

**BUTTE COUNTY OFFICE OF EDUCATION  
SUPERINTENDENT’S POLICY AND ADMINISTRATIVE REGULATIONS**

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### **SP 1100**

#### **COMMUNICATION WITH THE PUBLIC**

The County Superintendent recognizes the responsibility to keep the public informed regarding the goals, programs, achievements, and needs of the students and schools and to be responsive to the concerns and interests of the community. The County Superintendent or designee shall establish strategies for effective two-way communications between the Butte County Office of Education and the public and shall consult with the Butte County Board of Education regarding the role of Board Members as advocates for the students, programs, and policies.

The County Superintendent or designee shall provide the Butte County Board of Education and staff with communications protocols and procedures to assist in presenting a consistent, unified message on educational 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 Butte County Office of Education, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.

The County Superintendent 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, newsletters, websites, 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.

In developing communications strategies, the County Superintendent 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.

The County Superintendent 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.

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

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### Prohibition Against Mass Mailings at Public Expense

No newsletter or other mass mailing shall be sent by the Butte County Office of Education at public expense if such material aggrandizes one or more Board Members. The name, signature, or photograph of a Board member may be included in such materials.

Any newsletter or mass mailing regarding ballot measures, candidates, legislative activities, or any other campaign activities shall be sent and distributed in accordance with law and Board Policy.

### Comprehensive Communications Plan

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

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.

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

The County Superintendent or designee shall periodically evaluate the implementation and effectiveness of the communications plan.

### 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

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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

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### **SP 1112**

#### **MEDIA RELATIONS**

It is the intent of the County Superintendent to keep the public well informed on all matters related to the education of the students within Butte County. For that reason, the County Superintendent strongly encourages the use of the news media for informing the community about schools and their issues, such as costs, curriculum changes, programs and services, special events and other items, or general public interest.

The County Superintendent shall serve as the chief spokesperson for the Butte County Office of Education. The Assistant Superintendents and Administrators will be available for interview by representatives of the news media and shall promote and enhance good relationships with media executives, editors, and reporters as appropriate. The County Superintendent directs that all responses to media inquiries and items for public release concerning the Butte County Office of Education be coordinated through an Assistant Superintendent.

All media inquiries concerning local school districts shall be referred to the County Superintendent or the appropriate district superintendent's office.

Butte County Office of Education staff may develop printed material for distribution within the county and for distribution at-large. All publications must be approved by the superintendent or designee and must comply with Butte County Office of Education publications and guidelines.

Television and radio are powerful communicators and need proper handling so viewers and listeners understand the message correctly. After approval by an Assistant Superintendent, the County Superintendent must give final approval for release. Should a crisis occur, the County Superintendent should be notified immediately for preparation of a press statement or interview.

#### Identification, Analysis, and Leadership

The Butte County Office of Education seeks to keep abreast of community concerns, identify emerging issues of importance, and provide factual analysis and information.

The County Superintendent encourages decision makers to seek counsel with respect to issues and to make decisions based upon established policy, sound reason, and the common public good. Prior to taking action on such sensitive matters, decision makers are advised to carefully consider differing points of view and the needs, rights, and interests of all concerned. Decision

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makers are encouraged to discuss decisions and strategies with the appropriate unit supervisors.

### Interviewing and Photographing Students

The Butte County Office of Education shall not impose restraints on students' right to speak freely with media representatives at those times, which do not disrupt students' educational program. However, interviews of students may create substantial disorder or impinge on the rights of others. Therefore, in order to minimize possible disruption, media representatives who wish to interview students at school are strongly encouraged to make prior arrangements with the principal. At their discretion, parents/guardians may instruct their children not to communicate with media representatives.

In order to protect the privacy of students, a media representative who wishes to photograph students on school grounds should first make arrangements with the Principal or designee.

#### 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)

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### **SP 1113**

#### **COUNTY OFFICE AND SCHOOL WEBSITES**

To enhance communication with students, parents/guardians, staff, and community members, the County Superintendent or designee may develop and maintain Butte County Office of Education and school websites. The use of Butte County Office of Education and school websites shall support the Butte County Office of Education's Mission and Goals and shall be coordinated with other Butte County Office of Education communication strategies.

#### Design Standards

The County Superintendent or designee shall establish design standards for Butte County Office of Education and school websites in order to maintain a consistent identity, professional appearance, and ease of use.

Butte County Office of Education's design standards shall address the accessibility of Butte County Office of Education sponsored websites to individuals with disabilities, including compatibility with commonly used assistive technologies.

#### Privacy Rights

The County Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Butte County Board of Education members, and other individuals are protected on Butte County Office of Education and school websites.

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on the Butte County Office of Education or school websites.

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 Butte County Office of Education or school websites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Butte County Board of Education member shall not be posted on the Butte County Office of Education or school websites without the prior written permission of that individual.

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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.

#### 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

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### **AR 1113**

#### **COUNTY OFFICE AND SCHOOL WEBSITES**

##### Guidelines for Content

Butte County Office of Education and school websites shall provide current information regarding Butte County Office of Education school programs, activities, and operations. Such information shall be appropriate for both internal and external audiences and may include the Butte County Office of Education Mission and Goals, school news, agendas and minutes of Butte County Board of Education meetings, School Accountability Report Cards, school calendars, and links to educational resources.

With approval of the Principal, individual teachers may create web pages linked to the Butte County Office of Education or school website to provide information pertaining to class assignments, expectations, and activities.

Student work may be published on the Butte County Office of Education website or school websites 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 school newspaper.

Unless there is a clear statement that text, art, or photos are in the "public domain" and available for free use, such material should not be replicated on a website without prior permission of the owner of the copyright.

The County Superintendent or designee shall ensure that copyright laws are not violated in the use of materials on the Butte County Office of Education website and school websites. 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.

Whenever the Butte County Office of Education website or school website include links to external websites, it shall include a disclaimer that Butte County Office of Education is not responsible for the content of external websites.

##### Roles and Responsibilities

Executive Assistants assigned as webmasters for their division shall be responsible for the uploading of material to their website(s). He/she shall ensure consistency of the material with Butte County Office of Education standards, regularly check links for accuracy and appropriateness, keep the web server free of outdated or unused files, and provide technical assistance as needed.

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### **SP 1114**

#### **COUNTY OFFICE SPONSORED SOCIAL MEDIA**

The County Superintendent recognizes the value of technology such as social media platforms in promoting community involvement and collaboration. The purpose of any official social media platform shall be to further Butte County Office of Education's vision and mission, support student learning and staff professional development, and enhance communication with students, parents/guardians, staff, and community members.

The County Superintendent or designee shall develop content guidelines and protocols for official social media platforms to ensure the appropriate and responsible use of these resources and compliance with law, policy, and regulation.

#### Guidelines for Content

Official social media platforms shall be used only for their stated purposes and in a manner consistent with this policy and administrative regulation. By creating these official sites and allowing for public comment, the County Superintendent does not intend to create a limited public forum or otherwise guarantee an individual's right to free speech.

The County Superintendent or designee shall ensure that the limited purpose of the official social media platforms is clearly communicated to users. Each site shall contain a statement that specifies the site's purposes along with a statement that users are expected to use the site only for those purposes. Each site shall also contain a statement that users are personally responsible for the content of their posts.

Official social media platforms may not contain content that is obscene, libelous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation.

Staff or students who post prohibited content shall be subject to discipline in accordance with policy and administrative regulations.

Users of official social media platforms should be aware of the public nature and accessibility of social media and that information posted may be considered a public record subject to disclosure under the Public Records Act. The County Superintendent expects users to conduct themselves in a respectful, courteous, and professional manner.

#### Privacy

The County Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on official social media platforms.

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Superintendent's policy pertaining to the posting of student photographs and the privacy of telephone numbers, home addresses, and email addresses, shall also apply to official social media platforms.

Social media and networking sites and other online platforms shall not be used by any employees to transmit confidential information about students, employees, or county office operations.

#### Legal Reference:

##### EDUCATION CODE

32261 School safety, definitions of bullying and electronic act

35182.5 Contracts for advertising

48900 Grounds for suspension and expulsion

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

6250-6270 Public Records Act, especially:

6254.21 Publishing addresses and phone numbers of officials

6254.24 Definition of public safety official

54952.2 Brown Act, definition of meeting

##### 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

157 Employee rights to engage in concerted, protected activity

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

##### CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

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## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **AR 1114**

### **COUNTY OFFICE SPONSORED SOCIAL MEDIA**

#### Definitions

Social media means any online platform for collaboration, interaction, and active participation, including, but not limited to, social networking sites such as Facebook, Twitter, YouTube, LinkedIn, or blogs.

Official social media platform is a site authorized by the County Superintendent or designee. Sites that have not been authorized by the County Superintendent or designee but that contain content related to Butte County Office of Education or comments on operations, such as a site created by a parent-teacher organization, booster club, or other school-connected organization or a student's or employee's personal site, are not considered official social media platforms.

#### Authorization for Official Social Media Platforms

The County Superintendent or designee shall authorize the development of any official social media platform. Teachers and coaches shall obtain approval from the Principal before creating an official classroom or team social media platform.

#### Guidelines for Content

The County Superintendent or designee shall ensure that official social media platforms provide current information regarding programs, activities, and operations, consistent with the goals and purposes of this policy and regulation. Official social media platforms shall contain content that is appropriate for all audiences.

The County Superintendent or designee shall ensure that copyright laws are not violated in the use of material on official social media platforms.

The County Superintendent or designee shall ensure that official social media platforms are regularly monitored. Staff members responsible for monitoring content may remove posts based on viewpoint-neutral considerations, such as lack of relation to the site's purpose or violation of policy, regulations, or content guidelines.

Each official social media platform shall prominently display:

1. The purpose of the site along with a statement that users are expected to use the site only for those intended purposes.
2. Information on how to use the security settings of the social media platform.

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3. A statement that the site is regularly monitored and that any inappropriate post will be promptly removed. Inappropriate posts include those that:
  - a. Are obscene, libelous, or so incite students as to create a clear and present danger of the commission of unlawful acts on school premises, violation of school rules, or substantial disruption of the school's orderly operation
  - b. Are not related to the stated purpose of the site, including, but not limited to, comments of a commercial nature, political activity, and comments that constitute discrimination or harassment
4. Protocols for users, including expectations that users will communicate in a respectful, courteous, and professional manner.
5. A statement that users are personally responsible for the content of their posts and that Butte County Office of Education is not responsible for the content of external online platforms.
6. A disclaimer that the views and comments expressed on the site are those of the users and not necessarily the views of Butte County Office of Education.
7. A disclaimer that any user's reference to a specific commercial product or service does not imply endorsement or recommendation of that product or service by Butte County Office of Education.
8. The individual(s) to contact regarding violation of guidelines on the use of official social media platforms.

Employees who participate in official social media platforms shall adhere to all applicable policies and regulations, including, but not limited to, professional standards related to interactions with students.

When appropriate, employees using official social media platforms shall identify themselves by name and title and include a disclaimer stating that the views and opinions expressed in their post are theirs alone and do not necessarily represent those of the county office or school.

All staff shall receive information about appropriate use of the official social media platforms.

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### **SP 1150**

#### **COMMENDATIONS AND AWARDS**

To encourage community involvement in programs and activities, the County Superintendent or designee may publicly recognize and commend parents/guardians, community members, businesses, and organizations that make outstanding contributions or provide longstanding service to the Butte County Office of Education or students.

Any Board Member, employee, parent/guardian, student, or community member may recommend an individual or organization for recognition. He/she shall submit to the County Superintendent or designee the name of the individual or organization and a description of the outstanding contribution or service.

At the County Superintendent or designee's discretion, they may present a letter of recognition, Board resolution, plaque, or other award at a public Board Meeting or hold a reception or informal recognition activity. The County Superintendent may also designate a day, week, or month for special recognition of volunteers.

The County Superintendent encourages similar forms of recognition for achievement or services as part of school-level commendation programs.

#### Legal Reference:

##### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

44015 Awards to employees and students

##### CALIFORNIA CONSTITUTION

Article 16, Section 6 Gifts of public funds

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **SP 1220**

#### **CITIZEN ADVISORY COMMITTEES**

The Butte County Office of Education recognizes that citizen advisory committees enable both citizens and educators to better understand the attitudes and opinions held in the school and community.

As the need arises, the Butte County Office of Education may establish citizen advisory committees to consider school programs, needs, and issues. Advisory committees shall serve in an advisory capacity and shall not act as policy-making bodies.

Committee members shall represent a cross-section of the community, except in those cases where committee expertise or insight is needed to address the needs of a particular segment of the school community.

Citizen advisory committees may be established by the County Superintendent or Butte County Board of Education action. Citizen advisory committees established by the County Superintendent or Butte County Board of Education, as required by state open meeting laws, shall provide public notice of their meetings and conduct such meetings in public.

#### **Expenses, Travel, Reimbursement**

The Butte County Office of Education may allocate funds for the use of advisory committees. Within budget allocations, the County Superintendent or designee may approve requests for travel associated with the charge of the committee and reimburse committee members for reasonable and necessary expenses at the same rates and under the same conditions as those provided for Butte County Office of Education employees.

Legal Reference:

EDUCATION CODE

8070 Career technical education advisory committee

11503 Parent involvement program

15278-15282 Citizens' oversight committee

15359.3 School facilities improvement districts

17387-17391 Advisory committees for use of excess school facilities

35147 School site councils and advisory committees

44032 Travel expense payment

52060 Local Control and Accountability Plan

52063 Local Control and Accountability Plan

52176 Advisory committees, limited-English proficient students program

52852 Site council, school-based program coordination

54425 Advisory committees, compensatory education

54444.1-54444.2 Parent advisory councils, services to migrant children

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56190-56194 Community advisory committee, special education

62002.5 Continuing parent advisory committees

64001 Single plan for student achievement

GOVERNMENT CODE

810.2 Tort claims act, definition employee

810.4 Tort claims act, definition employment

815.2 Injuries by employees within scope of employment

820.9 Members of local public boards not vicariously liable

6250-6270 California Public Records Act

54950-54963 Brown Act

UNITED STATES CODE, TITLE 42

1758b Local wellness policy

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### AR 1220

### CITIZEN ADVISORY COMMITTEES

#### Committee Charge

When committees are appointed, committee members shall receive written information including, but not limited to:

1. The committee members' names
2. The procedure to be used in the selection of the committee chairperson and other committee officers
3. The name(s) and contact information of staff member(s) assigned to support the work of the committee
4. The goals and specific charge(s) of the committee, including its topic(s) for study
5. The specific period of time that the committee is expected to serve
6. Legal requirements regarding meeting conduct and public notifications
7. Resources available to help the committee perform its tasks
8. Timelines for progress reports and/or final report
9. Relevant Board policies and administrative regulations

Members of advisory committees are not vicariously liable for injuries caused by the act or omission of the county office or a committee and are not liable for injuries caused by an act or omission of a committee member acting within the scope of his/her role as a member of the committee. However, a member may be liable for injury caused by his/her own wrongful conduct.

#### Committees Subject to Brown Act Requirements

Any committee created by formal action of the Governing Board shall comply with Brown Act requirements pertaining to open meetings, notices, and public participation, including, but not necessarily limited to, the following:

1. Advisory committee established related to special education
2. Advisory committee established related to career technical education
3. Committee established to assist in development of a student wellness policy
4. Committee established related to the use or disposition of excess real property
5. Citizens' oversight committee established to examine the expenditure of general obligation bond or school facilities improvement bond revenues passed with a 55 percent majority of the voters
6. Parent advisory committee and English learner parent advisory committee established to review and comment on the local control and accountability plan (LCAP) and, if applicable, any advisory committee established to consult on LCAP development

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### Committees Not Subject to Brown Act Requirements

The following committees are exempt from the Brown Act but must conform with procedural meeting requirements established in Education Code:

1. School site councils established to develop and approve a single plan for student achievement
2. County Office or school advisory committees established and related to programs for English learners
3. School advisory committees established and related to compensatory education
4. Any advisory committee established and related to migrant education programs
5. School committees established and related to parent involvement

Meetings of the above councils or committees shall be open to the public. Any member of the public shall have the opportunity to address the council or committee during the meeting on any item within its jurisdiction. Notice of the meeting shall be posted at the school site or other appropriate accessible location at least 72 hours before the meeting, specifying the date, time, and location of the meeting and containing an agenda that describes each item of business to be discussed or acted upon.

The above councils or committees shall not take action on any item not listed on the agenda unless all members present unanimously find that there is a need to take immediate action and that this need came to the council's or committee's attention after the agenda was posted. In addition to addressing items on the agenda, members of the council, committee, or public may ask questions or make brief statements that do not have a significant effect on students or employees or that can be resolved solely by providing information.

Any council or committee violating the above procedural requirements must, at the demand of any person, reconsider the item at the next meeting, first allowing for public input on the item.

Any materials provided to a school site council shall be made available to any member of the public upon request pursuant to the California Public Records Act.

Committees created by the County Superintendent or designee to advise the administration and which do not report to the Board are not subject to the requirements of the Brown Act.

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### **SP 1240**

#### **VOLUNTEER ASSISTANCE**

The County Superintendent recognizes that volunteer assistance in schools can enrich the educational program, increase supervision of students, and contribute to school safety while strengthening the schools' relationships with the community. The County Superintendent encourages parents/guardians and other members of the community to share their time, knowledge, and abilities with students.

The County Superintendent or designee shall develop and implement a plan for recruiting, screening, and placing volunteers, including strategies for reaching underrepresented groups of parents/guardians and community members. He/she may also recruit community members to serve as mentors to students and/or make appropriate referrals to community organizations.

The County Superintendent prohibits harassment of any volunteer on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

As appropriate, the County Superintendent or designee shall provide volunteers with information about school goals, programs, and practices and an orientation or other training related to their specific responsibilities. Employees who supervise volunteers shall ensure that volunteers are assigned meaningful responsibilities that utilize their skills and expertise and maximize their contribution to the educational program.

Volunteer work shall be limited to those projects that do not replace the normal duties of classified staff. The County Superintendent nevertheless encourages volunteers to work on short-term projects to the extent that they enhance the classroom or school and comply with employee negotiated agreements.

The County Superintendent or designee shall establish procedures for determining whether volunteers possess the qualifications, if any, required by law and administrative regulation for the types of duties they will perform.

Volunteers shall act in accordance with policies, regulations, and school rules. The County Superintendent or designee shall be responsible for investigating and resolving complaints regarding volunteers.

The County Superintendent encourages Principals to develop a means for recognizing the contributions of each school's volunteers.

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### Legal Reference:

#### EDUCATION CODE

8482-8484.6 After School Education and Safety program  
8484.7-8484.9 21st Century Community Learning Center program  
35021 Volunteer aides  
35021.1 Automated records check  
35021.3 Registry of volunteers for before/after school programs  
44010 Sex offense; definition  
44814-44815 Supervision of students during lunch and other nutrition periods  
45125 Fingerprinting requirements  
45125.01 Interagency agreements for criminal record information  
45340-45349 Instructional aides  
45360-45367 Teacher aides  
48981 Parental notifications  
49024 Activity Supervisor Clearance Certificate  
49406 Examination for tuberculosis

#### GOVERNMENT CODE

3543.5 Prohibited interference with employees' rights  
12940 Prohibited discrimination and harassment

#### HEALTH AND SAFETY CODE

1596.871 Fingerprints of individuals in contact with child day care facility clients

#### LABOR CODE

1720.4 Public works; exclusion of volunteers from prevailing wage law  
3352 Workers' compensation; definitions  
3364.5 Authority to provide workers' compensation insurance for volunteers

#### PENAL CODE

290 Registration of sex offenders  
290.4 Information re: sex offenders  
290.95 Disclosure by person required to register as sex offender  
626.81 Sex offender; permission to volunteer at school

#### CODE OF REGULATIONS, TITLE 22

101170 Criminal record clearance  
101216 Health screening, volunteers in child care centers

#### UNITED STATES CODE, TITLE 20

6319 Qualifications and duties of paraprofessionals, Title I programs

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REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **AR 1240**

### **VOLUNTEER ASSISTANCE**

#### Duties of Volunteers

The County Superintendent or designee may assign volunteers to:

1. Assist certificated personnel in the performance of their duties, including in the supervision of students and in the performance of instructional tasks which, in the judgment of the certificated personnel to which the volunteer is assigned, may be performed by a person not licensed as a classroom teacher
2. Serve as non-teaching aides under the immediate supervision and direction of certificated personnel to perform non-instructional work which assists certificated personnel in the performance of teaching and administrative responsibilities
3. Supervise students during lunch, breakfast, or other nutritional periods
4. Work on short-term facilities projects
5. Perform other duties in support of county or school operations as approved by the County Superintendent or designee

Volunteers shall not be authorized to assign grades to students, and shall not be used to assist certificated staff in performing teaching or administrative responsibilities in place of regularly authorized classified employees who have been laid off.

#### Basic Skills Proficiency Requirement

Volunteers who supervise or provide instruction to students shall submit evidence of basic skills proficiency to the County Superintendent or designee.

#### Criminal Background Check

Prior to assuming a volunteer position working with students in a Butte County Office of Education sponsored student activity program, a volunteer shall obtain fingerprint clearance through the Department of Justice and Federal Bureau of Investigation. At his/her discretion, the volunteer may choose to meet this requirement by obtaining an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing. Student activity programs include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by Butte County Office of Education or a school booster club, such as cheer team, drill team, dance team, and marching band.

The County Superintendent or designee shall determine which volunteer positions are subject to the above requirement.

The criminal background check requirement shall not apply to volunteer supervisors for breakfast, lunch, or other nutritional periods or to volunteer non-teaching aides under the

## BUTTE COUNTY OFFICE OF EDUCATION

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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immediate supervision and direction of certificated personnel, including parents/guardians volunteering in a classroom or on a field trip or community members providing non-instructional services.

#### Registered Sex Offenders

The County Superintendent or designee may require all volunteers to disclose whether they are a registered sex offender and/or to provide Butte County Office of Education with sufficient information in order to allow verification of this status on the Department of Justice's Megan's Law website.

The Principal may grant a registered sex offender, who is not the parent/guardian of a student at the school, permission to come into a school building or upon school grounds to volunteer at the school. At least 14 days prior to the first date for which permission has been granted, the Principal or designee shall notify the parent/guardian of each student at the school, using one of the methods specified in Education Code § 48981, that a person who is required to register as a sex offender pursuant to Penal Code § 290 has been granted permission to come into a school building or upon school grounds, the date(s) and times for which permission has been granted, and the parent/guardian's right to obtain information regarding the person from a designated law enforcement agency.

However, no person who is required to register as a sex offender pursuant to Penal Code § 290 shall be assigned as a volunteer to assist certificated personnel in the performance of their duties; supervise students during lunch, breakfast, or other nutritional period; or serve as a non-teaching aide to perform non-instructional tasks. In addition, a person who is required to register as a sex offender because of a conviction for a crime where the victim was a minor under age 16 shall not serve as a volunteer in any capacity in which he/she would be working directly and in an unaccompanied setting with minors on more than an incidental and occasional basis or have supervision or disciplinary power over minors.

#### Tuberculosis Assessment/Examination

Upon initial volunteer assignment, a volunteer shall have on file with the school a certificate showing that he/she has submitted to a tuberculosis risk assessment and, if tuberculosis risk factors were identified, was examined and found to be free of infectious tuberculosis.

The County Superintendent or designee may exempt from the tuberculosis risk assessment and/or examination those volunteers whose functions do not require frequent or prolonged contact with students.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### Volunteer Facilities Projects

All volunteer facilities projects shall have approximate start and completion dates and shall be approved by the Principal in advance. Projects also shall be approved in advance by the County Superintendent or designee if they involve the following types of work:

1. Alterations, additions, or repairs to buildings and grounds
2. Construction involving wall or roof penetration, drilling, or nailing
3. Structural modifications
4. Electrical, electronic, plumbing, or heating and cooling work
5. Painting
6. Installation of carpet, playground equipment, benches, sprinkler systems, marquees or signs
7. Paving
8. Tree planting, pruning, or removal

The County Superintendent or designee shall ensure that volunteers possess the appropriate license and/or have sufficient expertise required for the project. He/she shall also ensure that such projects comply with building and safety codes and other applicable laws and collective bargaining agreements. Butte County Office of Education shall provide on-site assistance and supervision for such projects as necessary.

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **SP 1250**

#### **VISITORS/OUTSIDERS**

The County Superintendent believes that it is important for parents/guardians and community members to take an active interest in the issues affecting schools and students. Therefore, the County Superintendent encourages interested parents/guardians and community members to visit the schools and participate in the educational program.

To ensure the safety of students and staff and minimize interruption of the instructional program, the County Superintendent or designee shall establish procedures which facilitate visits during regular school days. Visits during school hours should be arranged with the Principal or designee. When a visit involves a conference with a teacher or the Principal, an appointment should be scheduled during non-instructional time.

Any person who is not a student or staff member shall register immediately upon entering any school building or grounds when school is in session.

The Principal or designee may provide a visible means of identification for all individuals who are not students or staff members while on school premises.

No electronic listening or recording device may be used by any person in a classroom without the teacher's and Principal's permission.

The County Superintendent encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing complaint processes if they have concerns with any program or employee. The Principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

#### **Presence of Sex Offender on Campus**

Any person who is required to register as a sex offender, including a parent/guardian of a student, shall request written permission from the Principal before entering the school campus or grounds. As necessary, the Principal shall consult with local law enforcement authorities before allowing the presence of any such person at school or other school activity. The Principal also shall report to the County Superintendent or designee anytime he/she gives such written permission.

The Principal shall indicate on the written permission the date(s) and times for which permission has been granted.

## BUTTE COUNTY OFFICE OF EDUCATION

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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#### 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)
- 49091.10 Parental right to inspect instructional materials and observe school activities
- 51101 Parent Rights Act of 2002
- 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

- 290 Sex offenders
- 626-626.10 Schools
  - 626.81 Misdemeanor for registered sex offender to come onto school grounds
  - 627-627.10 Access to school premises, especially:
    - 627.1 Definitions
    - 627.2 Necessity of registration by outsider
    - 627.7 Misdemeanors; punishment

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **AR 1250**

#### **VISITORS/OUTSIDERS**

The County Superintendent or designee shall post at every entrance to each school and school grounds a notice describing registration requirements, school hours or hours during which registration is required, the registration location, the route to take to that location, and the penalties for violation of registration requirements.

Unless otherwise directed by the Principal or designee, a staff member shall accompany visitors/outsidiers while they are on school grounds.

#### Outsider Registration

Outsidiers shall register upon entering school premises during school hours.

#### Principal's Registration Authority

The Principal or designee may refuse to register any outsider if he/she reasonably concludes that the individual'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 any outsider's registration if he/she has a reasonable basis for concluding that the individual'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.

When an outsider fails to register, or when the Principal or designee denies or revokes an outsider's registration privileges, the Principal or designee may request that the individual promptly leave school grounds. When an outsider is directed to leave, the Principal or designee shall inform him/her that if he/she re-enters the school within seven days he/she may be guilty of a misdemeanor subject to a fine and/or imprisonment.

#### Appeal Procedure

Any person who is denied registration or whose registration is revoked may appeal to the County 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 County Superintendent or Principal shall promptly mail a notice of the hearing to the person requesting it. A hearing before the County Superintendent or Principal shall be held within seven days after receipt of the request.

APPROVED: October, 2015

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **SP 1312.1**

#### **COMPLAINTS CONCERNING EMPLOYEES**

The County Superintendent accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Butte County Board of Education desires that complaints be resolved expeditiously without disrupting the educational process.

The County Superintendent or designee shall develop regulations which permit the public to submit complaints against Butte County Office of Education employees in an appropriate way. These regulations shall protect the rights of involved parties. The Butte County Board of Education may serve as an appeals body if the complaint is not resolved.

The County Superintendent prohibits retaliation against complainants. The County Superintendent or designee at his / her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The Butte County Office of Education will not investigate anonymous complaints unless it so desires.

#### Legal Reference:

##### EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence

48987 Child abuse guidelines

##### GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

##### PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

##### WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### AR 1312.1

#### **COMPLAINTS CONCERNING EMPLOYEES**

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

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against 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. All complaints related to Butte County Office of Education personnel shall be submitted in writing to the Assistant Superintendent or designee.
3. Complaints related to an Assistant Superintendent shall be initially filed in writing with the County Superintendent.
4. When a written complaint is received, the employee shall be notified within five (5) 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.
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 appropriate Assistant 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 Assistant Superintendent or designee's decision as final. However, the complainant, the employee, or the Assistant Superintendent may ask to address the County Superintendent regarding the complaint.
8. Before any County Superintendent consideration of a complaint, the Assistant Superintendent shall submit to the County Superintendent 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 County Superintendent 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; and
  - d. A summary of the action taken by the Assistant Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons.

## BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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9. The County Superintendent may uphold the Assistant Superintendent's decision without hearing the complaint.

10. All parties to a complaint may be asked to attend a meeting with the County Superintendent in order to clarify the issue and present all available evidence.

The decision of the County Superintendent shall be final.

Any complaint of child abuse or neglect alleged against a Butte County Office of Education employee shall be reported to the appropriate local agencies in accordance with law, County Superintendent's Policies and Administrative Regulations.

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REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **SP 1312.2**

#### **COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

The County Superintendent uses a comprehensive process to adopt Butte County Office of Education instructional materials that is based on selection criteria established by law and the County Superintendent's policy and includes opportunities for the involvement of parents/guardians and community members. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their child's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed using the process specified in the administrative regulation.

The Butte County Office of Education shall accept complaints concerning instructional materials only from staff, county residents, or the parents/guardians of children enrolled in a Butte County Office of Education school.

When deliberating upon challenged materials, the review committee shall consider the educational philosophy of the Butte County Office of Education, the professional opinions of teachers of the subject and of other competent authorities, reviews of the materials by reputable bodies, the teacher's stated objectives in using the materials, community standards, and the objections of the complainant.

Complainants are encouraged to accept the Assistant Superintendent's or review committee's decision. However, if the complainant finds that decision unsatisfactory, he/she may appeal the decision to the County Superintendent.

The decision shall be based on educational suitability of the materials and the criteria established in the Superintendent's Policy and Administrative Regulations.

When any challenged instructional material is reviewed by the Butte County Office of Education, it shall not be subject to further reconsideration for 12 months, unless the County Superintendent determines that reconsideration is warranted.

Complaints related to sufficiency of textbooks or instructional materials shall be resolved pursuant to the Butte County Office of Education's Williams Uniform Complaint Procedure.

## BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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Legal Reference:

EDUCATION CODE

18111 Exclusion of books by governing board

35010 Control of district; prescription and enforcement of rules

35186 Williams Uniform Complaint Procedures

44805 Enforcement of course of studies; use of textbooks, rules and regulations

51501 Subject matter reflecting on race, color, etc.

60000-60005 Instructional materials, legislative intent

60040-60048 Instructional requirements and materials

60119 Public hearing on sufficiency of materials

60200-60206 Elementary school materials

60226 Requirements for publishers and manufacturers

60400-60411 High school textbooks

60510-60511 Donation of sale of obsolete instructional materials

ADOPTED: October, 2015

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **AR 1312.2**

#### **COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

##### Step 1: Informal Complaint

If a staff member, county resident, or parent/guardian of a student enrolled in a Butte County Office of Education 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 non-printed 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 Butte County Office of Education 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 Assistant 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: Assistant Superintendent Determination

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

If the Assistant 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 Assistant Superintendent or designee determines that a review committee is necessary, he/she shall appoint a committee composed of administrators and staff members selected

## BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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from relevant instructional and administrative areas. The Assistant Superintendent or designee may also appoint community members to serve on the committee.

The review committee shall review the criteria specified in the Superintendent's Policies 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 Assistant 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 County Superintendent

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

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# BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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BUTTE COUNTY OFFICE OF EDUCATION  
1859 Bird Street  
Oroville, CA 95965

Exhibit AR 1312.2

## CITIZEN'S REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIALS

This form is for use only by Butte County employees, Butte County residents, or parents/guardians of children enrolled in a Butte County Office of Education 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: \_\_\_\_\_

Name

Title

Date

Anonymous complaints will not be accepted.

Citizen's Name: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

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

Group Represented:

Himself / Herself: \_\_\_\_\_

Organization or Group: \_\_\_\_\_

1. To what do you object? (Please be specific: cite pages, sequence, video frame, and words)

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

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2. What do you feel would be the result of reading / viewing this material?  
\_\_\_\_\_  
\_\_\_\_\_

3. For what age group would you recommend this material?  
\_\_\_\_\_  
\_\_\_\_\_

4. Did you read / review the entire selection?  
\_\_\_\_\_  
\_\_\_\_\_

5. If not, what percentage did you read / review, or what parts?  
\_\_\_\_\_  
\_\_\_\_\_

6. What did you  
find positive about this material?  
\_\_\_\_\_  
\_\_\_\_\_

7. 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: \_\_\_\_\_  
Date: \_\_\_\_\_

For Butte County Office of Education Use:

Request received by: \_\_\_\_\_ Date: \_\_\_\_\_

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

Action taken: \_\_\_\_\_ Date: \_\_\_\_\_

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **SP 1312.3**

#### **UNIFORM COMPLAINT PROCEDURES**

The County Superintendent recognizes that Butte County Office of Education has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs and encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the County Superintendent shall adopt the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying Administrative Regulation.

Butte County Office of Education's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging violation of applicable state or federal law or regulations governing adult education; after school education and safety; agricultural vocational education; American Indian education centers and early childhood education program assessments; bilingual education; California peer assistance and review programs for teachers; career technical and technical education/career technical/technical training; career technical education; childcare and development; child nutrition; compensatory education; consolidated categorical aid; course periods without educational content; economic impact aid; education of pupils in foster care, pupils who are homeless, and former juvenile court pupils now enrolled in a school district; English learner programs; Every Student Succeeds Act / No Child Left Behind; local control and accountability plans (LCAP); migrant education; physical education instructional minutes; pupil fees; reasonable accommodations to a lactating pupil; regional occupational centers and programs; school safety plans; special education; state preschool; and tobacco-use prevention education. and any other Butte County Office of Education implemented program which is listed in Education 64000(a) (5 CCR 4610)
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in Butte County Office of Education 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, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Cod 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)
3. Any complaint alleging Butte County Office of Education non-compliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding related needs of the student (Education Code 222)
4. Any complaint alleging violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

## BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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5. Any complaint alleging that Butte County Office of Education has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)
6. Any complaint, by or on behalf of any student who is a foster youth, alleging district non-compliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the Butte County Office of Education's educational liaison to the student, the award of credit for coursework satisfactorily complete in another school or district, school transfer, or the grant of an exemption from the County Superintendent Policy imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging Butte County Office of Education non-compliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from County Superintendent Policy imposed graduation requirements (Education Code 51225.1, 51225.2)
8. Any complaint, by or on behalf of a former juvenile court school student who transfers into a Butte County Office of Education school after his/her second year of high school, alleging Butte County Office of Education non-compliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from County Superintendent Policy imposed graduation requirements (Education Code 51224.1, 51225.2)
9. Any complaint alleging Butte County Office of Education non-compliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)
10. Any complaint alleging Butte County Office of Education non-compliance with the physical education instructional minutes requirement for student in elementary school (Education Code 51210, 51223)
11. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
12. Any other complaint as specified in a Butte County Office of Education policy

The County Superintendent recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is agreeable to all parties. One type of ADR is mediation, which may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The County Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

Butte County Office of Education shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For

## BUTTE COUNTY OFFICE OF EDUCATION

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the County Superintendent 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.

When an allegation that is not subject to the UCP is included in a UCP complaint, Butte County Office of Education shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through Butte County Office of Education's UCP.

The County Superintendent or designee shall provide training to 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.

The County Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable state law and county office policy.

#### **Non-UCP Complaints**

The following complaints shall not be subject to Butte County Office of Education's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, Butte County Office of Education's Williams Uniform Complaint Procedures shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and miss-assignments. (Education Code 35186)

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### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination  
222 Reasonable accommodations; lactating students  
8200-8498 Child care and development programs  
8500-8538 Adult basic education  
18100-18203 School libraries  
32289 School safety plan, uniform complaint procedures  
35186 Williams uniform complaint procedures  
47753-47753.5 Foster youth  
48985 Notices in language other than English  
49010-49013 Student fees  
49060-49079 Student records  
49069.5 Rights of parents  
49490-49590 Child nutrition programs  
51210 Courses of study grades 106  
51223 Physical education, elementary schools  
51225.1-51225.2 Foster youth, homeless children, and former juvenile court school students;  
course credits; graduation requirements  
51228.1-51228.3 Course periods without educational content  
52060-52077 Local control and accountability plan, especially  
52075 Complaint for lack of compliance with local control and accountability plan  
requirements  
52160-52178 Bilingual education programs  
52300-52490 Career technical education  
52500-52616.24 Adult schools  
52800-52870 School-based program coordination  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process

#### GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act

#### 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

#### CODE OF REGULATIONS, TITLE 5

3080 Application of section

## BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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4600-4687 Uniform complaint procedures  
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  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6577 Title I basic programs  
6801-6871 Title III language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs  
12101-12213 Title II equal opportunity for individuals with disabilities  
UNITED STATES CODE, TITLE 29  
794 Section 504 of Rehabilitation Act of 1973  
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  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex  
110.25 Notification of nondiscrimination on the basis of age

APPROVED: October, 2015

REVISED: October, 2017

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **AR 1312.3**

#### **UNIFORM COMPLAINT PROCEDURES**

Except as the County Superintendent or designee may otherwise specifically provide in other policies, these general uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in (SP 1312.3) Butte County Office of Education's UNIFORM COMPLAINT PROCEDURES.

#### **Compliance Officers**

The County Superintendent or designee designates the individual(s) identified below as the employee(s) responsible for coordinating the 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 – NON-DISCRIMINATION/HARASSMENT as the responsible employee to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure compliance with law.

Assistant Superintendent / Human Resources Division

(title or position)

1859 Bird Street Oroville, CA 95965

(address)

530-532-5650

(telephone number)

bcoewebsite@bcoe.org

(email)

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 the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the County Superintendent or designee who shall determine how the complaint will be investigated.

The County Superintendent or designee shall ensure that employees assigned 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 designated 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. Designated employees may have access to legal counsel as determined by the County Superintendent or designee.

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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 County Superintendent, the County Superintendent's designee, or, if appropriate, the site Principal to implement, if possible, one or more of the interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until Butte County Office of Education issues its final written decision, whichever occurs first.

#### **Notifications**

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

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

The annual notification and 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 Butte County Office of Education website and may, if available, be provided through county office supported social media.

The County 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 policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular school speak a single primary language other than English, the 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, Butte County Office of Education shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

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 anti-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).

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4. Include statements that:
  - a. Butte County Office of Education has the primary responsibility to ensure 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 or 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 unlawful discrimination. The time for filing may be extended for up to 90 days by the County 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, Butte County Office of Education staff shall assist him/her in filing of the complaint.
  - e. If a complaint is not filed in writing but the Butte County Office of Education receives notice of any allegation that is subject to the UCP, Butte County Office of Education shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.
  - 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 Butte County Office of Education's educational program, including curricular and extracurricular activities.
  - g. The County Superintendent 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 Butte County 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 Butte County Office of Education and another district.
  - i. A foster youth, homeless student, or former juvenile court school student who transfers from a Butte County Office of Education school into a district high school or between Butte County Office of Education schools as applicable shall be notified of Butte County Office of Education's responsibility to:
    1. Accept any coursework or part of the course work that the student has satisfactorily completed in another public school, juvenile court school, or a non-public, non-sectarian school or agency, and to issue full or partial credit for the coursework completed

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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 non-public, non-sectarian school or agency

3. If the student has completed his/her second year of high school before the transfer, provide the student information about Butte County Office of Education coursework and County Superintendent Policy imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

j. The complainant has a right to appeal Butte County Office of Education's decision to the CDE by filing a written appeal within 15 calendar days of receiving the 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 Butte County Office of Education's decision.

k. The appeal to the CDE must include a copy of the complaint filed with the Butte County Office of Education and a copy of the decision.

l. Copies of Butte County Office of Education's UCP are available free of charge.

#### **County Office Responsibilities**

All UCP related complaints shall be investigated and resolved within 60 calendar days of the 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 Butte County Office of Education 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 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)

#### **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

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to put a complaint in writing due to conditions such as a disability or illiteracy, Butte County Office of Education staff shall assist him/her in the filing of the complaint.

All complaints shall be filed in accordance with the following:

1. A written complaint alleging violation of applicable state or federal law or regulations governing adult education; after school education and safety; agricultural vocational education; American Indian education centers and early childhood education program assessments; bilingual education; California peer assistance and review programs for teachers; career technical and technical education/career technical/technical training; career technical education; childcare and development; child nutrition; compensatory education; consolidated categorical aid; course periods without educational content; economic impact aid; education of pupils in foster care, pupils who are homeless, and former juvenile court pupils now enrolled in a school district; English learner programs; Every Student Succeeds Act / No Child Left Behind; local control and accountability plans (LCAP); migrant education; physical education instructional minutes; pupil fees; reasonable accommodations to a lactating pupil; regional occupational centers and programs; school safety plans; special education; state preschool; and tobacco-use prevention education. (5 CCR 4630)
2. Any complaint alleging non-compliance 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 non-compliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the Principal of the school or with the County Superintendent or designee. 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)
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 the 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 unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the County 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 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 Butte County Office of Education's ability to investigate the conduct or take other necessary action.

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When honoring a request for confidentiality, Butte County Office of Education shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

#### **Mediation**

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of 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 or 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 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 precede with his/her investigation of the complaint.

The use of mediation shall not extend the 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 compliance officer shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the compliance officer 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 the 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

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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 the 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 Butte County Office of Education'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 compliance officer shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal to cooperate in 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)

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, and respondent if there is one, a written report, as described in these regulations within 60 calendar days of the receipt of the complaint. (5 CCR 4631)

In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the written report decision in the same manner as the complainant.

#### **Final Written Decision**

Butte County Office of Education's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

In consultation with legal counsel, information about the relevant part of a decision may be

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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 Butte County Office of Education'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 all other instances, the compliance officer 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.

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,

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intimidation, or bullying), the notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
  - 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 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 based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of Butte County Office of Education'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 Butte County Office of Education environment may include, but are not limited to, actions to reinforce policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, 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

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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

For complaints involving retaliation or 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 extra-curricular 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), Butte County Office of Education shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreements.

The compliance officer 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 Butte County Office of Education does not tolerate it, and how to report and respond to it.

If the Butte County Office of Education finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), we shall provide a remedy.

If we find merit in a complaint regarding:

1. Course Periods without Educational content;
2. Reasonable Accommodations to a Lactating Pupil;
3. Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district

The remedy shall go to the affected pupil.

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In the case of complaints regarding:

1. Pupil Fees;
2. Physical Education Instructional Minutes;
3. LCAP

The remedy shall go to all affected pupils and parents/guardians.

#### **Appeals to the California Department of Education**

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

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with Butte County Office of Education'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 miss-applied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the decision. (5 CCR 4632)

Upon notification by the CDE that the complainant or respondent has appealed the decision, the County 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 Butte County Office of Education, 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 Butte County Office of Education's uniform complaint procedures
7. Other relevant information requested by the CDE

APPROVED: October, 2015

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### AR 1312.4

#### WILLIAMS UNIFORM COMPLAINT PROCEDURES

##### Types of Complaints

Butte County Office of Education shall use the 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.
2. Complaints regarding teacher vacancy or miss-assignment, including any complaint alleging 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.
  - 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 students attend classes for that semester. (5 CCR 4600)

Miss-assignment 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)

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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; 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, or 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)

#### Filing of Complaint

A complaint alleging any condition(s) specified in 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 County 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)

## BUTTE COUNTY OFFICE OF EDUCATION

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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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 at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. At the same time, the Principal or designee shall report the same information to the County 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 Butte County Board of Education at a regularly scheduled meeting.

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described above, a complainant who is not satisfied with the resolution offered by the Principal or County Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the response. The complainant shall comply with 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)

#### Reports

On a quarterly basis, the County Superintendent or designee shall report, to the Butte County Board of Education at a regularly scheduled public Board Meeting, 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 County Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The County Superintendent or designee shall ensure that the 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; 5 CCR 4680)

## BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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The County 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 procedures

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

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

ADOPTED: October, 2015

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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BUTTE COUNTY OFFICE OF EDUCATION  
1859 Bird Street  
Oroville, CA 95965

Exhibit 1312.4(1)

### **NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS: COMPLAINT RIGHTS**

Pursuant to Williams Uniform Complaint Procedures, 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 miss-assignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

Miss-assignment 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 for 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 web site. 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.

APPROVED: October, 2015

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

### **COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES** **Exhibit 1312.4(2)**

*For filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or miss-assignment. The complaint and response are public documents as provided by law. 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: (if response is requested)

Name: \_\_\_\_\_

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

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

E-mail address, if any: \_\_\_\_\_

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

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

School name/address: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

*Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or Butte County Office of Education for the appropriate complaint procedure.*

Specific issue(s) of the complaint: (Please check all that apply. A complaint may contain more than one allegation.)

1. Textbooks and instructional materials:

\_\_\_\_\_ 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.

\_\_\_\_\_ 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.

\_\_\_\_\_ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

\_\_\_\_\_ 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.

2. Teacher vacancy or miss-assignment:

\_\_\_\_\_ A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school 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 a semester for an entire semester.

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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\_\_\_\_\_ 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.

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

3. Facilities conditions:

\_\_\_\_\_ A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including 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; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.

\_\_\_\_\_ A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.

\_\_\_\_\_ The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff.

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Please file this complaint at the following location:

\_\_\_\_\_ (Principal or title of designee of the County Superintendent)

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

APPROVED: October, 2015

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **SP 1321**

#### **SOLICITATIONS OF FUNDS FROM AND BY STUDENTS**

The County Superintendent recognizes that student participation in fund-raising activities for the schools and non-profit, non-partisan, charitable, school related organizations can help develop a sense of social responsibility in students, enhance the relationship between the school and community, and contribute to the improvement of the school program.

With the approval of the County Superintendent or designee, official school-related organizations may organize fundraising events involving students.

After approval, the Principal shall ensure that parents/guardians are informed of the purpose of all fundraisers benefiting the school or school groups by letters, newsletters, calls, or other means of acceptable communication. After the fundraiser is held, parents/guardians shall be told how much money was raised and how it was spent. Parents/guardians shall be encouraged to offer their suggestions for the use of money raised to improve school facilities or to finance supplementary educational experiences.

Whether solicitations are made on behalf of the school or on behalf of another charitable organization, the Principal shall ensure that students/staff shall not be barred from an event or activity because they did not participate in fundraising.

All selling or soliciting activities must be approved at least 15 days before the activity. If the event involves a contract with a commercial vendor, the contract shall be reviewed by the County Superintendent or designee.

The Principal shall ensure that potential donors, including parent/guardians and members of the community are not unduly pressured to contribute to the school system or charitable organizations. Staff is expected to emphasize the fact that donations are always voluntary.

In order to minimize interruptions to regularly scheduled instruction, staff shall limit fundraising activities to appropriate time periods designated by the Principal or Program Manager.

No more than two fundraisers shall be held at any site during any one school year. 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.

All fundraising activities must be concluded within the duration of 10 school days unless special provisions are made with the County Superintendent or designee.

## BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### Door-to-Door Sales

Students under 16 years old may engage in door-to-door sales only under all of the following conditions:

1. The students must work in pairs, as a team, on the same or opposite side of the street;
2. The students must be supervised by an adult, with one adult for every crew of ten or fewer minors;
3. The students must be within the sight or sound of their adult supervisor at least once every 15 minutes; and
4. The students must be returned to their respective homes or meeting places after each sales activity.

Letters sent to parents / guardians regarding such activities may include the following additional suggestions:

1. Students should not be out after dark selling or soliciting funds for school activities;
2. Students are not to sell or solicit funds outside of their immediate neighborhood; and
3. Students in grades K-8 shall not be involved in any door-to-door sales or solicitations.

APPROVED: October, 2015

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **SP 1325**

#### **ADVERTISING AND PROMOTION**

The County Superintendent establishes this policy to ensure effective and consistent implementation of its directions related to advertisements and promotions by non-school groups in school-sponsored publications, websites, and social media and on school facilities.

The County Superintendent desires to promote positive relationships between schools and the community in order to enhance community support and involvement in the schools. The County Superintendent or designee may approve at their discretion:

1. Distribution of non-commercial materials that publicize services, special events, public meetings, or other gatherings of interest to students or parents/guardians
2. Distribution of promotional materials of a commercial nature to students or parents/guardians
3. Paid advertisements on school property, including, but not limited to, advertisements on billboards and scoreboards
4. Paid advertisements in school-sponsored publications, yearbooks, announcements, and other school communications, including websites and social media
5. Products and materials donated by commercial enterprises for educational use, including those that bear the name and/or logo of the donor, as long as they do not unduly promote the donor or any commercial activity or product

Prior to the distribution, posting, or publishing of any non-school group's promotional materials or advertisement, the County Superintendent, Principal, or designee shall review the materials or advertisement based on the criteria listed below. He/she may not disapprove materials or advertisement in an arbitrary or capricious manner or in a way that discriminates against a particular viewpoint on a subject that is otherwise allowed by policy or regulation.

All materials to be distributed shall bear the name and contact information of the sponsoring entity, and shall bear a disclaimer on any non-school group's promotional materials to be distributed, posted, or published, stating that the distribution, posting, or publishing of the materials does not imply endorsement of the group's activities, products, or services. Butte County Office of Education and school-sponsored publications shall include a disclaimer stating any advertised products or services are not endorsed.

#### Criteria for Approval

The County Superintendent, Principal, or designee shall not accept for distribution any materials or advertisements that:

1. Are lewd, obscene, libelous, or slanderous
2. Incite students to commit unlawful acts, violate school rules, or disrupt the orderly operation of the schools

## BUTTE COUNTY OFFICE OF EDUCATION

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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3. Promote any particular political interest, candidate, party, or ballot measure, unless the candidates or advocates from all sides are provided the opportunity to present their views to the students during school hours or during events scheduled pursuant to the Civic Center Act
4. Proselytize or position Butte County Office of Education on any side of a controversial issue
5. Discriminate against, attack, or denigrate any group on account of any unlawful consideration
6. Promote the use or sale of materials or services that are illegal or inconsistent with school objectives, including, but not limited to, materials or advertisements for tobacco, intoxicants, non-nutritious foods and beverages, and movies or products unsuitable for children
7. Solicit funds or services for an organization, with the exception of solicitations authorized in policy and regulation
8. Distribute unsolicited merchandise for which an ensuing payment is requested

The County Superintendent or designee may also consider the educational value of the materials or advertisements, the age or maturity of the students in the intended audience, and whether the materials or advertisements support the basic educational mission of the school, directly benefit the students, or are of intrinsic value to the students or their parents/guardians.

Schools may establish additional criteria pertaining to the content of advertisements in school publications and yearbooks, as deemed appropriate by the County Superintendent or designee in accordance with law, policy, and regulations.

#### Legal Reference:

##### CALIFORNIA CONSTITUTION

Article 1, Section 2 Free speech rights

##### EDUCATION CODE

7050-7058 Political activities of school officers and employees

35160 Authority of governing boards

35160.1 Broad authority of school districts

35172 Promotional activities

38130-38138 Civic Center Act

##### BUSINESS AND PROFESSIONS CODE

25664 Advertisements encouraging minors to drink

##### U.S. CONSTITUTION

Amendment 1, Freedom of speech and expression

ADOPTED: October, 2015

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### **SP 1330**

#### **USE OF SCHOOL FACILITIES**

The County Superintendent believes that school facilities and grounds are a vital community resource which should be used to foster community involvement and development. Therefore, the County Superintendent authorizes the use of school facilities by county residents and community groups for purposes specified in the Civic Center Act, to the extent that such use does not interfere with school activities or other school-related uses.

The County Superintendent or designee shall give priority to school-related activities in the use of school facilities and grounds. Other uses authorized under the Civic Center Act shall be on a first-come, first-served basis.

For the effective management and control of school facilities and grounds, the County Superintendent or designee shall maintain procedures and regulations that:

1. Aid, encourage, and assist groups desiring to use school facilities for approved activities
2. Preserve order in school facilities and on school grounds and protect school facilities, designating a person to supervise this task, if necessary
3. Ensure that the use of school facilities or grounds is not inconsistent with their use for school purposes and does not interfere with the regular conduct of school work

Subject to his/her discretion, the County Superintendent or designee may grant the use of school facilities or grounds on those days on which schools are closed.

There shall be no advertising on school facilities and grounds except as allowed by policy.

As necessary to ensure efficient use of school facilities, the County Superintendent or designee may enter into an agreement for the joint use of any school facilities or grounds only if it is determined that it is in the best interest of the Butte County Office of Education and the community.

#### **Fees**

The County Superintendent shall adopt a comprehensive schedule of fees to be charged for community use of school facilities and grounds.

The County Superintendent shall grant the use of school facilities or grounds without charge to school-related organizations whose activities are directly related to or for the benefit of schools. All other groups requesting the use of school facilities under the Civic Center Act shall be charged an amount not exceeding direct costs.

Additionally, when any use of school facilities or grounds is for religious services, Butte County Office of Education shall charge an amount at least equal to direct costs.

In determining direct costs to be charged for community use of each, or each type of, school facility or grounds, the County Superintendent or designee shall calculate, the community's

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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proportionate share of the following costs:

1. Capital direct costs including the estimated costs of maintenance, repair, restoration, and refurbishment of non-classroom space school facilities or grounds

However, capital direct costs shall not be charged to organizations retained by Butte County Office of Education or a county school to provide instruction or instructional activities to students during school hours or for classroom-based programs that operate after school hours, including, but not limited to, after-school, tutoring, and child care programs.

2. Operational direct costs including estimated costs of supplies, utilities, janitorial services, other services of employees and/or contracted workers, and salaries and benefits paid to employees directly associated with the administration of the Civic Center Act to operate and maintain school facilities and grounds

Direct cost fees shall not be discounted to any group or organization except when the discount is specifically authorized in the adopted fee schedule.

Groups shall be charged fair rental value when using school facilities or grounds for entertainment or meetings where admission is charged or contributions solicited and net receipts are not to be expended for charitable purposes or for the welfare of Butte County Office of Education students.

### Expending Funds Collected as Capital Direct Costs

Any funds collected as capital direct costs shall be deposited into a special fund to be used only for capital maintenance, repair, restoration, and refurbishment of school facilities and grounds.

### Legal Reference:

#### EDUCATION CODE

10900-10914.5 Community recreation programs

32282 School safety plan

37220 School holidays

38130-38138 Civic Center Act, use of school property for public purposes

#### BUSINESS AND PROFESSIONS CODE

25608 Alcoholic beverage on school premises

#### GOVERNMENT CODE

54950-54963 The Ralph M. Brown Act

#### MILITARY AND VETERANS CODE

1800 Definitions

#### CODE OF REGULATIONS, TITLE 5

14037-14042 Proportionate direct costs for use of school facilities and grounds

#### UNITED STATES CODE, TITLE 20

7905 Equal access to public school facilities

APPROVED: October, 2015

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# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### AR 1330

### USE OF SCHOOL FACILITIES

#### Application for Use of Facilities

Any person applying for the use of any school facilities or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

Persons or organizations applying for the use of school facilities or grounds shall submit a facilities use statement indicating that they uphold the state and federal constitutions and do not intend to use school premises or facilities to commit unlawful acts.

#### Civic Center Use

Subject to policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes:

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age
5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities, including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youth may participate regardless of religious belief or denomination
7. A community youth center
8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare
9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization  
A veterans' organization means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories.
10. Other purposes deemed appropriate by the County Superintendent or designee

#### Restrictions

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

## BUTTE COUNTY OFFICE OF EDUCATION SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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1. Any use by an individual or group for the commission of any crime or any act prohibited by law
2. Any use which is inconsistent with the use of the school facilities for school purposes or which interferes with the regular conduct of school or school work
3. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances, including tobacco

However, the County Superintendent or designee may approve the use of facilities for special events that may involve the acquisition, possession, use, or consumption of alcoholic beverages when the event is covered by a special events permit and will occur at a time when students are generally not on the school grounds.

Any such use of school facilities shall be subject to any limitations that may be necessary to reduce risks to Butte County Office of Education and ensure the safety of participants, as determined by the County Superintendent or designee. Applicable limitations shall be clearly stated in the facility use agreement to be signed by the user's representative.

Butte County Office of Education may exclude certain school facilities from non-school use for safety or security reasons.

### Damage and Liability

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damage caused by the activity. Butte County Office of Education may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds.

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

Groups or organizations shall provide Butte County Office of Education with evidence of insurance against claims arising out of the group's own negligence when using school facilities.

<u>Type of Insurance</u>	<u>Limits of Liability</u>
General Bodily Injury	\$1,000,000
Property Damage	Combined Limit

As permitted, the County Superintendent or designee may require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facilities being used.

ADOPTED: October, 2015

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### SP 1340

#### ACCESS TO RECORDS

The County Superintendent recognizes the right of citizens to have access to public records of Butte County Office of Education. The County Superintendent intends the staff to provide any person reasonable access to the public records of the Butte County Office of Education and Butte County Office of Education schools during normal business hours and within the requirement of state and federal law. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.

The staff 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 County Superintendent or designee and as specified in Butte County Office of Education's Administrative Regulations.

Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act or other Statutes.

#### 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 1, Section 3 Right of access to governmental information

##### CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

APPROVED: October, 2015

REVISED:

# BUTTE COUNTY OFFICE OF EDUCATION

## SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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### AR 1340

### ACCESS TO RECORDS

#### Definitions

Public records include any writing containing information relating to the conduct of the Butte County Office of Education's business prepared, owned, used, or retained by the county office regardless of physical form or characteristics.

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.

Member of the public means any person, except a member, agent, officer, or employee of the Butte County Office of Education or a federal, state, or other local agency acting within the scope of his/her membership, agency, office, or employment.

#### Public Records

Public records to which members of the public shall have access include, but are not limited to:

1. Proposed and approved budgets and annual audits
2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings
6. Meeting agendas
7. Official communications between Butte County Office of Education and other government agencies
8. School-based program plans
9. Information and data relevant to the evaluation and modification of plans
10. Initial proposals of exclusive employee representatives and of the Butte County Office of Education
11. Claims filed against Butte County Office of Education and records pertaining to pending litigation
12. Statements of economic interests required by the Conflict of Interest Code
13. Employment contracts and settlement agreements
14. Instructional materials including, but not limited to, textbooks

Governing Board members shall have the ability to access public records permitted by law in the administration of their duties or open to inspection by members of the public.

## BUTTE COUNTY OFFICE OF EDUCATION

### SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

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The County Superintendent or designee shall ensure that any public 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 members of the public shall not have access include, but are not limited to:

1. Preliminary drafts, notes, interagency or intra-office memoranda which are not retained by Butte County Office of Education in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure
2. Records specifically prepared for litigation to which Butte County Office of Education is a party or to respond to claims made against the county office pursuant to the Tort Claims Act, until the litigation or claim has been finally adjudicated or otherwise settled, or beyond, if the records are protected by some other provision of law
3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy  
The home addresses and home telephone numbers of employees may only be disclosed as follows:
  - 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
  - d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to Butte County Office of Education employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
4. Test questions, scoring keys, and other examination data except as provided by law
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 Butte County Office of Education 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
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
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
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

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9. Documents prepared by or for Butte County Office of Education to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt operations and that are for distribution or consideration in closed session
10. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school districts
11. Minutes of Board meetings held in closed session
12. Computer software developed by Butte County Office of Education
13. Information security records, the disclosure of which would reveal vulnerabilities to, or increase potential for an attack on, Butte County Office of Education's information technology system
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
15. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes
16. Records for which the Butte County Office of Education 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

### Inspection of Records and Requests for Copies

Any person may request a copy or inspection of any Butte County Office of Education record that is open to the public and not exempt from disclosure.

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

In unusual circumstances, the County 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:

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 Butte County Office of Education (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

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If the County 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.

Public records shall be open to inspection at all times during county 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.

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.

The County Superintendent 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 County Superintendent or designee.

If any person requests that a public record be provided in an electronic format, the record shall be made available in any electronic format in which it holds the information. The record shall be provided as a copy of the electronic record in the format requested as long as the requested format is one that has been used to create copies for its own use or for use by other agencies.

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:

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 County 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 County Superintendent or designee shall do all of the following:

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 County 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

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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.

APPROVED: October, 2015

REVISED: