

## **Community Relations**

### **DISTRICT AND SCHOOL WEB SITES**

#### Content

District and school web sites shall provide current information regarding district/school programs, activities, and operations. Such information shall be appropriate for both internal and external audiences and may include district mission and goals, district or school news, agendas and minutes of Governing Board meetings, School accountability Report Cards, school calendars, and links to educational resources.

(cf. 0040 – District Technology Plan)

(cf. 0510 – School Accountability Report Card)

(cf. 1100 – Communication with the Public)

(cf. 1112 – Media Relations)

(cf. 6020 – Parent Involvement)

With approval of the principal, individual teachers may create web pages linked to the district or school web site to provide information pertaining to class assignments, expectations, and activities.

The content of web sites may include, but not be limited to, district or school news, district mission and goals, agendas and minutes of Governing Board meetings, policy information, messages from the Board or administrators, information about curriculum and instruction, school calendars, student projects, school clubs and activities, lunch menus, transportation schedules, school map, school handbook, parent conferences, educational resources, links to other educational sites and contacts for further information.

The Superintendent or designee shall make the information contained in the School Accountability Report Card accessible on the Internet and shall ensure that such information is updated annually. (Education Code 35258)

(cf. 0510 – School Accountability Report Card)

Student work may be published on a web site provided that both the student and his/her parent/guardian provide written permission or the work is part of an existing publication such as a newspaper or school newsletter.

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

(cf. 4132/4232/4332 – Publication or Creation of Materials)

(cf. 6162.6 – Use of Copyrighted Materials)

Whenever a district or school web site includes links to external web sites, it shall include a disclaimer that the district is not responsible for the content of external web sites.

Students, staff or other individuals may not use district or school web sites to provide access to their personal web pages or online services.

If any copyrighted material is posted on a district or school 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.

(cf. 6162.6 – Use of Copyrighted Materials)

### Roles and Responsibilities

Any employee assigned as a district or school webmaster shall be responsible for the uploading of material to the web sites(s) upon approval of the Superintendent or designee. He/she shall ensure consistency of the material with district standards, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed.

The Superintendent or designee may assign additional staff members to conduct an editorial review of all materials submitted for publication on district or school web sites and to make corrections as needed in spelling, grammar, or accuracy of content.

The Superintendent or designee shall provide staff development opportunities related to district content guidelines, design standards, and accessibility laws and standards to district communications and technology staff, district and school webmasters, and/or other appropriate staff.

(cf. 4131 – Staff Development)

Security

The Superintendent or designee shall establish security procedures for the district's computer network to prevent unauthorized access and changes to district and school web sites. To the extent possible, the host computer(s) shall be in a lockable room with restrict access.

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ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## **Community Relations**

### **SCHOOL CONNECTED ORGANIZATIONS**

Persons proposing to establish a school-connected organization shall submit a request to the Board of Trustees for authorization to operate at the school. The request for authorization shall contain:

1. The name and purpose of the organization
2. The date of application
3. Bylaws, rules, and procedures under which the organization will operate, including procedures for maintaining the organization's finances, membership qualifications, if any, and an agreement that the group will not engage in unlawful discrimination  
  
(cf. 0410 – Nondiscrimination in District Programs and Activities)
4. The names, addresses, and phone numbers of all officers
5. A list of specific objectives
6. An agreement to grant the district the right to audit the group's financial records, either by district personnel or certified public accountant, whenever any concern is raised regarding the use of the funds
7. The name of the bank where the organization's account will be located and the names of those authorized to withdraw funds
8. The signature of the principal of the supporting school
9. Planned use for any money remaining at the end of the year if the organization is not continued or authorized to continue in the future
10. An agreement to provide evidence of liability and/or directors and officers insurance when and in the manner required law

(cf. 1330 - Use of School Facilities)

Requests for subsequent authorization shall be annually submitted to the Superintendent or designee, along with a financial statement showing all income and expenditures from fundraisers. If the Superintendent or designee proposes to deny the request for reauthorization, he/she shall present his/her recommendation to the Governing Board for approval.

When deemed necessary by the Board or the Superintendent or designee, the authorization for a school-connected organization to conduct activities in the district may be revoked at any time.

Each school-connected organization shall abide by the following rules:

1. The organization shall not act as an agent of the district or school.
2. The organization shall not use the district's tax-exempt status and identification number. It shall be responsible for its own tax status, accounting, internal controls, financial reporting, retention of records, and other operations.
3. The organization shall use a separate name and logo. Any use of a name or logo affiliated with the district, a district school, or a school team shall require the prior consent of the Superintendent or designee.
4. Funds of the school-connected organization shall not be co-mingled with district funds, including associated student body funds.
5. The organization shall not hire or directly pay any district employee. If a school-connected organization wishes to pay for additional and/or extracurricular services, the person to provide the services shall be hired through the district's personnel department, provided the Board approves the position. At their discretion, employees may volunteer to perform activities for school-connected organizations during nonworking hours.

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

Regulation Approved: 06/03/2016

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## **Community Relations**

### **VISITORS/OUTSIDERS**

The Superintendent or designee shall post at every entrance to each school and school grounds a notice setting forth visitor registration requirements, hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements. (Penal Code 627.6)

#### Registration Procedure

In order to register, outsiders shall, upon request, furnish the principal or designee with the following information: (Penal Code 627.3)

1. His/her name, address and occupation
2. His/her age, if less than 21
3. His/her purpose for entering school grounds
4. Proof of identity
5. Other information consistent with the provisions of law

#### Denial of Registration

The principal or designee may refuse to register any outsider if he/she reasonably concludes that the outsider's presence or acts would disrupt the school, students, or employees; would result in damage to property; or would result in the distribution or use of a controlled substance. The principal or designee or school security officer may revoke an outsider's registration if he/she has a reasonable basis for concluding that the outsider's presence on school grounds would interfere or is interfering with the peaceful conduct of school activities or would disrupt or is disrupting the school, students or staff. (Penal Code 627.4)

(cf. 3515.2 - Disruptions)

The principal or designee may request that an outsider who has failed to register, or whose registration privileges have been denied or revoked, promptly leave school grounds. When an outsider is directed to leave, the principal or designee shall inform the outsider that if he/she reenters the school within seven days he/she will be guilty of a misdemeanor subject to a fine and/or imprisonment. (Penal Code 627.7)

**Community Relations**

Appeal Procedure

Any person who is denied registration or whose registration is revoked may appeal to the Superintendent or principal by submitting, within five days after the person's departure from school, a written request for a hearing. This request must state why he/she believes the denial or revocation was improper and must provide an address to which the hearing notice may be sent. Upon receipt of the request for a hearing, the Superintendent or principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the Superintendent or principal shall be held within seven days after receipt of the request. (Penal Code 627.5)

(cf. 1312.1 - Complaints Concerning District Employees)

Regulation Approved: 11/8/06

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## **Community Relations**

### **COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

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

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district 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. 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.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
  - a. The full name of each employee involved
  - b. A brief but specific summary of the complaint and the facts surrounding it
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.



**Community Relations**

7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 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 Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the 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 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
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)  
(cf. 9323 - Meeting Conduct)

12. The decision of the Board shall be final.

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

(cf. 5141.4 - Child Abuse Prevention and Reporting)

ORCUTT UNION SCHOOL DISTRICT  
PUBLIC COMPLAINT CONCERNING DISTRICT PERSONNEL

Your Name \_\_\_\_\_

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

Home Phone \_\_\_\_\_ Other Phone \_\_\_\_\_

Name of Employee You Have a Concern/Complaint Against:

\_\_\_\_\_

Position or Title of Employee \_\_\_\_\_

State Specific Concern/Complaint You Have:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

State Steps You Have Taken to Resolve the Concern/Complaint:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date and Time of Incident: \_\_\_\_\_ Location: \_\_\_\_\_

List Name(s) of Witnesses or Other Involved: \_\_\_\_\_

\_\_\_\_\_

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature

Date

## **Community Relations**

### **COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

#### **Step 1: Informal Complaint**

If a staff member, district resident, or parent/guardian of a student enrolled in a district school has a complaint regarding the content or use of any specific instructional material, he/she shall informally discuss the material in question with the principal.

#### **Step 2: Formal Complaint**

If the complainant is not satisfied with the principal's initial response, he/she shall present a written complaint to the principal. Complaints regarding printed material shall name the author, title, and publisher and shall identify the objection by page and item numbers. In the case of nonprinted material, written information specifying the precise nature of the objection shall be given. Complainants shall sign all complaints and provide identifying information so that the district is able to make a proper reply. Anonymous complaints will not be accepted.

Upon receiving a complaint, the principal shall acknowledge its receipt and answer any questions regarding procedure. The principal then shall notify the Superintendent or designee and the teacher(s) involved of the complaint.

During the investigation of the complaint, the challenged material may remain in use until a final decision has been reached. However, upon request of the parent/guardian who has filed the complaint, his/her child may be excused from using challenged materials until a resolution has been reached. The teacher shall assign the student an alternate material of equal merit.

#### **Step 3: Superintendent Determination**

The Superintendent or designee shall determine whether a review committee should be convened to review the complaint.

If the Superintendent or designee determines that a review committee is not necessary, he/she shall issue a decision regarding the complaint.

#### **Step 4: Review Committee**

If the Superintendent or designee determines that a review committee is necessary, he/she shall appoint a committee composed of administrators and staff members selected from relevant instructional and administrative areas. The Superintendent or designee may also appoint community members to serve on the committee.

## **Community Relations**

The review committee shall review the criteria specified in Board policy and shall determine the extent to which the challenged material supports the curriculum, the educational appropriateness of the material, and its suitability for the age level of the student.

Within 30 days of being convened, the review committee shall summarize its findings in a written report. The Superintendent or designee shall notify the complainant of the committee's decision within 15 days of receiving the committee's report.

### **Step 5: Appeal to the Governing Board**

If the complainant remains unsatisfied, he/she may appeal the Superintendent's or the review committee's decision to the Board. The Board's decision shall be final.

(cf. 9322 - Agenda/Meeting Materials)

### **County or State-Adopted Material**

If the challenged material has been adopted by the County Board of Education, the Superintendent or designee may forward the complaint, without action, to the office of the County Superintendent of Schools for reevaluation and decision.

If the questioned material has been adopted by the State of California, the Superintendent or designee may forward the complaint, without action, to the California Department of Education for reevaluation and decision.

Regulation Approved: 11/8/06

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**Community Relations**

**CITIZEN'S REQUEST FOR RECONSIDERATION  
OF INSTRUCTIONAL MATERIALS**

This form is for use only by district employees, district residents, or parents/guardians of children enrolled in a district school to challenge the content or use of an instructional material. For complaints regarding sufficiency of instructional materials, please use the Williams Uniform Complaint Procedure complaint form.

Date: \_\_\_\_\_ Material Being Challenged: \_\_\_\_\_

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

Author: \_\_\_\_\_

Publisher: \_\_\_\_\_ Date of Edition: \_\_\_\_\_

Request received by \_\_\_\_\_ Title \_\_\_\_\_

Citizen's Name \_\_\_\_\_ Phone \_\_\_\_\_

Citizen Represents:     Himself/Herself     Organization or Group  
\_\_\_\_\_

1. Please specifically state the nature of your concern or objection and identify your objection by page, tape sequence, video frame, or words, as appropriate. You may use additional pages if necessary.
2. Did you read/view the entire selection?
3. For what age group would you recommend this material?
4. If not, what percentage did you read/view, or what parts?
5. What do you feel might be the result if a student reads/views this material?
6. What would you like the school to do about this material?
  - Do not assign it to my child
  - Withdraw it from all students
  - Reconsider it

\_\_\_\_\_  
Signature of citizen

-----  
For District Use

Action Taken: \_\_\_\_\_

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

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

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

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

### Compliance Officers

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

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

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

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or has a conflict of interest that would prohibit him/her from fairly investigating the complaint. Any complaint filed against or implicating a compliance officer may be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees designated to investigate complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those involving alleged unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee. Any district employee that witnesses an act of discrimination, harassment, intimidation, or bullying must take immediate steps to intervene when safe to do so.

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

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

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

#### Notifications

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

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirement, and requirements related to the educational rights of foster youth and homeless students, to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 48853, 48853.5, 49013, 51225.1, 51225.2, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)  
 (cf. 0460 - Local Control and Accountability Plan)  
 (cf. 1220 - Citizen Advisory Committees)  
 (cf. 3260 - Fees and Charges)  
 (cf. 4112.9/4212.9/4312.9 - Employee Notifications)  
 (cf. 5145.6 - Parental Notifications)  
 (cf. 6173 - Education for Homeless Children)  
 (cf. 6173.1 - Education for Foster Youth)  
 (cf. 6173.3 - Education for Juvenile Court School Students)

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

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

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

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

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

The notice shall:

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

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation reveals confirms that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.



## Community Relations

### UNIFORM COMPLAINT PROCEDURES

- f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
- g. The Board is required to adopt and annually update the LCAP, in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
- i. A foster youth or homeless student who transfers into a district high school or between district high schools shall be notified of the district's responsibility to:
  - (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed
  - (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency
  - (3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1
- j. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 days of receiving the district's decision
 

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.
- k. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision
- l. Copies of the district's uniform complaint procedures are available free of charge.

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

#### District Responsibilities

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

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

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

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

#### Filing of Complaints

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

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

All complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

3. A complaint alleging unlawful discrimination such as discriminatory harassment, intimidation, or bullying, may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant or alleged victim of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

#### Investigation of Complaint

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

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

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

## **Community Relations**

### **UNIFORM COMPLAINT PROCEDURES**

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

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

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

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

#### **Report of Findings**

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

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

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

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

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

#### Final Written Decision

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

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

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

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

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

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

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

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

- a. How the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600.

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

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

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

For complaints alleging unlawful discrimination, (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

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

### Corrective Actions

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

For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

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

## Community Relations

### UNIFORM COMPLAINT PROCEDURES

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

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

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

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

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

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one-year period to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

#### Appeals to the California Department of Education

Any complainant, who is dissatisfied with the district's final written decision, may file an appeal in writing with the CDE within 15 days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)



## **Community Relations**

### **UNIFORM COMPLAINT PROCEDURES**

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

The complainant or respondent shall 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 district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

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

Regulation Approved: 01/17/2018

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## Community Relations

### WILLIAMS UNIFORM COMPLAINT PROCEDURES

#### Types of Complaints

The district shall use the following procedures described in this administrative regulation only to investigate and resolve the following: (*Education Code 35186; 5 CCR 4680-4683*)

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:
  - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
  - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

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

2. Complaints regarding teacher vacancy or misassignment, including any complaint that:
  - a. A semester begins and a teacher vacancy exists.
  - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

(*cf. 4112.22 - Staff Teaching-English Language Learners*)

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

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

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

AR 1312.4 (b)

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

(*cf. 4112.2 - Certification*)  
(*cf. 4113 - Assignment*)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:
  - a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; ~~or~~ structural damage creating a hazardous or uninhabitable condition, or any other condition deemed appropriate. (*Education Code 17592.72*)

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

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

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

(*cf. 3514 – Environmental Safety*)  
(*cf. 3517 – Facilities Inspection*)

### **Filing of Complaint**

A complaint alleging any condition(s) specified in ~~items #1-4~~ the section “Types of Complaints” above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (*Education Code 35186; 5 CCR 4680*)

### **Investigation and Response**

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

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (*Education Code 35186; 5 CCR 4680, 4685*)

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

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

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

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

(*cf. 1340 - Access to District Records*)

### **Reports**

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

### **Forms and Notices**

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

AR 1312.4 (d)

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

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

*Legal Reference:*

*EDUCATION CODE*

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

*1240 County superintendent of schools, duties*

*17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account*

*33126 School accountability report card*

*35186 Williams uniform complaint procedure*

*35292.5 Restrooms, maintenance and cleanliness*

*48985 Notice to parents in language other than English*

*60119 Hearing on sufficiency of instructional materials*

*CODE OF REGULATIONS, TITLE 5*

*4600-4687 Uniform complaint procedures, especially:*

*4680-4687 Williams uniform complaints procedures*

*Management Resources:*

*WEB SITES*

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

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

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

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

Regulation Approved: 03/20/2015

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## NOTICE TO PARENTS/GUARDIANS

### IMPORTANT INFORMATION ABOUT YOUR COMPLAINT RIGHTS Williams Uniform Complaint Process, Education Code Section 35186(f)

Parents/Guardians, Pupils, and Teachers:

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

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitute or temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present. Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

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

4. A complaint form may be obtained at the school office or district office, or downloaded from the school or district website. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>. However a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.



## AVISO PARA PADRES/TUTORES

### INFORMACION IMPORTANTE SOBRE SUS DERECHOS DE QUEJA Proceso Uniforme de Quejas Williams, Sección 35186(f) del Código de Educación

Padres/tutores, alumnos, y maestros:

Con arreglo al Código de Educación 35186, mediante este documento, se le notifica que:

1. Deben de haber suficientes libros de texto y materiales de enseñanza. Eso quiere decir que cada alumno, incluyendo a los aprendices de inglés, deben tener libros de texto o materiales de enseñanza, o ambos, para usar en clase y llevar a casa.
2. Las instalaciones escolares deben estar limpias, seguras, y bien mantenidas.
3. No debe haber espacios de maestros vacantes o mal asignados. Debe haber un maestro asignado a cada clase y no una serie de suplentes u otros maestros provisorios. El maestro deberá tener las credenciales apropiadas para dar la clase, incluyendo la certificación requerida para enseñar a alumnos aprendices de inglés, si están presentes.
4. Puede obtener una forma de queja en la oficina de la escuela o el distrito, también la puede encontrar en la página de red de la escuela o el distrito. También puede obtener una copia de la forma de queja en la página de red del Departamento de Educación de California que es <http://www.cde.ca.gov/re/cp/uc>. Pero la queja no debe ser presentada usando ni el formulario del distrito, ni el formulario del Departamento de Educación de California.

**Community Relations**

**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE**

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

Response requested?  Yes  No

Contact Information:

Name \_\_\_\_\_

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

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

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

School: \_\_\_\_\_

Room Number or Name of Room: \_\_\_\_\_ Course or Grade Level: \_\_\_\_\_

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

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

Specific issue(s) of the complaint. Please check all that apply.

1. Textbooks and instructional materials:
  - A pupil including an English Learner does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class
  - A pupil does not have access to instructional materials to use at home or after school to complete homework assignments. This does not required two sets of textbooks or instructional materials for each pupil.
  - Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.
  - A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
  
2. Teacher vacancy or misassignment:
  - A semester begins and a certificated teacher is not assigned to teach the class.
  - A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20% English learners in the class.
  - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

**Community Relations**

3. Facility conditions:

- \_\_\_\_\_ A condition ~~exists that~~ poses an emergency or urgent threat to the health or safety of pupils or staff including: gas leaks, nonfunctioning heating, ventilation, fire or gates that will not lock and that pose a security risk, abatement of hazardous materials, previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
- \_\_\_\_\_ A school restroom has not been maintained or cleaned regularly, is not fully operational, and has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
- \_\_\_\_\_ The school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes.

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation:

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Please file this complaint with the person specified below at the following location:

\_\_\_\_\_  
(Principal or title of designee)

\_\_\_\_\_  
(Address)

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)



## **Community Relations**

### **INTERPERSONAL RESPECT**

Employees and parents of the Orcutt Union School District need not be subjected to threats or verbal intimidation, confrontation, or situations that could provide violence. It is the responsibility of the administrator/designee in charge to ensure and promote mutual respect, civility and orderly conduct among District employees, parents and the public.

### **Disruptions**

1. Any individual who disrupts or threatens to disrupt school/office operations; threatens the health and safety of parents, students or staff; willfully causes property damage; uses loud and/or offensive language which could provoke a violent reaction; or who has otherwise established a continued pattern of unauthorized entry on school District property, will be directed to leave school or school District property promptly by the administrator/designee who is in charge.
2. If any individual uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the administrator, employee or parent to whom the remarks are directed, will calmly and politely admonish the speaker to communicate civilly. If corrective action is not taken by the abusing party, a District employee will verbally notify the abusing party that the meeting, conference or telephone conversation is terminated and, if the meeting or conference is on District premises, the offending person will be directed to leave promptly.
3. When an individual is directed to leave under the above circumstances, the administrator/designee shall inform the person that he/she will be guilty of a misdemeanor in accordance with California Education Code 44811 and Penal Codes 415.5 and 626.7, if he/she reenters any District facility without permission within 30 days after being directed to leave, or within seven days if the person is a parent/guardian of a student attending that school. If an individual refuses to leave upon request or returns before the applicable period of time, the administrator/designee may notify law enforcement officials. An Incident Report should be completed for each incident as set forth in paragraphs 1 and 2.

**Safety and Security**

4. The Superintendent or designee will ensure that a safety and/or crisis intervention techniques program is provided in order to raise awareness on how to deal with these situations if and when they occur.
5. When violence is directed against a parent, employee, or theft against property, the parent or employee shall be encouraged to promptly report the occurrence to the school principal or supervisor and complete an Incident Report. The principal or supervisor should complete an Incident Report, and report to law enforcement, any attack, assault or threat made against any individual on school/District premises or school/District sponsored activity.

**Documentation**

6. When it is determined by staff that a member of the public is in the process of violating the provisions of this policy, an effort should be made by staff to provide a written copy of this policy, including applicable code revisions, at the time of occurrence. The employee will immediately notify his/her supervisor and provide a written report of the incident on the attached form.

Regulation approved: 12/14/2011

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**Orcutt Union School District**  
**CIVILITY INCIDENT REPORT**

Individual being reported:

Last name: \_\_\_\_\_ First name: \_\_\_\_\_ Site: \_\_\_\_\_

Today's date: \_\_\_\_\_ Date & time (approx.) of incident: \_\_\_\_\_

Location of incident (office, classroom, hallway, etc.): \_\_\_\_\_

Is this person a  parent  guardian  relative of a student at OUSD?  
 Other \_\_\_\_\_

Did you feel your well-being/safety was threatened? Yes \_\_\_\_\_ No \_\_\_\_\_

Were there any witnesses to this incident? Yes \_\_\_\_\_ No \_\_\_\_\_

Name of witness(es): \_\_\_\_\_

Were the police contacted? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes: Deputy's name: \_\_\_\_\_ CASE/DR#: \_\_\_\_\_

Please describe what happened, including any action taken:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional pages attached to this report.

\_\_\_\_\_  
Name of person completing form

\_\_\_\_\_  
Signature of person completing form

**This form should be sent to the office of the Assistant Superintendent, Human Resources**

**Community Relations**

**SOLICITATION OF FUNDS FROM AND BY STUDENTS**

The Superintendent or designee shall approve all fund-raising activities at least 15 days before the activity. If the event involves a contract with a commercial vendor, the Superintendent or designee shall review the contract.

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

(cf. 6116 - Classroom Interruptions)

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

(cf. 1230 - School-Connected Organizations)

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

**Door-to-Door Sales**

Door-to-door sales are prohibited.

**Community Relations**

**ADVERTISING AND PROMOTION**

These regulations are established to provide specific guidelines for the approval and distribution of non-school related materials to students through the schools of the district.

1. All non-school sponsored materials must contain, on each page, *This is not a school-sponsored activity* and/or *This material not prepared at school expense* or words of equal disclaimer nature as judged by district staff.
2. All materials submitted for distribution approval will be reviewed thoroughly to insure conformance with law, policy and this regulation.
3. If approved, the requesting party is responsible for delivery of materials at the time and place specified by the district. Materials must be packaged as directed by the district.
4. At schools, distribution shall be under the control of the principal and staff.
5. Students may refuse to accept the distribution of non-school sponsored materials.
6. At any point in the process, staff may request legal opinion by the district's counsel.
7. Final decisions and approval of all non-school sponsored flyers/materials rest with the superintendent or the superintendent's designee.

Regulation Approved: 11/8/06

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

## USE OF SCHOOL FACILITIES

### I. Eligibility

Those qualified to apply for public use of school facilities are residents of the Orcutt Union School District who are members of organizations, clubs, and associations such as parent-teacher groups, youth groups, senior citizens' groups, and other community organizations that are formed for character building, recreation, educational, political, scientific, economic, or artistic activities. At least the majority in any such group must reside within the school district. Proof of authorized representation may be requested of the individual(s) responsible for making application for use of district facilities.

The District may request proof of California non-profit status.

Civic Center Groups may use school facilities subject to provisions contained in California statutes and Board of Trustees policies. Under certain conditions civic center groups are eligible for free use of facilities. Civic Center groups who are involved in a fund raising activity will be required to pay fees under Category B on the fee schedule. Category B will return direct costs to the school district for use of the facilities. All Gym facilities use requires at least direct cost charges.

Commercial groups, non-profit organizations or firms may use school facilities in accordance with the conditions of this policy and shall be required to pay fees as listed under Category D on the fee schedule.

In accordance with the *Education Code*, meeting places may be rented to churches and/or religious groups and the rental fee shall be at Category D rates and is payable in advance.

In the event of natural disasters or other emergencies affecting the public health and welfare, school facilities or grounds may be used for mass care and/or welfare shelters.

### II. Application for Use of Facilities.

General Instructions:

1. Applications, available in the District Administrative Office 500 Dyer St., must be made out and signed by a responsible representative of the organization. Arrangements for facility use must be made at the District Administrative Offices.
2. Completed applications shall be submitted at least two weeks in advance.
3. In order to accommodate after school student activities, gym use will be scheduled on a month-to-month. Sports tournament reservations time lines to be determined.
4. Event is not approved until written authorization, via US mail or e-mail is received.

### III. Facility Fee Categories

When no admission fees are charged and no contributions are solicited, the use of facilities, with the exception of the gyms, shall be granted free of charge to groups which are directly related to youth attending the Orcutt Union School District. Meetings qualifying under these provisions shall

be non-exclusive, open to the public, free of charge, and scheduled on school days to end by 9:30 p.m. The conditions under which an organization is charged for use of school facilities are dependent upon the type of organization and the nature of the activities to be conducted. These factors are considered in the following categories:

<b>GROUP FEE CATEGORIES</b>	
<b>CATEGORY A</b>	Organizations that exist to serve youth groups or whose activities are related to Orcutt Union School District age youth shall be allowed to use school facilities (with the exception of gyms) at no cost provided their activities are scheduled on regular school days and end by 9:30 pm. i.e., PTAs, Boy Scouts, 4H, Orcutt Youth Leagues
<b>CATEGORY B</b>	Organizations qualifying for civic center use who are engaged in a fund raising activity shall be required to pay fees under Schedule B which is designed to return direct costs for the use of the facility. i.e., K-12 Educational Institutions, and same groups in Category A.
<b>CATEGORY C</b>	Organizations or groups of adults formed for character building, recreation, educational, scientific, or artistic activities shall pay fees as set forth in Category C which is established at "fair rental value." i.e., Hancock College, Cultural Associations, Community (Church) Pot Lucks
<b>CATEGORY D</b>	Organizations or groups formed for political, economic or religious activities, or other groups not open to the general public, shall pay fees as set forth in Category D which are commercial rates. i.e., Church services, for profit businesses.

IV. Staff and Facility Fee Charges

All charges must be paid in advance. In cases where the exact amount is not known, an adequate deposit will be collected and adjustments made as soon as the exact charge is determined. Fees will revised to reflect the actual costs.

Use of the facility may be denied unless the applicant brings a copy of the approved application to the facility on the date of the scheduled activity. School personnel shall not open or allow access to any facilities until such authorization is presented. Staff time rates will be revised annually to

<b>FACILITY USE FEE CHART</b>				
<b>FACILITY OR EQUIPMENT</b>	<b>CATEGORY A</b>	<b>CATEGORY B</b>	<b>CATEGORY C</b>	<b>CATEGORY D</b>
Classroom	No Charge	2.00	4.00	22.50
Computer Lab (hourly + \$2.00 per hr./per computer)	No Charge	2.00	4.00	22.50
Gym - Lakeview Jr. High	15.00	15.00	50.00	52.50
Gym - Orcutt Jr. High	10.00	10.00	27.00	37.50
Multi-Use Room	No Charge	4.00	8.00	37.50

**Community Relations**

AR 1330 (c)

Kitchen - Partial use (does not include clean up)	No Charge	6.00	9.00	45.00
<b>FACILITY OR EQUIPMENT</b>	<b>CATEGORY A</b>	<b>CATEGORY B</b>	<b>CATEGORY C</b>	<b>CATEGORY D</b>
Kitchen - Full use (includes use of appliances)	No Charge	15.00	18.00	60.00
Full kitchen use requires food service worker supervision - 2 hr. minimum	No charge	25.00	25.00	25.00

**STAFF SERVICES**

Set up of tables, chairs, public address system to be charged by the hour.	No charge	33.00	33.00	33.00
Open, close, and cleaning of facilities to be charged a minimum of two hours on non-working days.	No charge	33.00	33.00	33.00
Supervision for use LJHS stage - 2 hr. minimum	No charge	33.00	33.00	33.00

1. Individuals, organizations or groups may petition to the Board of Trustees for waiver of fees for special circumstances. As a condition of waiver under any circumstance, the Board will only consider such a request if accompanied by an agreement that accommodations will be made for those children who cannot afford the fee to participate in the program being offered.
2. If a meeting is postponed or cancelled, the District Office shall be notified at least forty-eight (48) hours in advance. Failure of an organization to provide this notice to the District will result in the organization having its fee refunded as follows:

DISTRICT NOTIFIED	More Than 48 Hours	Less Than 48 Hours	Less Than 24 Hours
AMOUNT REFUNDED	100% Of Fees	50% Of Fees	No Refund

V. General Conditions of Use

All individuals, groups, or organizations in their use or occupancy of school property shall comply with all applicable laws, rules and regulations. Any use contrary to or in violation of any law, rule or regulations shall be grounds for cancellation of the permit and removing the users from the property and may bar such individual group or organization from further use thereof.

1. Any individual group or organization using school property for civic center, or other purposes, under this policy shall be liable for any injuries resulting from the negligence of that user during the use of those facilities. The Orcutt Union School District, in granting the use of school facilities under civic center use, shall be liable for any injuries resulting from the negligence of the district in the ownership and maintenance of those facilities. The district and the user shall each bear the cost of insuring against its respective risks and shall each bear the costs of defending itself against claims arising from those risks.



## Community Relations

AR 1330 (d)

2. Groups or organizations involved in activities which expose the district to risk of third party liability shall be required to list the district as an additional insured on their liability and property damage insurance policy. The minimum level of coverage shall be \$1,000,000.00 and the certificate must contain a ten (10) day cancellation clause.
3. The Board of Trustees, through its designated representative, reserves the right to cancel any use of school facilities approved under this article. When practical, one week's notice will be given for cancellation of use; however, the right is reserved to cancel the approved usage without notice if occasion demands.
4. The Board of Trustees, through its designated representative, reserves the right to require security guard coverage at any event scheduled which anticipates large number of participants or attendees. Such security coverage will be paid by the permittee. The Board of Trustees, or its representatives, shall have free access to all rooms at any time.
5. Juvenile groups must have adult sponsorship. There shall be supervision of all facilities used including restrooms; and no less than one supervisor for each twenty minors unless exemption has been approved by the Superintendent.
6. No intoxicants or narcotics shall be permitted on school property, nor shall profane language, quarreling, fighting or gambling be allowed. Violation of this rule by any organization during occupancy shall be sufficient cause for denying further use of the school facilities to the organization.
7. All functions shall end by 9:30 p.m. unless special permission is secured in advance from the Superintendent.
8. Use of playgrounds by organized groups for athletic purposes may require payment of fees on weekends, holidays and during summers. (See schedule of fees.) Private vehicles are not allowed in any area other than marked and designated parking spaces.
9. The occupants of a room or building shall not exceed the capacity rated by the Fire Department. It is against fire regulations to have anyone standing or sitting in the aisles or blocking exits. Drapes, hangings, curtains, drops, and all decorative materials used within or upon school buildings or groups, shall be made of nonflammable material, or shall be treated and maintained in a flame-retardant condition by means of a solution of process approved by the State Fire Marshall.
10. The use of products containing tobacco and/or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products any time, in charter school or school district-owned or leased buildings, on school or district property, and in school or district vehicles is prohibited. However, this section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property.

11. Animals of all types and kinds, whether or not people are controlling them or have custody of them, or have custody of them, are prohibited in the facilities and on the grounds of the District. The principal of each site, however, may grant permission to an applicant who wishes to bring an animal to a district facility or on the grounds of the District for the purpose of furthering an instructional program of the District. In addition, a properly licensed service dog accompanying a handicapped person is uniformly and automatically exempted.
12. The riding of skateboards and/or rollerblades is prohibited in all district facilities and on all District property. Violators may be prosecuted under Penal Code.
13. Custodial service is required any time building facilities are in use and the assigned custodian shall be responsible for verifying the group's authority to use the facility, for making necessary arrangements to accommodate the meeting, for cleaning and returning the facilities to proper condition for school use, for reporting any deviation or departures from *Board Policy*. The custodian shall not open any facilities until the sponsor or director of the activity has arrived.
14. Only the Board of Trustees may pay district employees for services rendered in behalf of an organization using school facilities. No group, organization, or individual may donate a gift to anyone as a consideration for services performed while on duty as an employee of the Orcutt Union School District.

VI. Restrictions and Limitations

School facilities shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law.
2. By an individual, society, group or organization for the commission of any act intended to further any program or movement, the purpose of which is to accomplish the overthrow of the government of the United States or the State by force, violence or other unlawful means.
3. Private businesses whose intent is to conduct regular and ongoing activities.
4. Any use of school facilities or grounds which is inconsistent with their use for school purposes or which interferes with the regular conduct of school or school work.
5. Any use which is unlawfully discriminatory in the legal sense.
6. Any use which involves the possession, consumption, distribution, or sale of alcoholic beverages or any restricted substances on school property.
7. For a period exceeding one year.
8. On January 1 and July 4, Thanksgiving or Christmas.

9. No use of school facilities shall be granted in such a manner as to constitute a monopoly for the benefit of any person or organization.
10. Concessions are the exclusive right of the Orcutt Union School District unless special permission has been granted to the requesting party.
11. Non-School sponsored garage or rummage sales are not permitted

VII. Priority Use Order

The District retains the right to “bump” events. In the event, two or more groups request the same time and location, the following priority guidelines will apply:

1. Use by Orcutt Union School District for conducting educational programs and/or activities.
2. Non-Profit Student/Youth-based program within Orcutt Community
3. Non-Profit Community/Adult Recreation within Orcutt Community
4. Non-Profit Student/Youth-based programs from outside the Orcutt Community
5. Non-Profit Community/Adult Recreation from outside the Orcutt Community
6. Profit making organizations

VIII. Events Flyers

An approved application for school facilities use does not automatically approve the distribution of the event flyer. The event flyer should not be printed until written District approval for facilities request is provided.

Superintendent’s approval is required if flyer is to be distributed to students. Flyer is to be submitted to Superintendent’s office at least 10 working days prior to distribution.

IX. Damage and Liability

Groups or persons using school facilities shall be liable for any property damages caused by the activity or for any extraordinary cleaning necessitated by the activity. The Board may charge for cleaning or to repair the damages and may deny the group further use of school facilities.

Any group using school facilities shall be liable for any injuries resulting from its negligence during such use. The group shall bear the cost of insuring against this risk and defending itself against claims arising from this risk.

Groups other than those that promote youth and school activities shall be required to include the district as additional insured on their liability policies.

The Superintendent or designee may require a hold harmless agreement when warranted by the type of activity or the specific facility being used.

**Community Relations**

**USE OF SCHOOL FACILITIES**

**ORCUTT UNION SCHOOL DISTRICT  
STATEMENT OF INFORMATION**

The undersigned, as duly authorized representative for \_\_\_\_\_, states that, to the best of his/her knowledge, the school property for use of which application is hereby made will not be used for the commission of any crime or any act which is prohibited by law.

The undersigned further declares that, \_\_\_\_\_ the organization on whose behalf he/she is applying for the use of school property upholds and defends the Constitutions of the United States and the State of California.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Organization (if applicable)

## **Community Relations**

### **ACCESS TO DISTRICT RECORDS**

#### Definitions

Public records include any writing containing information relating to the conduct of the district's business prepared, owned, used, or retained by the district regardless of physical form or characteristics. (Government Code 6252)

(cf. 3580) – District Records)

(cf. 9012 – Board Member Electronic Communications)

Writing means any handwriting, typewriting, printing, photostating, 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 district acting within the scope of his/her office or employment. Governing Board members shall have the ability to access public records permitted by law in the administration of their duties. Notwithstanding, members of the Board are entitled to access to district public records on the same basis as any other person. (Government Code 6252, 6252.5)

#### Public Records

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

1. Proposed and approved budgets and annual audit of the district (*Education Code 41020, 42103*)

(cf. 3100 - Budget)

(cf. 3460 - Financial Reports and Accountability)

2. Statistical compilations

3. Reports and memoranda

4. Notices and bulletins

5. Minutes of public meetings (*Education Code 35145*)

(cf. 9324 - Minutes and Recordings)

6. Meeting agendas (*Government Code 54957.5*)  
*(cf. 9322 - Agenda/Meeting Materials)*
7. Official communications between governmental branches
8. School-based program plans (Education Code 52850)  
*(cf. 0420 – School Plans/Site Councils)*  
*(cf. 0420.1 - School-Based Program Coordination)*
9. Information and data relevant to the evaluation and modification of district plans  
*(cf. 0440 - District Technology Plan)*  
*(cf. 0520.2 - Title I Program Improvement Schools)*  
*(cf. 0520.3 - Title I Program Improvement Districts)*
10. Initial proposals of exclusive employee representatives and of the district  
*(Government Code 3547)*  
*(cf. 4143.1/4243.1 - Public Notice - Personnel Negotiations)*
11. Claims filed against the district and records pertaining to pending litigation  
*(Government Code 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))*  
*(cf. 3320 - Claims and Actions Against the District)*
12. Statements of economic interests required by the Conflict of Interest Code  
*(Government Code 81008)*  
*(cf. 9270 - Conflict of Interest)*
13. Contracts of employment and settlement agreements (*Government Code 53262*)  
*(cf. 2121 - Superintendent's Contract)*  
*(cf. 4117.5/4217.5/4317.5 - Termination Agreements)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*
14. Instructional materials including, but not limited to, textbooks (64 Ops.Cal.Atty.Gen. 186 (1981))  
*(cf. 5020 – Parent Rights and Responsibilities)*  
*(cf. 6161.1 – Selection and Evaluation of Instructional Materials)*

The Superintendent or designee shall ensure that any record containing personal information is redacted to ensure that such information, including, but not limited to, an employee's home address or social security number, is not disclosed to the public.

## Confidential Records

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

1. Preliminary drafts, notes, interagency, or intradistrict memoranda which are not retained by the district 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*)

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

2. Records specifically prepared for litigation to which the district is a party or to respond to claims made against the district pursuant to the Tort Claims until the pending litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law (*Government Code 6254, 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988)*)
3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (*Government Code 6254*)

(*cf. 4112.6/4212.6/4312.6 - Personnel Files*)  
(*cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records*)  
(*cf. 5125 - Student Records*)  
(*cf. 5125.1 - Release of Directory Information*)

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 employee
- 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

(*cf. 4140/4240/4340 - Bargaining Units*)

- d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to district employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents

*(cf. 4154/4254/4354 – Health and Welfare Benefits)*

4. Test questions, scoring keys, and other examination data except as provided by law *(Government Code 6254)*

*(cf. 6162.51 - Standardized Testing and Reporting Program)*

*(cf. 6162.52 - High School Exit Examination)*

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 district 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 and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources. *(Government Code 6254)*

*(cf. 6163.1 - Library Media Centers)*

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)*

*(cf. 9124 - Attorney)*

9. Documents prepared by or for the district to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt district operations and that are for distribution or consideration in closed session *(Government Code 6254)*

*(cf. 0450 – Comprehensive Safety Plan)*

10. Recall petitions or petitions for special elections to fill Board vacancies, or petitions for the reorganization of school districts *(Government Code 6253.5)*

*(cf. 9223 – Filling Vacancies)*



11. Minutes of Board meetings held in closed session (*Government Code 54957.2*)  
*(cf. 9321 - Closed Session Purposes and Agendas)*
12. Computer software developed by the district (*Government Code 6254.9*)
13. Information security records, the disclosure of which would reveal vulnerabilities to, or increase potential for an attack on, the district's information technology system (*Government Code 6254.19*)
14. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (*Government Code 6254, 6255*)  
*(cf. 5141.6 - School Health Services)*
15. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes
16. Records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (*Government Code 6255*)

#### Inspection of Records and Requests for Copies

Any person may request a copy or inspection of any district record that is open to the public and not exempt from disclosure. (*Government Code 6253*)

Within 10 days of receiving any request to inspect or copy a district record, the Superintendent or designee shall determine whether the request seeks release of a disclosable public record in the district's possession. The Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (*Government Code 6253*)

In unusual circumstances, the 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 the following, 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 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 distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the 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*)

Public records are open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (*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*)

The Superintendent or designee shall charge twenty five cents (25 cents) for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the Superintendent or designee.

If any person requests a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district 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 district 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 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 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 Superintendent or designee is still unable to identify the information, this requirement shall 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

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)*

Regulation Approved: 03/14/2012

Orcutt Union School District  
Orcutt, California