the approval of the school administration and staff. A Board member may be censured by the Board if s/he misuses his/her position while serving as a school volunteer.

(Revised 2/7/94)

1160.5 A Board of Trustees member shall not be interested directly or indirectly in any contract with the District. He shall not perform any paid labor or furnish equipment and supplies.

1160.6 Any violation of any of the provisions contained in this section 1160 by an individual Board member shall be grounds for (1) censure; (2) a resolution finding misconduct in office by said individual Board member; (3) referral to the Grand Jury for an investigation that could lead to removal from office, (4) and/or any other disciplinary measure that is legal and authorized by a majority of the Board.

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## Article 2 - Organization of the Board of Trustees

### 1210 Officers

#### 1210.1 Terms of Officers

1210.1.1 The organizational meeting for election of officers shall be held on the day and at the time prescribed by law. Officers shall consist of a President, a President ProTem, a Clerk, and a Clerk Pro Tem.

1210.1.2 Officers shall be elected at the annual meeting as prescribed by law. Each officer shall be elected by a majority of the members of the Board of Trustees present and voting. The term of each officer shall be for a period of one year. Each officer shall perform the legal duties of the office and such other functions as are designated by the Board of Trustees.

#### 1210.2 Duties of Officers

1210.2.1 The President of the Board of Trustees shall have the usual powers, including working together with the Superintendent to plan the Board agenda. He/She shall appoint all committees unless otherwise ordered by the Board of Trustees. (Revised 2/6/97)

1210.2.2 The President Pro Tem shall perform the duties of the President in the absence of the President.

1210.2.3 The Clerk, or Clerk Pro Tem, shall be responsible for and may delegate the responsibility for keeping records.

#### 1210.3 Removal of Officers

1210.3.1 Any officer of the Board of Trustees may be removed for cause by a vote of two-thirds of the members under such form of procedure as the majority of the Board of Trustees may direct for the specific occasion.

### 1220 Committees of the Board

#### 1220.1 Standing

1220.1.1 The Board of Trustees shall have no standing committees.

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1220.2 Special Committees

1220.2.1 The Board of Trustees shall authorize such special committees as are deemed necessary. A special committee shall be dissolved when its report is accepted by the Board of Trustees.

1230 Obligations of Trustees

1230.1 Members of the Board of Trustees must endeavor to attend all meetings, study all materials presented with the agenda prior to attending the meeting, participate in the discussion of any items which come before the Board, and vote on all motions and resolutions, abstaining only for compelling reasons.

1230.2 The Board members should not subordinate the education of children and youth to any partisan principle, group interest, or the member's own personal interest.

1230.3 The Board member should be prepared and willing to devote a sufficient amount of time to the study of the problems of education in the district, the state, and the nation in order to interpret them to the people of the district.

## **Article 3 - Operation of the Board of Trustees**

### 1310 Meetings

#### 1310.1 Regular Meetings

1310.1.1 The regular meetings of the Board of Trustees shall be held on the days as provided by the Board of Trustees annually.

#### 1310.2 Special Meetings

1310.2.1 A special meeting of the Board of Trustees shall be called by the President, or a majority of the members thereof, by serving on the other members a notice of time and place of meeting at least twenty-four hours before the hour of the meeting. No business shall be transacted except that for which the meeting is called and which shall be stated in the call. Newspapers shall be notified twenty-four hours before the hour of the meeting.

#### 1310.3 Adjourned Meetings

1310.3.1 Any legal meeting of the Board of Trustees may be adjourned to a specific time and place. Only items on the agenda of the meeting adjourned may be acted upon at the adjourned meeting.

#### 1310.4 Closed Session of the Board of Trustees

1310.4.1 A closed meeting is a meeting of the Board of Trustees, or a committee thereof, and the Superintendent, and such other staff members as the Board of Trustees may require. Members of the public and the press who are not indispensable to determining the issues, finding facts, and reaching a conclusion on the matter before the Board of Trustees in closed session shall be barred from attendance.

1310.4.2 Disclosure of Confidential/Privileged Information. (2/16/93; 6/7/99)

While strong public policy dictates that deliberations of school district governing boards be conducted openly and in public, the Legislature and the courts have recognized a strong public policy which dictates that certain deliberations and

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discussions be kept confidential. Individual Board members, employees, and administrators of the District therefore have an implied duty or obligation to maintain such confidentiality in those instances where deliberations and discussion are intended to be kept confidential. It is the policy of this Board that the unauthorized disclosure of the contents of a closed session meeting by a Board member or an employee in attendance constitutes a breach of duty for which the Board may take appropriate disciplinary action. A Board member who willfully and/or repeatedly violates this provision 1310.4.2 shall be subject to the disciplinary measure provided in section 1160.6.

1310.4.3 Confidential Minutes Book

A record of confidential minutes of the Closed Session of the Board of Trustees shall be maintained and kept confidential. The confidential minutes are not a public record subject to inspection pursuant to the California Public Records Act. The Superintendent's Administrative Assistant or another confidential employee designated by the Superintendent shall be designated to take minutes during Closed Sessions and maintain a Confidential Minutes Book (See Appendix F). The Superintendent shall be allowed discretion in providing additional compensation, support, or flexible hours to District staff for the purposes of preparing for and taking minutes during Board of Trustees meetings.

1310.5 Place of Meetings

1310.5.1 All meetings of the Board of Trustees shall be held at its office or at one of the schools in the District, unless a different place shall be designated by resolution or in the notice of the special meeting.

1310.6 Start of Meeting

1310.6.1 The President shall start all meetings promptly at the appointed hour. The President shall not wait for discussion of motions if no discussion is readily forthcoming, but shall proceed to call for the vote.

1310.7 Time Limit

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1310.7.1 The time of regular meetings of the Board of Trustees shall be limited to approximately three hours. Items on the agenda requiring extended deliberation shall be taken up at special meetings or adjourned meetings.

1310.8 Quorum

1310.8.1 A majority of the members of the Board of Trustees shall constitute a quorum for the transaction of business. If no quorum is present, the meeting shall be adjourned to a future day. A majority vote of the Board of Trustees may transact business, unless the action requires, by law, a two-thirds or unanimous vote.

1310.8.2 In determining the vote on any matter considered by the Board or Trustees, only actual votes for or against the matter shall be counted. Members of the Board may abstain from voting on any matter before the Board, and such abstention vote shall not be counted for or against the matter. Nothing herein shall be construed to reduce the vote necessary for the Board to take official action. (12/5/94)

1310.9 Transaction of Business

1310.9.1 The Board of Trustees shall transact all business at a legal meeting of the Board of Trustees. No member of the Board of Trustees shall have power to act in the name of the Board of Trustees outside of a Board of Trustees meeting.

1310.10 Agenda (6/7/99)

Each agenda shall contain an item entitled "Future Agenda Items." Individual members of the Board may place items for consideration at future meetings of the Board by introducing said item during the future Agenda Items section of the meeting. Such Item(s) shall be placed on the agenda of a future regular meeting of the Board. Emergency agenda requests shall be brought to the Superintendent at least 75 hours in advance and shall be reviewed and approved by the Board President before being placed on the Board agenda. If the Board President is unavailable, the Superintendent shall exercise his/her judgment in placing the item on the agenda.

1320 Minutes

1320.1 Minutes of the proceedings of the Board of Trustees of the previous meeting shall be prepared

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by the Superintendent or persons designated by him and mailed, or delivered, to the members at least forty-eight hours before the time of the next regular meeting.

1320.2 The minutes of the preceding meeting or meetings shall be approved by the Board of Trustees and signed by the President, Clerk and Secretary.

1320.3 A copy of all motions shall be carefully recorded. The names of those who make motions and those who second motions shall be recorded. All ayes and nays shall be recorded, by name, for all actions which are not unanimous.

1320.4 The official minutes are to be prepared in typewritten form and placed in chronological order in a heavy binder and shall be kept in the District vault. The minutes for each year are to be kept in a separate volume and be readily accessible to the Board of Trustees, professional staff, or any interested citizen. One copy shall also be sent to the public library of the City of Millbrae.

1320.5 Records Available - All records of the Board of Trustees shall be available to citizens for inspection at the Board of Trustees office, except those prohibited by law.

1330 Compensation and Expenses (revised 8/11/86)

1330.1 No member of the Board of Trustees shall receive compensation for his services as a member or as an officer; however, the members of the Board of Trustees shall be reimbursed for expenses incurred in performance of Board of Trustees functions and have the option to receive health and welfare benefits in the amount of \$300 per month, regardless of the number of dependents to be covered.

1330.2 In accordance with Government Code '53201, subdivision (b), members of the Board of Trustees having served one (1) or more terms may, at the time of leaving office, elect to participate in the District's health and dental plans. Board members electing to continue in the District benefit plan agree to pay full costs of their coverage.

1340 Order of Business

The format for the Agenda for the Board of Trustees meetings appears in Appendix C.

1350 Revision of Policies

1350.1 Policies must be revised, added to or amended at a regular meeting of the Board of Trustees by a majority vote of the members. Proposed amendments may not be voted upon prior to the

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next regular meeting subsequent to their presentation. Proper notification (not less than five days) must be given to each member of the Board of Trustees.

1350.2 The Board of Trustees shall periodically review and appraise existing policies.

1350.3 The operation of any sections of these policies, not established by law, may be temporarily suspended by a majority vote of the Board of Trustees at a regular or special meeting.

1350.4 The Board of Trustees shall notify all employees whenever revisions, additions, amendments, and/or deletions are made by posting them on a bulletin board at each school.

### 1360 Rules of Order

1360.1 The rules of parliamentary procedure comprised in Robert's "Rules of Order", as revised, shall govern the Board of Trustees in its deliberations. Rules may be amended at any meeting by majority vote. The order of business may be suspended at any meeting by a majority vote of those present.

1360.2 Discussions by Board of Trustees members shall be made to the whole group by having the member first address the President, then the entire membership in an audible voice.

1360.3 The President shall stop any discussion which does not apply to the motion last made. He may also stop the discussion of a matter if the Board of Trustees has previously agreed to confine discussion to a definite period of time and that period has been used up. Aside from such limitation, the President shall not interfere with debate as long as a member wishes to speak. Citizen comment may be limited to two minutes after recognition by the President.

1360.4 A motion is out of order while another motion is being discussed, unless it is an amendment to the motion under consideration. Exceptions are the motion to defer the motion being discussed and the motion to vote immediately (on the previous question). These exceptions are always in order.

### 1370 Public Statements (5/7/90)

1370.1 All public statements in the name of the Board of Trustees shall be issued by the Board President, or, if appropriate, by the Superintendent at the direction of the Board President. No individual Board Member shall make public statements in the name of the Board or statements

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that contravene the policies and actions of the Board, or that jeopardize the ability of the Board to act effectively.

1370.2 When a Board decision has been reached, all Board Members shall be governed by that decision until amended or rescinded by Board action.

1370.3 No member of the Board of Trustees shall release information from a Closed Session.

### 1380 Citizen Participation

1380.1 The Board of Trustees solicits the advice and counsel of citizens in planning and operating the school. Meetings of the Board are open to the public, and citizens are encouraged to attend.

The following procedures are established to:

- Safeguard the right of individuals or groups to be heard.
- Enable the Board to make maximum use of limited time available at meetings or public hearings.
- Take full advantage of the contributions of all interested individuals and groups in the community.

### 1380.2 Methods of Addressing the Board

1380.2.1 Citizens who wish to present any matter of concern to the schools shall make written request to the Superintendent of Schools not later than 12:00 noon on the Wednesday preceding the Monday of regularly scheduled meetings, or, when meetings are scheduled on days other than Monday, by 12:00 noon three work days prior to the meeting. (No topic which is legally a proper subject for consideration in closed session will be accepted under this provision.) The citizen's request shall be given consideration under agenda item, COMMUNICATIONS, other Delegations, written or oral.

#### 1380.2.2 Requests During Meeting

The Board of Trustees may, by majority vote, give visitors who have not presented a written request an opportunity to present problems to the Board of Trustees. In such a case, the visitors desire to present a matter not appearing on the agenda must present a written request to the President of the Board of Trustees before the

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meeting is called to order. The President shall designate when during the meeting the visitors' comments should be scheduled.

1380.2.3 Public Hearings (1/12/87)

When important issues arise that affect the planning and operation of the schools, the Board of Trustees may schedule special meetings as Public Hearings for the purpose of receiving public comment on the issues under consideration. Individuals interested in speaking shall sign in before the meeting is called to order on a "Request to Speak" form provided. Speakers will be called on by the Board President. Following presentations by those who have submitted written requests to speak, the Board President has the prerogative of recognizing additional speakers from the floor.

1380.3 The following procedures will apply to all public participation:

1380.3.1 Public Input

On any given issue where public input is desired or requested, the President will allow a specific time for audience participation, following which open discussion will be terminated and Board members will be allowed to deliberate without further audience participation.

1380.3.2 Limitations on Participation

Each individual shall be limited to one presentation of no longer than three minutes in each period of audience participation. When there is a large number of speakers to be heard, the Board may shorten the time limit for each speaker.

1380.3.3 Identification of Speakers

All meetings of the Board of Trustees are tape recorded. Therefore, speakers will be asked to give their name and address, even though the speaker is well known to the Board.

1380.3.4 Conduct of Speakers or Audience

Interruption or other interference with the orderly conduct of the business of the Board cannot be permitted. Defamatory or abusive remarks are always out of order,

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and the President may terminate the speaker's privilege of address if, after being called to order, he/she persists in improper conduct or remarks.

1380.3.5 Personnel Matters

1380.3.5.1 District Employees

No person shall orally initiate charges or complaints against individual employees of the District at a public meeting of the Board. All such charges or complaints shall be presented to the Superintendent in writing and be signed by the complainant. All such charges, if presented to the Board directly, shall be referred to the Superintendent without discussion by the Board (BP 4280.2). Such complaints shall be handled according to Board policy.

1380.3.5.2 Board Members

Charges or complaints against members of the Board of Trustees will only be discussed by the full Board in a public meeting. If charges or complaints against members of the Board are made at a public meeting, such charges or complaints shall be presented in writing to the President of the Board and shall be signed by the complainant. The Board member shall be given an opportunity to review and resolve this concern; the Board President may be asked to assist in this process. If the complaint or charge cannot be resolved, it shall then be placed on the next public meeting agenda for discussion by the full Board of Trustees.

1390 Community Use of School Facilities

1390.1 Every public school facility in this District is a civic center, and the Board of Trustees has the duty to make each such facility available to qualifying organizations, subject to such regulations as the Board of Trustees may determine. It is the intention of the Board of Trustees that the District shall comply with the intent, requirements, limitations and restrictions of the Civic Center Act (AB 263, Chapter 45, effective January 1, 1983).

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- 1390.2 Fees to be charged organizations and activities under the Civic Center Act: The Superintendent is directed to implement a schedule of fees and/or rentals based on Education Code Section 10912 of the Civic Center Act.
- 1390.3 See Appendix A for rules and regulations for implementation of Policy 1390 (Community Use of School Facilities) and for Fee Schedule.

**Article 4 - The District Community**

1410 Public Access to District Records Subject to Disclosure (10/27/97)

1410.1 The Millbrae School District will provide reasonable access to the public during normal business hours to public records of the schools and district. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance. Requests to review a large volume of records or records not readily available may require an appointment.

1410.2 The Millbrae School District will also consider requests for copies of public documents submitted on a written form (see Appendix D). Reasonable requests will be provided as soon as possible; however, filling requests may take up to 10 days. Requests for a large volume of copies material may need extra time to be completed. The cost per copy is 20¢ per page. (Government Code ' 6256)

1420 Volunteer Screening and Supervision (5/26/98)

1420.1 The Millbrae School District encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with our students. Community volunteers in our schools enrich the educational program and strengthen our schools' relationships with homes, businesses, public agencies, and private institutions. The presence of volunteers in the classroom and on school grounds also enhances supervision of students and contributes to school safety. (See Appendix E)

1420.2 The Superintendent/designee may authorize the use of volunteers and shall establish procedures to protect the safety of students and adults in accordance with laws related to tuberculosis testing, fingerprinting, and criminal records checks.

1420.3 Volunteers shall act in accordance with the Millbrae School District policies, state and local regulations and school rules. At his/her discretion, a staff member designated to supervise volunteers may ask any volunteer who violates school rules to leave the campus. Staff members also may confer with the principal/designee regarding the performance of any such volunteers. The Superintendent/designee shall be responsible for investigating and resolving complaints regarding volunteers.

1420.4 Volunteer maintenance work shall be limited to those projects that do not replace the normal

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maintenance duties of classified staff. The Superintendent 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.

1420.5 The Superintendent encourages principals and school sites to continue to recognize the contributions of each school's volunteers.

## USE OF SCHOOL DISTRICT PROPERTY AS A CIVIC CENTER

### I. WHO MAY BE PERMITTED TO USE DISTRICT FACILITIES AND GROUNDS?

School facilities, including the school grounds, are available as Civic Centers to the following groups:

- A. Citizens' Groups;
- B. Parent-Teacher Associations;
- C. Camp Fire Girls;
- D. Boy Scout Troops;
- E. Farmers' Organizations;
- F. School-Community Advisory Councils;
- G. Senior Citizen Organizations;
- H. Clubs;
- I. Associations formed for recreational, educational, political, artistic or moral activities of the public school district. (E.C. 40041)

### II. THE PURPOSES FOR WHICH THESE GROUPS MAY USE THE FACILITIES

- A. Supervised recreational activities (E.C. 40041[a], 40041[b][5]);
- B. Meetings, of a public literary, scientific, recreational, educational nature (E.C. 40041[b][1]);
- C. Meetings of a public agency;
- D. Discussion of matters of general or public interest;
- E. Conduct of religious services FOR TEMPORARY PERIODS by a church or religious organization which has no suitable meeting place for the conduct of such services, provided the Board of Trustees charges the church or religious organization at least its "direct costs" as defined below (E.C. 40043[c]);
- F. Child care or day care programs, where pre-schoolers and elementary school age children are provided activities and supervision. (E.C. 40041[b][4]);
- G. Other purposes deemed appropriate by the Board of Trustees (E.C. 40041 [b][7]);

The facilities may also be used for the following public purposes:

- A. The administration of examinations for the selection of personnel or the instruction of precinct boards (E.C. 40041[b][5]);
- B. Mass care and welfare shelters during disasters or other emergencies affecting the public health and

welfare by public agencies, including, but not limited to, the American Red Cross (E.C. 40041.5);

- C. The provision of any services deemed necessary by the Board of Trustees to meet the needs of the community (E.C. 40041[b][7]).

### III. CHARGES TO SUCH GROUPS FOR THE USE OF THE DISTRICT'S FACILITIES

A. A flexible fee schedule has been created by the legislature. It provides that:

1. some Civic Center uses be permitted free of charge or for reimbursement of direct costs only;
2. the Board of Trustees may charge either direct costs or a fair rental value for others at its option. The options are to be exercised in the form of District rules and regulations.

DIRECT COSTS are defined as costs of supplies, utilities, janitorial services, services of any other district employees, and salaries paid to school district employees necessitated by the organization's use of the facilities (E.C. 40043[f]).

FAIR RENTAL VALUE is defined as direct costs plus amortized cost of the facility for the duration of the activity (E.C. 40043[g]).

B. The following organizations are entitled to use the District's facilities free during normal working hours, or at direct cost during non-working hours, at the option of the Board of Trustees, as may be ascertained by its rules and regulations (E.C. 40043[a]):

1. Student clubs and organizations;
2. Fund raising entertainment or meetings where an admission fee is charged or contributions are solicited to be expended for the welfare of the youth and public school activities of the District;
3. Parent-teacher associations;
4. School-community advisory councils;
5. Camp Fire Girls and Boy Scout Troops
6. Other public agencies;
7. Organizations, clubs, and associations organized for cultural activities and general character or welfare purposes (such as square dancing and folk dancing);
8. Agencies providing mass care and welfare shelters during disasters or other public emergencies.  
The Board of Trustees may charge these agencies an amount not to exceed the cost of opening and closing the facility if an employee would not ordinarily be available at that time or place; the cost of having an employee present if the Board of Trustees deems it necessary if the employee would not ordinarily be present as part of his assignment; the cost of janitorial services if the services are necessary but would not have otherwise been performed as part of the janitor's normal duties. The Board of Trustees may also charge the cost of utilities directly attributable to the organization's use of the facility (E.C. 40043[b]).

A church or religious organization using direct facilities for services on a temporary basis described in II(E) must be charged an amount at least equal to the District's direct costs (E.C. 40043[c]).

For all other permitted activities (with the exception of C below), the Board of Trustees may charge

either an amount equal to its direct costs or fair rental value. It must first adopt a policy specifying which of the activities listed as permitted uses under the Civic Center Act will be charged direct costs and which will be charged fair rental value (E.C. 4043[d]).

- C. In the case of entertainment or meetings where an admission fee is charged, but the net receipts are not expended for the welfare of the pupils in the District or for charity, the charge for such use shall be fair rental value.

#### IV. RULES AND REGULATIONS REQUIRE

The management, direction, and control of school facilities under this act remain with the Board of Trustees of the school district. The Board of Trustees is required to promulgate rules and regulations providing terms and conditions for the use of its schools and grounds as Civic Centers. Among the subjects the rules must address are the following:

- A. The uses of the facilities it deems appropriate for Civic Center use in addition to the purposes outlined in the act (E.C. 40041[b][7]).
- B. The rules must also provide for aid, assistance, and encouragement to the activities specifically authorized (E.C. 40042[1]).
- C. The rules must provide for preservation of order in school facilities and grounds and for protection of those facilities (E.C. 40042[2]). If the Board of Trustees deems it necessary, it may appoint a person for the purpose of taking charge of the school grounds and facilities for the purpose of preserving same (E.C. 40042[2]).
- D. The rules must provide that the Civic Center use of the school facilities or grounds may not interfere with the use of said facilities or grounds for school work (E.C. 40042[3]).
- E. The rules must also provide that the Civic Center use is not inconsistent with the use of the school and its grounds (E.C. 40042[3]).
- F. With regard to fees, the Board of Trustees, if it decides to levy a fee, must adopt a policy specifying which activities shall be charged an amount not to exceed the fair rental value (E.C. 40043). Factors to be considered in determining fees: Nature of the organization, its ability to pay, the frequency of use, and the cumulative burden on the District (Sec. 1).

#### V. SOME BASIC ADDITIONAL INFORMATION RESTRICTING USE

- A. Consumption of, or sale of, alcoholic beverages on school premises is forbidden under the Business and Professions Code, Section 25608.
- B. Meetings with programs advocating the overthrow of the government by force or violence are forbidden (E.C. 40044). A "Statement of Information" is required with application for use (form attached), (E.C. 4045).
- C. A student religious club may not meet on a public school campus when the club and its activities are devotional rather than academic and no payment for use is contemplated (see 59 Ops.Cal.Atty.Gen. 214).
- D. The general public may not be excluded from attending and observing the meetings or recreational activities of organizations using public school facilities under the Civic Center Act. Irrespective of the conditions of membership, groups using Civic Center Act facilities may not exclude non-members from attending and observing meetings held on Civic Center Act facilities (see 52 Ops.Cal.Atty.Gen. 220).

- E. Since the basic purpose of the Civic Center Act is to provide a place at which matters of public interest may be discussed, the very purpose precludes private or closing meetings (American Civil Liberties Union vs. Board of Education 59 Cal.2d 203).
- F. Social dancing in a high school building may not be an exclusive function but open to all on equal terms (McClure vs. Board of Education 38 Cal. App. 500).
- G. Some districts permit the use of school district property for other than Civic Center purposes. Those districts may properly charge an individual user fee commensurate with the fair market rental value of the facility to be used. If the use is continuous (more than five days), the District should adhere to bidding procedures required for lease of surplus property (E.C. 39371).
- H. School bands may not travel on school district buses to perform for private organizations, regardless of fee payment, unless performance purposes are educational or for community recreation (58 Ops.Cal.Atty.Gen. 88).
- I. The Board of Trustees of any school district is empowered by the Civic Center Act to impose reasonable rules and regulations for the use of school buildings or grounds and under that power they may regulate solicitors of contracts for tax-sheltered annuities (A.C.L.U. vs. Board of Education 59 Cal.2d 203, pp. 222-223).
- J. Activities which are discriminatory in the legal sense are prohibited.
- K. Organizations intending to advertise an event or commercial activity must submit their advertising materials to the District Office for review and approval prior to distribution. (6/8/95)

VI. DAMAGE TO SCHOOL PROPERTY

Groups or persons using school facilities under the provisions of this policy shall be liable for any damages to property caused by the activity. The Board of Trustees shall charge the amount necessary to repair any damages. Further use of school facilities may be denied the responsible party. (cf 6145 - Extra-curricular Activities - Equal Access to Student Groups).

FEE SCHEDULE FOR USE OF SCHOOL FACILITIES

1. Organizations meeting the criteria of the Civic Center Act listed in Board of Trustees Policies, Series 1000, Chapter 1, will not be charged for use of facilities under the following conditions:
  - A. When event is conducted during the school day
  - B. When event is conducted during the normal working hours of custodial staff and does not require the presence of specialized personnel, i.e., Food Service personnel.

Organizations meeting the criteria of the civic Center Act requesting the use of facilities during weekends, holidays, and during periods when custodians are not scheduled will pay the following direct costs:

<u>Facility Used</u>	<u>Direct Cost Per Hour** or Fraction of Minimum of Two Hours</u>
Classrooms	\$20
Libraries and Media Centers	\$25
Multi-Use Rooms	\$25
Auditoriums	\$30
Gymnasiums with Shower/Locker Room	\$40
Gymnasiums without Shower/Locker Room	\$30
Kitchen Facilities	\$20*
Playgrounds	\$15

- II. Organizations not specifically covered by the Civic Center Act are required to pay direct costs or Fair Market Rental.

- A. During normal school hours and when the custodial staff is normally present:

<u>Facility Used</u>	<u>Direct Cost Per Hour** or Fraction of Minimum of Two Hours</u>
Classrooms	\$25
Libraries and Media Centers	\$30
Multi-Use Rooms	\$30
Auditoriums	\$35
Gymnasiums with Shower/Locker Room	\$35
Gymnasiums without Shower/Locker Room	\$25
Kitchen Facilities	\$20*
Playgrounds	\$20

- B. During weekends, holidays and during periods when custodians are not normally present:

<u>Facility Used</u>	<u>Direct Cost Per Hour** or Fraction of Minimum of Two Hours</u>
Classrooms	\$42
Libraries and Media Centers	\$47
Multi-Use Rooms	\$47
Auditoriums	\$52

Gymnasiums with Shower/Locker Room	\$47
Gymnasiums without Shower/Locker Room	\$47
Kitchen Facilities	\$37*
Playgrounds	\$30

\*Additional cost of overtime salary of Food Service Worker.

C. During normal school hours and when custodial staff is normally present:

<u>Facility Used</u>	<u>Fair Market Rental Per Hour** or Fraction of Minimum of Two Hours</u>
Classrooms	\$38
Libraries and Media Centers	\$47
Multi-Use Rooms	\$47
Auditoriums	\$50
Gymnasiums with Shower/Locker Room	\$50
Gymnasiums without Shower/Locker Room	\$45
Kitchen Facilities	\$33*
Playgrounds	\$30

D. During weekends, holidays, and during periods when custodians are not normally present:

<u>Facility Used</u>	<u>Fair Market Rental Per Hour** or Fraction of Minimum of Two Hours</u>
Classrooms	\$55
Libraries and Media Centers	\$65
Multi-Use Rooms	\$65
Auditoriums	\$70
Gymnasiums with Shower/Locker Room	\$70
Gymnasiums without Shower/Locker Room	\$65
Kitchen Facilities	\$50*
Playgrounds	\$35

\*Additional cost of overtime salary of Food Service Worker.

\*\* Charges revised by Board of Trustees 6/8/95

**AGENDA**

**CLOSED SESSION** Reason (Pursuant to \_\_\_\_\_ )  
**CALL TO ORDER - FLAG SALUTE**

7:00 p.m.  
8:00 p.m.

**I COMMUNICATIONS TO BOARD**

- A. Millbrae Education Association
- B. Classified Employees
- C. Parent-Teacher Association
- D. Superintendent
- E. Members of the Public

**II COMMENDATIONS AND RECOGNITION**

**III PERSONNEL**

**IV REPORTS**

**V CURRICULUM**

**VI BUILDINGS AND GROUNDS**

**VII BUSINESS AND FINANCE**

**VIII PROFESSIONAL AND OFFICIAL BUSINESS**

**IX TRUSTEE COMMUNICATION**

**X CONSENT AGENDA**

**ACTION**

Information concerning the consent items listed below has been forwarded to each Board member prior to this meeting for study. All items on the Consent Agenda will be approved with one motion, which is not debatable and which requires a unanimous vote for passage. If any member of the Board, the Superintendent, or the public so requests, any item shall be removed from this section and placed in the regular order of business following the approval of the Consent Agenda.

- A. Removal - Items from the Consent Agenda
- B. Approval - Consent Agenda

**XI POSSIBLE FUTURE AGENDA ITEMS**

**XII ADJOURNMENT**

**NEXT MEETING: Monday, \_\_\_\_\_, 199\_, 7:00 p.m. at Taylor Multipurpose Room  
Millbrae School District Board of Trustees Meeting Agendas**

may be previewed on Millbrae Government Channel 8

## MILLBRAE SCHOOL DISTRICT

### PUBLIC ACCESS TO DISTRICT RECORDS SUBJECT TO DISCLOSURE

*The Millbrae School District will provide reasonable access to the public during normal business hours to public records of the schools and district. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance. Requests to review a large volume of records or records not readily available may require an appointment.*

*The Millbrae School District will also consider requests for copies of public documents submitted on this written form. Reasonable requests will be provided as soon as possible; however, filling requests may take up to 10 days. Requests for a large volume of copied material may need extra time to be completed. The cost per copy is 20¢ per page.  
(Government Code ' 6256).*

#### Access:

1. Records may be accessed at the following address:  
Millbrae School District  
555 Richmond Drive  
Millbrae, CA 94030
2. Requests for access should be as specific as possible identifying the records desired.
3. Original copies of public records may not be removed from the office of the custodian thereof.

#### Inspection:

1. Requests for inspection should be as specific as possible.
2. Requests to obtain copies may be made in person or by mail.
3. Requests to obtain records should be filed with the District Office or school site at least 10 working days prior to the required date in order to insure availability.
4. Requests to obtain copies of public records may be made in person or by mail to the  
Custodian of Records  
Millbrae School District  
555 Richmond Drive  
Millbrae, CA 94030
5. Requests to obtain copies of public records must be accompanied by the fee prescribed herein.
6. Computer records shall be made available in the form in which that information was communicated to the District.  
(over, please)

REQUEST FOR COPY OF PUBLIC INFORMATION

Please fill out the following information:

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone numbers (work) \_\_\_\_\_ (home) \_\_\_\_\_

Date of request \_\_\_\_\_ Time of request \_\_\_\_\_

Name/description of information request: \_\_\_\_\_

\_\_\_\_\_

Single-sided pages to be copied: \_\_\_\_\_ Number of copies: \_\_\_\_\_

Total number of pages \_\_\_\_\_ X 20¢ each = \$ \_\_\_\_\_ due and payable to

**Millbrae School District**

Signature \_\_\_\_\_

---

Requested copies received and charges paid on \_\_\_\_\_ (date)

\_\_\_\_\_  
Signature of District employee

(over, please)

Adopted 10/27/97

## THE DISTRICT COMMUNITY: VOLUNTEER ASSISTANCE

### DEFINITIONS

***Volunteer non-teaching aides*** may supervise students during lunch and/or breakfast periods or may serve as non-teaching aides under the immediate supervision and direction of certificated personnel to perform non-instructional work which serves to assist the certificated employee in the performance of teaching and administrative responsibilities.

***Volunteer instructional aides*** may assist certificated personnel in the performance of their duties, in the supervision of students, and in instructional tasks which, in the judgment of the certificated personnel to whom the instructional aide is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. An instructional aide need not perform his/her duties in the physical presence of the teacher, but the teacher retains responsibility for the instruction and supervision of students in his/her charge.

***Facilities project volunteers*** may work on short-term facilities projects not normally undertaken by members of the classified staff, pursuant to District policy.

**SEX OFFENDER CHECKS:** Before authorizing any person to serve as volunteer non-teaching aide or a volunteer instructional aide, the Millbrae School District shall ascertain that said volunteer is not required to register as a sex offender under Penal Code 290. Volunteers shall be informed that Millbrae School District will be conducting this records search.

**TUBERCULOSIS TESTING:** All volunteer instructional aides shall submit evidence that they are free from active tuberculosis at least once every four years pursuant to Education Code 49406.

**FINGERPRINTING:** All volunteers who come in direct contact with students on a routine basis and who may not perform all of their duties in the physical presence of the teacher and who are not parents, grandparents, or guardians of students at the school shall be fingerprinted for criminal record clearance.

**WORKERS COMPENSATION:** Volunteers shall be considered employees for the purpose of Workers' Compensation benefits. Volunteers are entitled to the same workers' Compensation benefits as are other employees and are subject to the same requirements and claims handling procedures as other employees. All policies and procedures which apply to employee Workers' Compensation claims shall apply to such injury claims by volunteers.

**RESOLUTION 98-99-15**

**MAINTAINING MINUTES FOR  
CLOSED SESSION MEETINGS OF THE  
MILLBRAE SCHOOL DISTRICT  
BOARD OF TRUSTEES  
SAN MATEO COUNTY - STATE OF CALIFORNIA**

WHEREAS Government Code §54957.2 provides that the legislative body of a local agency may, by ordinance or resolution, designate an employee of the local agency to attend closed sessions and keep and enter in a minutes book a record of topics discussed and decisions made at the meeting; and

WHEREAS the minutes book in this case is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 commencing with §6250 of Division 7 of Title I) and shall be kept confidential; and

WHEREAS the minutes book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies; and

WHEREAS such a minutes book may, but need not, consist of a recording of the closed session.

NOW, THEREFORE BE IT RESOLVED that the Millbrae School District Board of Trustees hereby designates the Superintendent's Administrative Assistant or another confidential employee designated by the Superintendent to take minutes during closed sessions and maintain a confidential minutes book according to Government Code §54957.2.

PASSED AND ADOPTED by the Millbrae School District Board of Trustees this 26<sup>th</sup> day of January 1999 by the following vote:

AYES A. Lepore, H. Fritz, B. Miller, C. Shea

NOES J. Lynch

ATTEST: Karen K. Philip, Superintendent/Secretary to Board