



How Do I Use the ACLU's Model Board Policies to Make Changes in My School District?¹

Board policies are rules that district school boards adopt to control the school district's actions and provide standards for students and school staff. Some board policies call for the district's superintendent to create and enforce more detailed rules, called administrative regulations, for how the policies will be implemented. Some districts have policies and regulations that govern student discipline and law enforcement conduct, while others do not provide any guidance about how police should interact with students in school. That is where the ACLU of California's model policies come in. Compare your district's policies with the ACLU's model policies to identify differences and gaps, paying particular attention to the sections we identified as especially important. Where your district and community's needs go beyond the issues raised in our model policies, use our model materials as a starting point for your advocacy efforts.

This document applies generally to advocacy directed at local school boards and superintendents. In relation to *The Right to Remain a Student* report, this guide is especially helpful in districts that have their own police departments because board policies and administrative regulations control the conduct of school personnel, including district police officers. If your district does not have its own police department but instead stations officers from local police departments on campus, a memorandum of understanding ("MOU")—rather than a board policy or administrative regulation—governs police conduct on campus. In that case, you can still advocate to your school board and superintendent, but request that they adopt a MOU—not board policies or administrative regulations—to govern police conduct on campus.

School boards and superintendents are the two sources of authority that create and adopt policies and regulations governing school discipline. As such, community members can often achieve policy change by bringing their concerns, and even proposed policies, to the school board and/or superintendent. This guide explains how school boards and superintendents adopt those policies and regulations, so that you know the usual procedures before you start your advocacy efforts.

¹ This publication was produced by the American Civil Liberties Union of California for educational purposes only and it is not a substitute for legal advice.

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Why Direct My Advocacy Efforts Towards the School Board?

What is a School Board?

Every school district in California is governed by a board of several elected individuals, commonly referred to as the “school board.”²

What are the School Board's Duties?

The school board adopts rules and policies, which are called “board policies,” that govern school employees and students. The school board must ensure that its board policies do not conflict with the law or with rules adopted by the California Department of Education.³ The school board must adopt and enforce policies about student discipline.⁴

How Does the School Board Adopt a Board Policy?

To adopt a new policy, the school board must host a public meeting, take a formal vote during the meeting, and a majority of the board members must vote for adopting the policy.⁵ Community members and stakeholders have the right to attend the public meetings in which the board adopts a new policy.⁶

Except in special circumstances, California law does not allow the school board to take official action on issues that were not on the meeting's agenda. The school board can therefore only adopt a new board policy if discussion of the policy is on the meeting's agenda. Even if the policy is on the meeting's agenda, the school board cannot vote on the policy without first providing members of the public with an opportunity to comment on the agenda item, except in an emergency.⁷

How Do I Place “Reconsideration of the District's Board Policies” on the Board's Agenda?

Members of the public have the right to place matters directly related to school district business on the school board's agenda.⁸ The procedure for placing an item on the agenda differs among districts.⁹ For instance, Inglewood Unified School District requires that at least one week before

² CAL. EDUC. CODE §§ 35010(a), 35012(a).

³ *Id.* § 35010(b).

⁴ *Id.* § 35291.

⁵ *Id.* §§ 35163, 35164.

⁶ CAL. GOV'T CODE § 54953.

⁷ *Local Government Meetings*, AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA, <https://www.aclusocal.org/en/know-your-rights/local-government-meetings> (last visited Feb. 3, 2017).

⁸ CAL. EDUC. CODE § 35145.5.

⁹ *Id.*

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the meeting, community members send the district's superintendent a written request with supporting documents to add a matter to the meeting's agenda.¹⁰

Because procedures to add an agenda item differ among districts, you should look up and follow your school board's relevant policy or bylaw. Most districts publish their board policies and bylaws directly on their website, or link to a website called Gamut Online that contains their policies. In many districts, "Board Bylaw 9322" explains how community members can add an issue to the school board meeting's agenda. You can generally find this and other relevant policies on the District's Gamut Online website, under the heading "Board Bylaws." You can also locate the policies in the student handbook or by calling your district and asking for the policies.

How to Access Gamut Online

Gamut Online (www.gamutonline.net) is a website where district staff and community members can access school board policies and administrative regulations. You can review policies on Gamut Online after logging into the website with a registered username and password.

There are still many ways to access Gamut Online, even if you do not have your own personal log in information. Many district websites link directly to their Gamut Online webpage, which bypasses the username and password requirement. Other districts publish their username and password information on their website, which you can use to access Gamut Online. We therefore recommend that you first look on your district's website for information on how to access their policies on Gamut Online.

What Should I Send the School Board in Support of Including "Reconsideration of School Discipline Board Policies" on the Board's Agenda?

The resources on *The Right to Remain a Student* webpage include a sample letter to the school board in support of adopting the model board policies. Use the letter as a model to draft a letter to your school board to put school discipline board policies on the agenda. You can also collaborate with other community members and organizations to jointly send the letter and related materials, illustrating to the board that school discipline and the impact of law enforcement-student interactions are very important to the community.

¹⁰ INGLEWOOD UNIFIED SCH. DIST., BB 9322 AGENDA/MEETING MATERIALS (2014), *available at* <http://www.gamutonline.net/district/inglewoodusd/DisplayPolicy/945312/9>.

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How Do I Contact my School Board?

The following section is largely adopted from the ACLU of Washington's excellent *Parents' Guide to School Board Advocacy in Washington*, available at https://aclu-wa.org/library_files/Advocacy_guide_parents_3_07.pdf.

The next sections of this guide describe several steps that can help you effectively communicate your concerns to school board members in writing, or at a school board meeting. There are tips for:

- Writing to Your School Board Members
- Calling Your School Board Members
- Meeting with Your School Board Members

Careful preparation can help you make an effective presentation to the board. But if you have a concern, a question, or a compliment, go ahead and get in touch with them. You do not have to be an expert on education policy, or have all the answers in advance. You can let the board members know that you are still exploring an issue.

Write Them

Letters sent by mail or facsimile are an effective way to communicate with your school board members. Often a letter will be seen as representing not only the position of the writer, but also many other parents who did not write.

E-mail can be another effective way to communicate with school board members. Remember to be just as careful about what you write in an e-mail as you would in a letter. If you prefer to write in a language other than English, check with the district office to see if they have someone who can translate your letter or e-mail for the board members.

Here are six tips for writing an effective letter or e-mail:

1. Keep it brief: Letters should never be longer than one page and should be limited to one issue. School board members often have separate full-time jobs and have a lot of reading material to go through before each meeting.
2. State who you are and what you want up front: In the first paragraph, tell your board members that you are a parent or family member of a child in their district. Identify the issue you are writing about. If your letter relates to a specific policy or procedure, identify it by its name and number.
3. Hit your three most important points: Choose the three strongest points that will be most effective in persuading your school board members to support your position and explain these to the board.
4. Personalize your letter: Tell your school board members why this policy matters in your community. If you have one, include a personal story that shows how this issue affects you and your family. **Do not underestimate the power of your own story. Personal stories have a strong impact.**

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5. Personalize your relationship: Did you vote for the school board member you are writing to? Are you familiar with him or her through any business or personal relationship? If so, say so.
6. You are the expert: Remember that the school board's job is to represent you. Be courteous and to the point, but do not be afraid to take a firm position. You may know more about the issue than the board member—this is your chance to educate him or her about the issue.

Call Them

You can also call school board members and let them know where you stand on the issues. If school board members find that their positions are unpopular, your call may contribute to a change in policy. If a board member asks you to put your concerns in writing, follow up with a brief letter.

If you will need an interpreter, call the district office to see if they can help you arrange to have an interpreter available on the phone or at an in-person meeting.

Back up a letter, e-mail, or phone call with face-to-face communication at a school board meeting!

Participate in a Board Meeting

School board meetings are public, and speaking in public can be intimidating. But there are ways to overcome your fears and speak up for children.

- ✓ First, remember that the board members work for you!
- ✓ If you have never spoken at a school board meeting, you might want to go to one or two meetings just to observe. You can get a sense of the individual board members and watch how the board conducts its business.
- ✓ Try to work with another parent or an organized group. It can strengthen your message and give you more confidence.

You can always start by trying to set up individual meetings with board members to see where they stand on an issue. But you should also follow up by raising your issue at a school board meeting.

School boards are made up of at least five people, so if you have even one or two board members on your side, your presence at a school board meeting can help them gain the support of their fellow board members and the public.

Before you meet with your school board members, it is a good idea to check in with your principal and superintendent first.

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Why Direct my Advocacy Efforts Towards the Superintendent?

Who is the Superintendent?

Local school boards elect their district's superintendent, who serves as the school district's chief executive officer.

What are the Superintendent's Policy Responsibilities?

Some of his/her duties involve preparing budgets for the school board and developing and implementing the local control and accountability plan.¹¹ The superintendent is also often responsible for implementing board policies. After the school board adopts a new board policy, it is the superintendent's responsibility to adopt and implement administrative regulations that describe in more detail how the policy will be implemented (in other words, put the policy into action). Administrative regulations explain school staff's roles and responsibilities and, if necessary, provide a timeline for implementing the new policy.¹² Not all policies have a corresponding regulation. The superintendent will typically create a regulation when the school board policy specifically calls on the superintendent to develop additional rules to implement the policy.

Policy Advocacy Can Begin with the Superintendent

The school board has exclusive authority to adopt board policies, but the superintendent is a key person to communicate your concerns to because he/she generally plays a big role in the process. For example, some school board bylaws require that the superintendent identify and communicate to the board issues that affect the community and suggest new policies or revise old policies.¹³ Board bylaws can even assign responsibility to the superintendent to research the issues and gather fiscal data, staff and community input, "related district policies, sample policies from other organizations or agencies, and other useful information to fully inform the Board about the issue."¹⁴

Often, the superintendent can be your strongest ally because many school boards rely on their superintendent's recommendations. Superintendents can also be powerful allies during your advocacy efforts because they are responsible "for writing the procedures that implement the policies" (i.e., administrative regulations).¹⁵ Thus, "[i]t is important to talk with the superintendent [] to have input in how the procedures are written."¹⁶

¹¹ CAL. EDUC. CODE § 35035.

¹² *Id.*

¹³ CYPRUS SCH. DIST., BB 9310 BOARD BYLAWS BOARD POLICIES (2015), *available at* <http://www.gamutonline.net/district/cypressesd/DisplayPolicy/1015527/9>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* (alterations added).

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Quick Reference Guide for the Three Types of School Board Policies

Here is a quick reference guide to help you easily identify important information about each type of policy, including who adopts the policy, when they can adopt the policy, whom the policy governs, and how you can advocate for changing the policy.

Quick Facts about the Three Types of Policies			
	Board Policies	Administrative Regulations	Memorandum of Understanding (“MOU”)
Who Adopts the Policy?	The district’s school board.	The superintendent.	The district school board and external law enforcement agency.
When is the Policy Adopted?	During a public school board meeting where the agenda has been publicized ahead of time (usually on the district’s website).	When the school board passes a board policy that directs the superintendent to develop a regulation or ensure implementation of the policy.	The school board, district superintendent, and the external law enforcement agency can adopt an MOU at any time during their relationship. It is best practice, however, for the parties to adopt an MOU at the beginning of their relationship.
Whom Does the Policy Govern?	School employees (e.g., teachers, administrators, school resource officers who are paid by the school).	School employees (e.g., teachers, administrators, school resource officers who are paid by the school).	School employees (e.g., teachers, administrators, school resource officers who are paid by the school) AND police officers in the contracting local law enforcement agency.
How Can I Change the Policy?	Speak with your superintendent about issues with existing policies or the need for a new policy; Talk with your school board about issues with existing policies or the need for a new policy; and/or Add your concern to the school board’s meeting agenda.	Speak with your superintendent about adopting new policies.	Initiate meetings with the school board and superintendent to discuss your district’s existing MOU or to propose adopting an MOU.

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Additional Resources

Here are additional resources that explain the roles and responsibilities of different school officials and describe the procedures that districts follow when adopting new policies and holding public meetings:

- CAL. SCH. BDS. ASS'N, FACT SHEET: EFFECTIVE POLICY MAKING (2013), *available at* <http://csba.org/GovernanceAndPolicyResources/DistrictPolicyServices/~media/CSBA/Files/GovernanceResources/DistrictPolicyResources/201302GPSEffectivePolicyMakingFactSheet.ashx>.
- CYPRUS SCH. DIST., BB 9310 BOARD BYLAWS BOARD POLICIES (2015), *available at* <http://www.gamutonline.net/district/cypressesd/DisplayPolicy/1015527/9>.
- INGLEWOOD UNIFIED SCH. DIST., BB 9322 AGENDA/MEETING MATERIALS (2014), *available at* <http://www.gamutonline.net/district/inglewoodusd/DisplayPolicy/945312/9>.