

**COMMUNICATION WITH THE PUBLIC**

The Board of Directors recognizes the Santa Clarita Valley School Food Services Agency's (SCVSFSA) responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the agency and to be responsive to the concerns and interests of the community. The Chief Executive Officer (CEO) or designee shall establish strategies for effective two-way communications between SCVSFSA and the public and shall consult with the Board regarding the role of Board members as advocates for SCVSFSA, its programs, and policies.

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 9000 - Role of the Board)*

The CEO or designee shall provide the Board and staff with communications protocols and procedures to assist SCVSFSA in presenting a consistent, unified message on agency issues. Such protocols and procedures may include, but are not limited to, identification of the spokesperson(s) authorized to speak to the media on behalf of SCVSFSA, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.

*(cf. 1112 - Media Relations)*  
*(cf. 1340 - Access to District Records)*  
*(cf. 2111 - Superintendent Governance Standards)*  
*(cf. 3580 - District Records)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*  
*(cf. 9005 - Governance Standards)*  
*(cf. 9010 - Public Statements)*  
*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

The CEO or designee shall utilize a variety of communications methods in order to provide the public with access to information. Such methods may include, but are not limited to, SCVSFSA newsletter, web site, social networking pages or other online communications technologies, direct email communications, mailings, notices sent home with students, recorded telephone messages for parent/guardian information, community forums and public events, news releases, meetings with education reporters and editorial boards, presentations at parent organization meetings, and meetings with representatives of local governments, community organizations, and businesses.

*(cf. 0510 - School Accountability Report Card)*  
*(cf. 1020 - Youth Services)*  
*(cf. 1113 - District and School Web Sites)*  
*(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)*  
*(cf. 1700 - Relations Between Private Industry and the Schools)*

In developing communications strategies, the CEO or designee shall take into account the needs of all members of the public, including individuals with disabilities and those whose primary language is not English.

## **COMMUNICATION WITH THE PUBLIC** (continued)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

The CEO or designee shall ensure that staff members are responsive to requests by parents/guardians or members of the public for information or assistance and may provide staff with professional development in their "customer service" role as needed.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The CEO or designee shall provide multiple opportunities for members of the public to give input on SCVSFSA issues and operations. Community members are encouraged to become involved in agency activities, participate on agency committees, provide input at Board meetings, submit suggestions to SCVSFSA staff, and use the SCVSFSA's complaint procedures as appropriate.

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1230 - School-Connected Organizations)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 1260 - Educational Foundation)*

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 6020 - Parent Involvement)*

*(cf. 9322 - Agenda/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

### **Comprehensive Communications Plan**

The CEO or designee shall develop a written communications plan which establishes priorities for proactive community outreach to build support for SCVSFSA programs and issues. The plan shall identify specific communications goals aligned with the SCVSFSA's vision and goals. For each communications goal, the plan shall identify key messages, individuals or groups that can help SCVSFSA achieve its goal, strategies tailored to each target audience, timelines, persons responsible for each activity, and budget implications.

*(cf. 0200 - Goals for the School District)*

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary institutions, health care professionals, child care providers, community leaders, state or federal legislators or agencies, and/or other segments of the public.

**COMMUNICATION WITH THE PUBLIC** (continued)

The plan shall incorporate strategies for effective communications during a crisis or other emergency situation that may arise.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

The CEO or designee shall periodically evaluate the implementation and effectiveness of the SCVSFSA's communications plan and recommend to the Board whether the goals and key issues identified in the plan need to be revised to meet changing circumstances or priorities.

*Legal Reference:*

EDUCATION CODE

7054 *Use of district property or funds re: ballot measures and candidates*

35145.5 *Board meetings, public participation*

35172 *Promotional activities*

38130-38138 *Civic Center Act*

48980-48985 *Parental notifications*

GOVERNMENT CODE

54957.5 *Meeting agendas and materials*

82041.5 *Mass mailing*

89001 *Newsletter or mass mailing*

CODE OF REGULATIONS, TITLE 2

18901 *Mass mailings sent at public expense*

18901.1 *Campaign-related mailings sent at public expense*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

*Management Resources:*

WEB SITES

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

California School Public Relations Association: <http://www.calspra.org>

Fair Political Practices Commission: <http://www.fppc.ca.gov>

**MEDIA RELATIONS**

The Board of Directors respects the public's right to information and recognizes that the media significantly influence the community's understanding of school-related programs. In order to develop and maintain positive media relations, the Board and the Chief Executive Officer (CEO) desire to reasonably accommodate media requests for information and to provide accurate, reliable, and timely information.

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

*(cf. 9322 - Agenda/Meeting Materials)*

Media representatives, like all other visitors, shall register immediately upon entering any agency building or grounds.

*(cf. 1250 - Visitors/Outsiders)*

*(cf. 3515.2 - Disruptions)*

**Media Communications Plan**

In order to help develop strong relations with the media, the CEO or designee shall develop a proactive media communications plan. This plan may include, but not be limited to, information related to Santa Clarita Valley School Food Services Agency (SCVSFSA) programs and needs, accomplishments, and events of special interest.

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1100 - Communication with the Public)*

*(cf. 1160 - Political Processes)*

The plan shall specify SCVSFSA's and/or site's primary media contact to whom all media inquiries shall be routed. Spokespersons designated to speak to the media on behalf of the SCVSFSA are the Board president and CEO.

**Crisis Communications Plan**

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

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

**MEDIA RELATIONS** (continued)

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

The CEO or designee shall include local law enforcement and media representatives in the crisis planning process.

*Legal Reference:*

EDUCATION CODE

32210-32212 *Willful disturbance of public school or meeting*

35144 *Special meetings*

35145 *Public meetings*

35160 *Authority of governing boards*

35172 *Promotional activities*

EVIDENCE CODE

1070 *Refusal to disclose news source*

PENAL CODE

627-627.10 *Access to school premises*

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

CSBA PUBLICATIONS

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

WEB SITES

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

**SCVSFSA AND SCHOOL WEB SITES**

To enhance communication with students, parents/guardians, staff, and community members, the Board of Directors encourages the Chief Executive Officer (CEO) or designee to develop and maintain a Santa Clarita Valley School Food Services Agency (SCVSFSA) web site. The use of the web site shall support SCVSFSA's vision and goals and shall be coordinated with other SCVSFSA communications strategies. The Agency is not responsible for links to other materials from the Agency website. Linked sites are not under the control of . . . .

- (cf. 0000 - Vision)*
- (cf. 0440 - District Technology Plan)*
- (cf. 1100 - Communication with the Public)*
- (cf. 1112 - Media Relations)*
- (cf. 1114 - District-Sponsored Social Media)*
- (cf. 6020 - Parent Involvement)*

**Design Standards**

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

SCVSFSA's design standards shall address the accessibility of the web site to individuals with disabilities, including compatibility with commonly used assistive technologies.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*

**Guidelines for Content**

The CEO or designee shall develop content guidelines for the SCVSFSA web site and shall assign staff to review and approve content prior to posting.

**Privacy Rights**

The CEO or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on the SCVSFSA web site.

- (cf. 1340 - Access to District Records)*
- (cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*
- (cf. 5022 - Student and Family Privacy Rights)*
- (cf. 5125 - Student Records)*

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on the SCVSFSA web site.

- (cf. 5125.1 - Release of Directory Information)*

Because of the wide accessibility of the Internet and potential risk to students, photographs of individual students shall not be published with their names or other personally identifiable information without the prior written consent of the student's parent/guardian.

Photographs of groups of students, such as at a school event, may be published provided that students' names are not included.

Staff members' home addresses or telephone numbers shall not be posted on the SCVSFSA web site.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on the SCVSFSA web site without the prior written permission of that individual. (Government Code 3307.5, 6254.21, 6254.24)

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

*(cf. 3515.3 - District Police/Security Department)*

**ADDED TO AGENCY WEBSITE:**

**Links to Other Materials:** Linked sites are not under the control of Santa Clarita Valley School Food Services Agency and the Agency is not responsible for the content of any linked site or any link contained in a linked site. The Agency reserves the right to terminate any link or linking program at any time. The Agency provides such links only as a convenience to you. The SCVSFS Agency has not endorsed, tested or verified any information, programs, companies, or products on sites to which it links. If you decide to access any third party sites linked to this Site, you do so entirely at your own risk.

*Legal Reference: (see next page)*

**SCVSFSA AND SCHOOL WEB SITES (continued)**

*Legal Reference:*

EDUCATION CODE

- 35182.5 *Contracts for advertising*
- 35258 *Internet access to school accountability report cards*
- 48907 *Exercise of free expression; rules and regulations*
- 48950 *Speech and other communication*
- 49061 *Definitions, directory information*
- 49073 *Release of directory information*
- 60048 *Commercial brand names, contracts or logos*

GOVERNMENT CODE

- 3307.5 *Publishing identity of public safety officers*
- 6254.21 *Publishing addresses and telephone numbers of officials*
- 6254.24 *Definition of public safety official*
- 11135 *Nondiscrimination; accessibility to state web sites*

PENAL CODE

- 14029.5 *Prohibition against publishing personal information of person in witness protection program*

UNITED STATES CODE, TITLE 17

- 101-1101 *Federal copyright law*

UNITED STATES CODE, TITLE 20

- 1232g *Federal Family Educational Rights and Privacy Act*

UNITED STATES CODE, TITLE 29

- 794 *Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites*

UNITED STATES CODE, TITLE 42

- 12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 16

- 312.1-312.12 *Children's Online Privacy*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 99.1-99.67 *Family Educational Rights and Privacy*

COURT DECISIONS

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

*Management Resources:*

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

- Accessibility of State and Local Government Websites to People with Disabilities, June 2003*

WORLD WIDE WEB CONSORTIUM PUBLICATIONS

- Web Content Accessibility Guidelines, December 2008*

WEB SITES

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

- California Department of Education, Web Accessibility Standards:

- <http://www.cde.ca.gov/re/di/aw/webaccessstds.asp>

- California School Public Relations Association: <http://www.calspra.org>

- U.S. Department of Justice, Americans with Disabilities Act: <http://www.ada.gov>

- World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>



**SCVSFSA AND SCHOOL WEB SITES**

**Guidelines for Content**

The Santa Clarita Valley School Food Services Agency (SCVSFSA) web site shall provide current information regarding SCVSFSA programs, activities, and operations. Such information shall be appropriate for both internal and external audiences and may include SCVSFSA mission and goals, SCVSFSA news, agendas and minutes of Board of Directors meetings, and links to educational resources.

*(cf. 0440 - District Technology Plan)*  
*(cf. 0510 - School Accountability Report Card)*  
*(cf. 1100 - Communication with the Public)*  
*(cf. 1112 - Media Relations)*  
*(cf. 6020 - Parent Involvement)*

The Chief Executive Officer (CEO) or designee shall ensure that copyright laws are not violated in the use of materials on the SCVSFSA web site. If any copyrighted material is posted, a notice shall be included crediting the original producer of the material and noting how and when permission to reprint the material was granted.

*(cf. 4132/4232/4332 - Publication or Creation of Materials)*  
*(cf. 6162.6 - Use of Copyrighted Materials)*

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

**Roles and Responsibilities**

Any employee assigned as the SCVSFSA webmaster shall be responsible for the uploading of material to the web site upon approval of the CEO or designee. He/she shall ensure consistency of the material with SCVSFSA 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 CEO or designee may assign additional staff members to conduct an editorial review of all materials submitted for publication on the SCVSFSA web site and to make corrections as needed in spelling, grammar, or accuracy of content.

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

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

**SCVSFSA AND SCHOOL WEB SITES** (continued)

**Security**

The CEO or designee shall establish security procedures for the SCVSFSA's computer network to prevent unauthorized access and changes to the SCVSFSA web site. To the extent possible, the host computer(s) shall be in a lockable room with restricted access.

**VISITORS/OUTSIDERS**

The Board of Directors believes that it is important for community members to take an active interest in the issues affecting Santa Clarita Valley School Food Services Agency (SCVSFSA). Therefore, the Board encourages interested parents/guardians and community members to visit the agency and participate in its program.

*(cf. 1240 - Volunteer Assistance)*  
*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

To ensure the safety of students and staff and minimize interruption of the agency's program, the Chief Executive Office (CEO) or designee shall establish procedures which facilitate visits during regular work days. Visits during work hours should be arranged with the CEO or designee.

*(cf. 6116 - Classroom Interruptions)*

*Legal Reference:*

EDUCATION CODE

- 32210 Willful disturbance of public school or meeting
- 32211 Threatened disruption or interference with classes; misdemeanor
- 32212 Classroom interruptions
- 35160 Authority of governing boards
- 35292 Visits to schools (board members)
- 51512 Prohibited use of electronic listening or recording device

EVIDENCE CODE

- 1070 Refusal to disclose news source

LABOR CODE

- 230.8 Discharge or discrimination for taking time off to participate in child's educational activities

PENAL CODE

- 626-626.10 Schools
- 627-627.10 Access to school premises, especially:
  - 627.1 Definitions
  - 627.2 Necessity of registration by outsider
  - 627.7 Misdemeanors; punishment

COURT DECISIONS

- Reeves v. Rocklin Unified School District*, (2003) 109 Cal.App.4th 652

ATTORNEY GENERAL OPINIONS

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

**UNIFORM COMPLAINT PROCEDURES**

The Board of Directors recognizes that the Santa Clarita Valley School Food Services Agency (SCVSFSA) has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing the agency's programs. The Agency encourages early resolution of complaints whenever possible. To resolve complaints SCVSFSA shall investigate complaints alleging failure to comply with such laws and/or alleging discrimination and shall seek to resolve those complaints in accordance with its uniform complaint procedures. (5 CCR4600-4670)

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

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in any of its programs or activities. (5 CCR 4610)

1. Any complaint alleging Agency violation of applicable state or federal law or regulations governing child nutrition programs and any other agency-implemented program which is listed in Education Code 64000(a).

*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 3555 - Nutrition Program Compliance)*

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any employee, or other person participating in agency programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

The Chief Executive Officer (CEO) or designee shall provide training to SCVSFSA staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

## Community Relations

BP 1312.3(b)

Employee Handbook (including all relevant policies) shall be distributed on a yearly basis – employees shall sign upon receipt of handbook.

*(cf. 4131 - Staff Development)*

The SCVSFSA shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the CEO or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

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

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

The CEO or designee shall provide training to SCVSFSA staff to ensure awareness and knowledge of current law and related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation.

*(cf. 4131 - Staff Development)*

Any complaint alleging employment discrimination or harassment shall be investigated and resolve by the Agency in accordance with the procedures specified in AR 4030-Nondiscrimination in Employment.

### *Legal Reference:*

#### EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 School safety plan, uniform complaint procedure

35186 Williams uniform complaint procedure

48985 Notices in language other than English

49060-49079 Student records

49490-49590 Child nutrition programs

#### GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

#### HEALTH AND SAFETY CODE

104420 Tobacco-Use Prevention Education

#### PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

#### CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

4600-4687 Uniform complaint procedures

## Community Relations

BP 1312.3(c)

### CODE OF REGULATIONS, TITLE 5

3080 Application of section

4900-4965 Nondiscrimination in elementary and secondary education programs

### UNITED STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act

### UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age Discrimination Act of 1975

### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

### CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

#### Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

#### WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov>

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

U.S. Department of Justice: <http://www.justice.gov>

## SANTA CLARITA VALLEY SCHOOL FOOD SERVICES AGENCY

Policy adopted: March 27, 2012

Valencia, California

Revised: March 26, 2018 (LS)

**UNIFORM COMPLAINT PROCEDURES**

Except as the Board of Directors may otherwise specifically provide in other SCVSFSA policies, these general 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 Board of Directors designates the individual(s) identified below as the employee(s) responsible for coordinating the Santa Clarita Valley School Food Services Agency (SCVSFSA) response to complaints and for complying with state and federal civil rights laws. The individual(s) shall receive and coordinate the investigation of complaints and shall ensure SCVSFSA compliance with law. The individual(s) also serve as the compliance officers specified in AR 5145.3-Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).

Chief Executive Officer (CEO)  
25210 Anza Drive  
Valencia, CA 91355  
(661) 295-1574 x103

The compliance officer who receives a complaint may assign another compliance officer to investigate the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is designated to investigate the complaint.

In no instance shall a compliance officer be designated to investigate a complaint if he/she is mentioned in the complaint 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 CEO or designee.

The CEO or designee shall ensure that employees designated to investigate and resolve 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 cover current state and federal laws and regulations governing the program, applicable processes for investigating complaints 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

**UNIFORM COMPLAINT PROCEDURES** (continued)

measures. Assigned employees may have access to legal counsel as determined by the CEO or designee.

*(cf. 4331 - Staff Development)*

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 CEO, or the CEO's designee, to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the SCVSFSA issues its final written decision, whichever occurs first.

#### Notifications

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

The CEO or designee shall annually provide written notification of the SCVSFSA's UCP to employees, parents/guardians, appropriate private school officials or representatives, and other interested parties. The notification shall include information regarding the prohibition of discrimination, harassment, intimidation, and bullying. (Education Code 262.3, 49010-49013, 52075; 5 CCR 4622)

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

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.
4. Include statements that:
  - a. The SCVSFSA has the primary responsibility to ensure compliance with applicable state and federal laws and regulations.



- 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, 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 CEO 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, SCVSFSA staff shall assist him/her in the filing of the complaint.
- e. If a complaint is not filed in writing but the SCVSFSA receives notice of any allegation that is subject to the UCP, the SCVSFSA 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 confirms that discrimination has occurred, the SCVSFSA will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

The CEO 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 SCVSFSA'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 SCVSFSA'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 SCVSFSA shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

#### Procedures – SCVSFSA's Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the SCVSFSA'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 Agency shall inform the respondent when the complainant agrees to and extension of the timeline for investigation and resolving the complaint.

The compliance officer(s) 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 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 or 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)

All complainants shall be protected from retaliation.

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

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

1. A written complaint alleging SCVSFSA violation of applicable state or federal law or regulations governing child nutrition programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any 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 CEO or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
3. 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.
4. When the complainant or alleged victim or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the SCVSFSA shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
  5. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, SCVSFSA staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

### Mediation

Within three business days ~~of~~ after the compliance officer receives receiving the complaint, he/she may informally discuss with all of the parties the possibility of using mediation. Mediation shall be not be offered or used to resolve any complaint involving an allegation of a sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation, unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to related relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend SCVSFSA's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the SCVSFSA shall take only the actions agreed to through mediation. If mediation is unsuccessful, the SCVSFSA shall then continue with subsequent steps specified in this administrative regulation.

### 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

To investigate a complaint alleging retaliation or 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 SCVSFSA's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation or 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 SCVSFSA'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 SCVSFSA 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 SCVSFSA 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, the compliance officer shall prepare and send to the complainant a written report of SCVSFSA's investigation and decision, as described in the section "Final Written Decision" below, within 60 calendar days of SCVSFSA's receipt of the complaint. (5 CCR 4631)

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 calendar days of the SCVSFSA's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant.

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 CDE in the same manner as the complainant, if he/she is dissatisfied with the Agency's decision.

#### Final Written Decision

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

In consultation with SCVSFSA's 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 SCVSFSA'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 employee the SCVSFSA shall ensure meaningful access to all relevant information for the employee 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 determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

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

- a. The type, frequency, and duration of the misconduct
  - b. The relationship between the alleged victim(s) and offender(s)
  - c. The number of persons engaged in the conduct and at whom the conduct was directed
  - d. The location of the incidents, and context in which they occurred
  - e. Other incidents at the location involving different individuals
5. Notice of the complainant's right to appeal SCVSFSA'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, or bullying), the decision may, as required by law, include:

1. He/she may pursue available civil law remedies outside of the SCVSFSA'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 SCVSFSA environment may include, but are not limited to, actions to reinforce SCVSFSA policies, and training for staff.

For complaints involving retaliation, unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim may include, but are not limited to, the following:

1. Counseling
2. Health services
3. Assignment of an escort to allow the victim to move safely about the central kitchen facility
4. Information regarding available resources and how to report similar incidents or retaliation
5. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
6. Restorative justice
7. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
8. 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

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

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

Appeals to the California Department of Education

Any complainant who is dissatisfied with SCVSFSA's final written decision, may file an appeal in writing to the CDE within 15 calendar days of receiving the SCVSFSA's decision. (Education Code 49013, 52075; 5 CCR 4632)

The complainant or respondent shall specify the basis for the appeal of the decision and how the facts of the SCVSFSA are incorrect and/or the law has been misapplied. The appeal shall

**UNIFORM COMPLAINT PROCEDURES** (continued)

AR 1312.3(j)

be sent to the CDE with by a copy of the locally filed complaint and a copy of SCVSFSA's decision in that complaint. (5 CCR 4632)

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

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by SCVSFSA, 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 SCVSFSA's uniform complaint procedures
7. Other relevant information requested by the CDE

(3/12 1/13) 10/14 03/18



**ACCESS TO AGENCY RECORDS**

The Board of Directors recognizes the right of citizens to have access to public records of the Santa Clarita Valley School Food Services Agency (SCVSFSA). The Board intends SCVSFSA to provide any person reasonable access to the public records it maintains during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 3580 - District Records)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*

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

*(cf. 5020 - Parent Rights and Responsibilities)*

*(cf. 5125 - Student Records)*

*(cf. 5125.1 - Release of Directory Information)*

*(cf. 6162.5 - Student Assessment)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

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

In order to help maintain the security of SCVSFSA records, members of the public granted access shall examine records in the presence of a SCVSFSA staff member.

*Legal Reference: (see next page)*

**ACCESS TO AGENCY RECORDS (continued)**

*Legal Reference:*

EDUCATION CODE

- 35145 *Public meetings*
- 35170 *Authority to secure copyrights*
- 35250 *Duty to keep certain records and reports*
- 41020 *Requirement for annual audit*
- 42103 *Publication of proposed budget; hearing*
- 44031 *Personnel file contents and inspections*
- 44839 *Medical certificates; periodic medical examination*
- 49060-49079 *Pupil records*
- 49091.10 *Parental review of curriculum and instruction*
- 52850 *Applicability of article (School-Based Program Coordination Plan availability)*

GOVERNMENT CODE

- 3547 *Proposals relating to representation*
- 6250-6270 *California Public Records Act*
- 6275-6276.48 *Other exemptions from disclosure*
- 53262 *Employment contracts*
- 54957.2 *Minute book record of closed sessions*
- 54957.5 *Agendas and other writings distributed for discussion or consideration*
- 81008 *Political Reform Act, public records; inspection and reproduction*

CALIFORNIA CONSTITUTION

- Article I, Section 3 Right of access to governmental information*

CODE OF REGULATIONS, TITLE 5

- 430-438 *Individual pupil records*

COURT DECISIONS

*International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County*, (2007) 42 Cal.4th 319

*Los Angeles Times v. Alameda Corridor Transportation Authority*, (2001) 88 Cal.App.4th 1381

*Kleitman v. Superior Court*, (1999) 74 Cal.App. 4th 324

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

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

ATTORNEY GENERAL OPINIONS

71 *Ops.Cal.Atty.Gen.* 235 (1988)

64 *Ops.Cal.Atty.Gen.* 186 (1981)

*Management Resources: (see next page)*

**ACCESS TO AGENCY RECORDS (continued)**

*Management Resources:*

ATTORNEY GENERAL PUBLICATIONS

*Summary of the California Public Records Act, 2004*

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

*The People's Business: A Guide to the California Public Records Act, 2008*

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

State Bar of California: <http://www.calbar.ca.gov>

**ACCESS TO AGENCY RECORDS**

Definitions

*Public records* include any writing containing information relating to the conduct of the Santa Clarita Valley School Food Services Agency's (SCVSFSA) business prepared, owned, used, or retained by SCVSFSA regardless of physical form or characteristics. (Government Code 6252)

*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 SCVSFSA acting within the scope of his/her office or employment. Members of the Board of Directors members shall have the ability to access public records permitted by law in the administration of their duties. Notwithstanding, Board members are entitled to access to SCVSFSA 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 SCVSFSA (Government Code 6252; Education Code 41020, 42103)

*(cf. 3100 - Budget)*

*(cf. 3460 - Financial Reports and Accountability)*

2. Statistical compilations (Government Code 6252)
3. Reports and memoranda (Government Code 6252)
4. Notices and bulletins (Government Code 6252)
5. Minutes of public meetings (Government Code 6252)

*(cf. 9324 - Minutes and Recordings)*

6. Meeting agendas (Government Code 6252, 54957.5)

*(cf. 9322 - Agenda/Meeting Materials)*

7. Official communications between governmental branches (Government Code 6252)

**ACCESS TO AGENCY RECORDS** (continued)

8. Information and data relevant to the evaluation and modification of SCVSFSA plans

*(cf. 0420 - School Plans/Site Councils)*

*(cf. 0440 - District Technology Plan)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 0520.2 - Title I Program Improvement Schools)*

*(cf. 0520.3 - Title I Program Improvement Districts)*

9. Initial proposals of exclusive employee representatives and of the SCVSFSA (Government Code 3547)

10. Tort claims filed against the SCVSFSA and records pertaining to pending litigation which predate the filing of the litigation, unless protected by some other provision of law (Government Code 6254.25; Fairley v. Superior Court; 71 Ops.Cal.Atty.Gen. 235 (1988))

*(cf. 3320 - Claims and Actions Against the SCVSFSA)*

11. Statements of economic interests required by the Conflict of Interest Code (Government Code 81008)

*(cf. 9270 - Conflict of Interest)*

12. Documents containing names, salaries, and pension benefits of SCVSFSA employees.

13. Contracts of employment and settlement agreements (Government Code 53262)

*(cf. 2121 – Chief Executive Officer's Contract)*

Access to public records of the SCVSSFSA shall be granted to members of the Board of Directors on the same basis as any other member of the public. When Board members are authorized to access public records in the administration of their duties, the Superintendent or designee shall not discriminate among any of the Board members as to which record, or portion of the record, will be made available, or when it will be made available. (Government Code 6252.5, 6252.7)

When disclosing to a member of the public any record that contains personal information, including, but not limited to, an employee's home address, home telephone number, social security number, personal cell phone number, or birth date, the CEO or designee shall ensure that such personal information is redacted from that record. (Government Code 6254.29, 6254.3)

**ACCESS TO AGENCY RECORDS** (continued)

Confidential Public Records

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

1. Preliminary drafts, notes, interagency or intraagency memoranda which are not retained by the SCVSFSA 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 generated in connection with or prepared for use in litigation to which SCVSFSA is a party or to respond to claims made against SCVSFSA pursuant to the Tort Claims Act are confidential, until the pending litigation or claim has been finally adjudicated or otherwise settled, unless the records are protected by some other provision of law (Government Code 6254, 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, home telephone numbers, personal cell phone numbers, or birth date 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 a 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, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee shall not be disclosed.

**ACCESS TO AGENCY RECORDS** (continued)

Upon written request of any employee, the SCVSFSA shall not disclose the employee's home address, home telephone number, personal cell phone number, or birth date, and the district shall remove this information from any mailing list of the district except a list used exclusively to contact the employee.

- d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to SCVSFSA employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
4. 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)
5. Documents prepared by or for the SCVSFSA to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt SCVSFSA operations and that are for distribution or consideration in closed session (Government Code 6254)

*(cf. 3516 - Emergencies and Disaster Preparedness Plan)*

6. Minutes of Board meetings held in closed session (Government Code 54957.2)
7. Computer software developed by the SCVSFSA (Government Code 6254.9)
8. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code 6254.19)
9. 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)
10. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes
11. Records for which SCVSFSA can demonstrate that, based on the particular facts of the case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. (Government Code 6255)

## **ACCESS TO AGENCY RECORDS** (continued)

### Inspection of Records and Requests for Copies

Any person may request a copy or inspection of any SCVSFSA 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 SCVSFSA record, the CEO or designee shall determine whether the request seeks release of a disclosable public record in SCVSFSA's possession. The CEO 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 CEO 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 SCVSFSA 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 CEO 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 shall be open to inspection at all times during SCVSFSA office hours. Any reasonably segregable portion of a record shall be made available for inspection by every person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

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



**ACCESS TO AGENCY RECORDS** (continued)

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

In addition to maintaining public records for public inspection during district office hours, the SCVSFSA may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the locations on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the record from the web site, the SCVSFSA shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 62530)

If any person requests a public record be provided in an electronic format, SCVSFSA shall make that record available in any electronic format in which it holds the information. The SCVSFSA 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 SCVSFSA 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 CEO 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 CEO or designee shall do all of the following: (Government Code 6253.1)

**ACCESS TO AGENCY RECORDS** (continued)

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 CEO 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)