



Santa Barbara SCHOOL DISTRICTS

Section 1
01/15/10 Board Brief

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January 13, 2010

To: Brian Sarvis, Superintendent

From: *BK*
Barbara Keyani, Coordinator-Administrative Services and Communications

Re: Board policy or administrative regulation reference to staff retaliation

A question was raised in public comment regarding district retaliation against staff. The question was based on language in a 2002 Assembly Bill, signed into law that year, which was added to California Education Code as Section 56046. Education Code 56046 is included in the legal references cited in our districts' Board Policy 0430, "Comprehensive Local Plan for Special Education."

Additionally, Board Policy 4144/4244/4344, Personnel section, "Complaints" notes, "The Board prohibits retaliation against complainants" and includes a legal reference to Labor Code 1102.5-1106.

California School Boards Association indicates that when law exists, it does not need to be mentioned in board policy to be in effect. Law always takes precedence over policy. When law is included in policy it is there (1) for convenience and understanding and/or (2) because the law mandates that the policy reiterates the law. Generally, it appears in policy because the law's author decided to add a requirement for the district to repeat the law in policy, not because it is critical. If legal language is not mandated, it is optional to include it in a policy or regulation. CSBA determines what citations are sufficient for inclusion when creating sample policies for its clients.

Adams Elementary School	Home School Santa Barbara	Peabody Charter School	Goleta Valley Junior High School	Alta Vista Alternative High School
Cesar Chavez Charter School	McKinley Elementary School	Roosevelt Elementary School	La Colina Junior High School	Dos Pueblos High School
Cleveland Elementary School	Monroe Elementary School	Santa Barbara Charter School	La Cumbre Junior High School	La Cuesta Continuation High School
Franklin Elementary School	Open Alternative School	Santa Barbara Community Academy	Santa Barbara Junior High School	San Marcos High School
Harding Elementary School		Washington Elementary School		Santa Barbara High School