

WILLITS UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
Regular Meeting

A regular meeting of the Willits Unified School District Board of Education will be held on **Wednesday, August 12, 2020**. The Board of Education will call the meeting to order at 4 p.m. via Zoom, at which time the Board of Education will move to Closed Session regarding the item listed under Closed Session. The public meeting will reconvene at **5:00 p.m.** via Zoom: <https://us04web.zoom.us/j/9782489039?pwd=V0U2cUtHZUMzQk5xR3d5Vy9wT1JkZz09>
You may also view the meeting at: <https://www.youtube.com/channel/UCm14iSqMtl-7TKLnLP5NkFQ>

MODIFIED MEETING PROCEDURES DURING COVID-19 (CORONAVIRUS) PANDEMIC:

As per Executive Order N-29-20 from Governor Newsom, the Willits Unified School District Board of Education meeting scheduled for Wednesday, August 12, 2020, at 5:00 p.m. will be in a virtual/teleconferencing environment using Zoom at this link: <https://us04web.zoom.us/j/9782489039?pwd=V0U2cUtHZUMzQk5xR3d5Vy9wT1JkZz09>

The purpose of the Governor's executive order is to control the spread of Coronavirus (COVID-19) and to reduce and minimize the risk of infection by "limiting attendance at public assemblies, conferences, or other mass events." The Governor's executive order on March 12, 2020, already waived the requirement for a majority of board members to physically participate in a public board meeting at the same location. The August 12th agenda contains only routine and time-sensitive items.

Public Comments- Individuals may address the Board on regular session agenda items at the time they are under consideration.

Agenda

1. Call Meeting to Order
2. Agenda Approval
3. Public Comments on Closed Session Items
4. Recess to Closed Session
 - A. Labor Negotiations, WTA: District Representative, Superintendent (G.C. 54957.6)
5. Reconvene to Open Session
6. Flag Salute
7. Report Out of Closed Session
8. WTA Comments
9. CSEA Comments
10. Board Comments
11. Superintendent Comments
12. Action Discussion
 - A. Public Comment on Consent Agenda Items
 - B. Consent Agenda
 - 1) *Approval of Minutes of the Regular Meeting held on July 17, 2020
 - 2) *Approval of Warrant Registers From July 1, 2020- July 31, 2020
 - 3) *Approval of Employee Status Changes (16)
 - 4) *Advisement of Williams Quarterly Report- 4th Quarter 2019-2020
 - C. *Approval of PG&E Easement Deed
 - D. *Approval to Surplus Real Estate
 - E. Approval of Revised Budget 2020-21
 - F. *Board Policy Revision: First Read BP 0430, Comprehensive Local Plan for Special Education
 - G. *Board Policy Revision: First Read AR 0430, Comprehensive Local Plan for Special Education
 - H. *Board Policy Revision: First Read BP 1312.3, Uniform Complaint Procedures
 - I. *Board Policy Revision: First Read AR 1312.3, Uniform Complaint Procedures
 - J. *Board Policy Revision: First Read New Exhibits 1 & 2 1312.3, Uniform Complaint Procedures
 - K. *Board Policy Revision: First Read AR/E 3 & 4 1312.4, William Uniform Complaint Procedures
 - L. *Board Policy Revision: First Read BP/AR 1340 Access to District Records
 - M. *Administrative Regulation Addition: First Read AR 3231, Impact Aid
 - N. *Board Bylaw Revision: First Read BB 9230, Conflict of Interest
13. Public Comments for Items Not on the Agenda
14. Items for next board meeting agenda
15. Adjournment

Willits Unified School District staff and students, in partnership with parents and community members, provide a challenging, caring and safe educational environment, which prepares students to be positive members of the community, effective communicators, problem solvers, and lifelong learners.

Notice: Willits Unified School District adheres to the Americans with Disabilities Act. Should you require special accommodations, or more information about accessibility, please contact the Superintendent, (707) 459-5314. All efforts will be made for reasonable accommodations.

WEB STREAMING OF BOARD MEETINGS: www.willitsunifed.com. For technical assistance, please contact Jennifer Maples (707) 459-5314 ext. 1105

WILLITS UNIFIED SCHOOL DISTRICT
BOARD OF TRUSTEES
Special Meeting
Friday, July 17, 2020
Closed Session – 4:00 p.m.
Open Session – 5:00 p.m.

A regular meeting of the Willits Unified School District Board of Education will be held on Friday, July 17, 2020. The Board of Education will call the meeting to order at 4 p.m. via Zoom, at which time the Board of Education will move to Closed Session regarding the item listed under Closed Session. The public meeting will reconvene at 5:00 p.m. via Zoom: <https://us04web.zoom.us/j/9782489039?pwd=VOU2cUthZUMzQk5xR3d5Vy9wT1JkZz09>
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The purpose of the Governor’s executive order is to control the spread of Coronavirus (COVID-19) and to reduce and minimize the risk of infection by “limiting attendance at public assemblies, conferences, or other mass events.” The Governor’s executive order on March 12, 2020, already waived the requirement for a majority of board members to physically participate in a public board meeting at the same location. The July 17th agenda contains only routine and time-sensitive items.

Public Comments- Individuals may address the Board on regular session agenda items at the time they are under consideration.

MINUTES

1. Call Meeting to Order

Board President Bowlds called the meeting to order at 4:00 p.m.

2. Approval of Agenda as presented

MSP (Colvig/King) to approve revised agenda as presented.

Ayes: Bowlds, Colvig, King, Nunez

Noes: None

Absent: Chavez

Abstain: None

3. Public Comments on Closed Session Items

No comments were received.

4. Recess to Closed Session

Board President Bowlds recessed to closed session at 4:02 p.m.

A. Labor Negotiations, WTA, Classified Confidential, Classified Management, Administration: District Representative Superintendent (G.C. 54957.6)

5. Reconvene to Open Session

Board President Bowlds reconvened to open session at 5:03 p.m.

6. Report out of Closed Session

Superintendent Westerburg reported that contracts were discussed and pending action items at tonight’s meeting.

7. Flag Salute

Flag salute was led by Board President, Alex Bowlds

8. Action Discussion

A. Public Comments on Consent Agenda

No comments received

B. Consent Agenda

The consent agenda included the following items: Approval of the Minutes from the Regular Meeting held on June 10, 2020, Approval of the Minutes from the Regular Meeting held on June 17, 2020, Approval of the Minutes from the Regular Meeting held on June 22, 2020, Approval to Surplus Textbooks, Blosser Lane Elementary

MSP (Colvig/King) to approve the consent agenda as presented.

Ayes: Bowlds, Colvig, King, Nunez
Noes: None
Absent: Chavez
Abstain: None

C. *Approval to employ Alisa Smith, Education Specialist-Moderate Severe/Certificated Staff/ Middle Grades with a Variable Term Waiver

MSP (King/Colvig) to approve the employment of Alisa Smith, Education Specialist-Moderate Severe/Certificated Staff/ Middle Grades with a Variable Term Waiver.

Ayes: Bowlds, Colvig, King, Nunez
Noes: None
Absent: Chavez
Abstain: None

D. NOTICE OF PUBLIC DISCLOSURE – 5:00 p.m. – WTA, Classified Confidential, Classified Management, and Administration. Cost incurred by the public school employer under the agreement for the current and subsequent fiscal year, shall be disclosed at a public meeting of the public school employer.

Public meeting opened at 5:09 p.m. no comments received, closed at 5:12 p.m.

E. * Ratification of WTA Collective Bargaining Agreement

MSP (Colvig/King) ratification of WTA Collective bargaining agreement as presented.

Ayes: Bowlds, Colvig, King, Nunez
Noes: None
Absent: Chavez
Abstain: None

F. *Approval of Terms and Conditions of Employment for Classified Confidential

MSP (Colvig/King) to approve terms and conditions of employment for classified confidential as presented.

Ayes: Bowlds, Colvig, King, Nunez
Noes: None
Absent: Chavez
Abstain: None

G. *Approval of Terms and Conditions of Employment for Classified Management

MSP (King/Colvig) to approve terms and conditions of employment for classified management as presented.

Ayes: Bowlds, Colvig, King, Nunez
Noes: None
Absent: Chavez
Abstain: None

H. *Approval of Terms and Conditions of Employment for Administration

MSP (Colvig/King) to approve terms and conditions of employment for administration as presented.

Ayes: Bowlds, Colvig, King, Nunez
Noes: None
Absent: Chavez
Abstain: None

I. *Approval of Administrative Salary Schedule

MSP (King/Colvig) to approve the administrative salary schedule as presented.

Ayes: Bowlds, Chavez, Colvig, King, Nunez
Noes: None
Absent: None
Abstain: None

J. * Designation of CSBA Delegate Tyler Nelson for Region 1B

MSP (Colvig/King) to approve designation of CSBA delegate Tyler Nelson for assembly region 1B.

Ayes: Bowlds, Colvig, King
Noes: Nunez
Absent: Chavez
Abstain: None

K. * Approval of SSU Student Teaching Agreement, Amendment No. 1

MSP (Nunez/King) to approve SSU student teaching agreement, amendment no.1

Ayes: Bowlds, Colvig, King, Nunez
Noes: None
Absent: Chavez
Abstain: None

L. * Approval of 2020/21 Ag CTE Incentive Grant Application

MSP (Nunez/Colvig) to approve 2020/21 Ag CTE Incentive Grant application as presented.

Ayes: Bowlds, Colvig, King, Nunez
Noes: None
Absent: Chavez
Abstain: None

M. * Approval of Revised 2020/21 District Calendar

MSP (Colvig/Nunez) to approve revised 2020/21 district calendar as presented.

Ayes: Bowlds, Colvig, King, Nunez
Noes: None
Absent: Chavez
Abstain: None

N. Discussion/Approval of plan to re-open schools due to COVID-19.

MSP (Nunez/Colvig) to approve remote learning for the start of the 2020/21 school year.

Ayes: Bowlds, Colvig, King, Nunez
Noes: None
Absent: Chavez
Abstain: None

BP Bowlds advised that the board members and Superintendent has had numerous discussions and the goal is to get students back in the classroom with the safety of students/staff and community as paramount.

BM King shared that she appreciates the hard work of those who put it together, has concerns about the gap widening to some of our students.

BM Colvig wants everyone to know that the district cares about our students and staff as we continue to watch and wait what happens with COVID-19.

BM Nunez has concerns but wants more information as the date gets closer.

Superintendent Westerburg stated it is way too early to make a decision. All PD days before the start of school will be on distance education and ensures it will be better. In mid-August all parents will be contacted for choice of independent study or in classroom setting. Independent study is not the same as remote learning.

Director of Special Ed, Kelley Labus shared the department is looking for resources for our students with special needs, getting creative, has concerns about internet availability for many families

WTA President Tessa read a collaborative statement in support of distance learning to start the school year. Several teachers spoke and requested the board to make a decision tonight and not wait so they can prepare for a better education for our students.

Parent Tim King spoke and said not all families have the option and flexibility for a parent to be home with their child(ren). Please consider those needs as well.

8. Public Comments for Items Not on the Agenda

No comments received

9. Adjournment

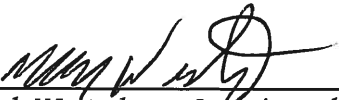
MSP (Colvig/Nunez) to adjourn at 7:38 p.m.

Ayes: Bowlds, Colvig, King, Nunez

Noes: None

Absent: Chavez

Abstain: None



Mark Westerburg, Superintendent

Robert Colvig, Board Clerk

Checks Dated 07/01/2020 through 07/31/2020

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
793165	07/09/2020	CASSIDY, TONI M	11-5200	ASCA REGISTRATION FEE REIMB		179.00
793166	07/09/2020	AMAZON CAPITAL SERVICES	01-4300	13 MAROON DIPLOMA COVERS	154.83	
				Aeries Server	1,609.56	
				STUDENT JOURNALS	439.37	
				YELLOW FOLDERS FOR CUM FILES	68.54	
793167	07/09/2020	ARROW BENEFITS GROUP	69-5800	2019/20 VISION CLAIMS & ADMINISTRATION	10.08-	2,262.22
				Unpaid Tax		80.00
793168	07/09/2020	CLOVER-STORNETTA FARMS INC	13-4700	JUNE 20		3,275.47
793169	07/09/2020	DECKER INC	01-4300	MAINTENANCE		2,372.89
793170	07/09/2020	EVO MARKET SOLUTIONS	01-4300	HYDRATION STATION GRANT PARTIAL PAYMENT		19,378.96
793171	07/09/2020	FISHMAN SUPPLY COMPANY	01-4300	BGMS	91.61	
				BGMS 20-21	2,469.01	
				BLE 20-21	2,469.01	
				BRKS 20-21	2,469.01	
				MASKS	1,628.06	
				WAREHOUSE	2,700.56	
				WHS	587.03	
				WHS 20-21	2,469.01	
				Unpaid Tax	68.66-	14,814.64
793172	07/09/2020	GOLD STAR FOODS	13-4700	JUNE 2020		6,169.36
793173	07/09/2020	INTERCOUNTY MECH& ELECT.	01-5600	Daikin Mini Split 21 & 6	32,000.00	
				Daikin Mini Split 4, 12 & 20	48,000.00	80,000.00
793174	07/09/2020	CA SCHOOLS DENTAL COALITION	68-5800	JULY 2020		12,255.00
793175	07/09/2020	LAKE COUNTY OFFICE OF ED	01-5800	ADMIN COACH FOR MC AND ML 19/20		5,500.00
793176	07/09/2020	LEARNING A-Z	01-4300	SPED READING A-Z AND RAZ KIDS SUBSCRIPTION 20-21		419.00
793177	07/09/2020	LESLIE'S POOL SUPPLIES INC	01-4300	Pool Supplies		9,208.30
793178	07/09/2020	LUCENT HEALTH	76-9514	JULY 20 ADMIN FEES		9,745.41
793179	07/09/2020	METROPOLITAN PLANNING GROUP	01-5800	SEVICES THROUGH 6-30-2020		14,520.00
793180	07/09/2020	NORTHERN AGGREGATES INC	12-4300	DRAIN ROCK FOR PRESCHOOL		87.35
793181	07/09/2020	O'NEILL, OLGA	01-3701	2019/2020 RETIREE HEALTH BENEFITS (ENDS 21/22)		1,049.19
793182	07/09/2020	O'REILLY AUTOMOTIVE, INC.	01-4300	Auto Parts		312.85
793183	07/09/2020	PACE SUPPLY CORP	01-4300	BLE IRRIGATION MAINTENANCE	233.66	
					194.46	428.12
793184	07/09/2020	PG&E	01-5510	JUNE 2020		6,009.05

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ESCAPE ONLINE

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793185	07/09/2020	PIERCE, KRISTINE	01-3701	2019/20 RETIREE BENEFITS (ENDS 19/20)		1,164.90
793186	07/09/2020	QUILL CORP	01-4300	COVID SUPPLIES	4,949.46	
793187	07/09/2020	RECREONICS INC	01-4300	Pool Supplies	22.83- 948.07	4,926.63
793188	07/09/2020	SAFEWAY	13-4300	JUNE 2020	Unpaid Tax 56.65-	891.42
793189	07/09/2020	SOLID WASTE OF WILLITS	01-5540	JUNE 2020		18.04
793190	07/09/2020	SPURR	01-5520	NATURAL GAS SUPPLY		5,969.56
793191	07/09/2020	STAPLES CREDIT PLAN	01-4300	COVID 19 PERSONAL STORAGE ITEMS	872.96	8,417.20
793192	07/09/2020	SYSCO FOOD SERVICES	13-4700	JUNE 2020	Unpaid Tax 4.03-	868.93
793193	07/09/2020	TAG/AMS INC	01-5815	Drug Testing		876.40
793194	07/09/2020	TEAMTALK NETWORK LLC	01-5800	AUGUST 2020		54.00
793195	07/09/2020	TOTAL COMPENSATION SYSTEMS INC	01-5800	GASB 74/75 FULL VALUATION 1ST INSTALLMENT		911.88
793196	07/09/2020	TULARE COUNTY SUP OF SCHOOLS T IM A HIRE	01-5800	VIRTUAL CAREER FAIR 4-23-20		3,510.00
793197	07/09/2020	U.S. BANK CORPORATE PAYMENT	01-4200	MATH BOOK	11.69	
			01-4300	AMAZON VIDEO TO BE REIMB BY MW	1.99	
				BROOKSIDE PLAYGROUND	58.54	
				HEADLAMP FOR MAINTENANCE TRUCK	41.86	
				ITEMS FOR MAINTENANCE TRUCK	59.55	
			01-4361	GAS FOR MAINTENANCE TRUCK	57.73	
			01-5800	GOOGLE SUITE	10.00	
				SONOMA STATE VIRTUAL JOB FAIR	154.12	
			13-4300	POS KEYPADS FOR FOOD SERVICES	57.44	
				Unpaid Tax	2.23-	450.69
793198	07/09/2020	EUREKA OXYGEN CO	01-4300	REGULATOR	90.03	
			01-5600	JUNE CYLINDER	87.80	
				JUNE CYLINDERS	37.40	
				MAY CYLINDER RENTAL	90.56	
				MAY CYLINDERS	38.48	
				SERVICE CHARGE	1.94	346.21
793199	07/09/2020	US FOODS	13-4300	JUNE 2020	3,936.40	
			13-4700	JUNE 2020	3,936.42	7,872.82
793200	07/09/2020	W-TRANS	01-5800	THROUGH 6-2020		3,483.75

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ESCAPE ONLINE

Checks Dated 07/01/2020 through 07/31/2020

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
793201	07/09/2020	WILLITS MINI STORAGE	01-5600	JULY 2020		148.00
793202	07/09/2020	WILLITS POWER EQUIPMENT	01-4300	MAINTENANCE	61.45	
			12-5600	ROOM 35	303.45	364.90
793203	07/09/2020	WYATT IRRIGATION SUPPLY	01-4300	MAINTENANCE		2,086.70
793670	07/16/2020	BURGHARDT, LAUREL A	01-4300	OTM REIMBURSEMENT		110.13
793671	07/16/2020	AMAZON CAPITAL SERVICES	01-4300	GROUPS AND MAINTENANCE	45.99	
				MAINTENANCE	56.76	
				OFFICE SUPPLIES AND COVID SUPPLIES	256.95	
				Unpaid Tax	1.65-	358.05
793672	07/16/2020	APPTEGY INC	01-5800	Website/ App		9,000.00
793673	07/16/2020	ARROW BENEFITS GROUP	69-5800	7-1 - 7-8-20 VISION CLAIMS		195.50
793674	07/16/2020	AT&T	01-5903	JUNE EMERGENCY PHONES		280.36
793675	07/16/2020	BUICKEROOD, JULIE	01-3701	FEB-JUNE 2020 RETIREE BENEFITS		1,611.12
793676	07/16/2020	BUS WEST LLC	01-5600	BUS 8	4,451.68	
				Unpaid Tax	6.13-	4,445.55
793677	07/16/2020	CA DEPT OF TAX AND FEE ADMIN	01-5800	FUEL TAX 1-1-20 - 3-31-20	38.00	
				FUEL TAX 10-31-19 - 12-31-19	41.20	
				FUEL TAX 4-1-20 - 6-30-20	3.00	
				FUEL TAX DUE 7-1-19 - 9-30-19	30.64	112.84
793678	07/16/2020	CARLON, BARBARA	01-3701	2019/20 RETIREE HEALTH BENEFITS		2,374.36
793679	07/16/2020	CASBO	01-5300	2020/21 SUBSCRIPTION		1,000.00
793680	07/16/2020	WILLITS, CITY OF	01-5530	JUNE 2020 WATER		9,683.35
793681	07/16/2020	COAST HARDWARE	01-4300	DISTILLED WATER		8.63
793682	07/16/2020	DOMINATE THE HARDWOOD ENTERPRI	01-5600	REFINISH GYM BGMS AND WHS GYM FLOORS		24,750.00
793683	07/16/2020	COMMISSION ON TEACHER CREDENTIALING	01-5800	FEE FOR SHORT TERM STAFF PERMIT		100.00
793684	07/16/2020	DEPARTMENT OF JUSTICE	01-5814	JUNE 2020		64.00
793685	07/16/2020	FRICK, JILL	01-3701	APRIL - JUNE 20 RETIREE BENEFITS	1,658.40	
				JULY 2020 RETIREE BENEFITS	306.15	1,964.55
793686	07/16/2020	FRONTIER COMMUNICATIONS	01-5903	JULY 2020 PHONE		110.36
793687	07/16/2020	HOME DEPOT CREDIT SERVICES//DEPT 32-2540616731	01-4300	GROUPS	916.02	
				MAINTENANCE	1,257.94	
				MAINTENANCE CREDIT	115.87-	2,058.09
793688	07/16/2020	HOUSE DOCTOR PAINT STORE	01-4300	BROOKSIDE		338.10
793689	07/16/2020	INSTRUCTURE	01-5800	Canvas		8,405.00
793690	07/16/2020	CA SCHOOLS DENTAL COALITION	68-5800	AUGUST 2020 EXPECTED CLAIMS		12,255.00

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ESCAPE ONLINE

Checks Dated 07/01/2020 through 07/31/2020

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793691	07/16/2020	MENDOCINO COUNTY OFFICE OF ED/ /ACCOUNTS RECEIVABLE	01-5200	PRO ACT TRAINING FOR 2	190.00	
				TRAUMA TRAINING FOR 2	50.00	
			01-5904	TAX FORM POSTAGE	357.00	597.00
793692	07/16/2020	MENDO MILL & LUMBER CO	01-4300	MOT PRESCHOOL JUNE 2020	2,594.94	
				TECH JUNE 2020	63.79	
			12-4300	MOT PRESCHOOL JUNE 2020	88.14	2,746.87
793693	07/16/2020	MOUNTAIN FRESH SPRING WATER CO	01-5600	JUNE DISPENSER RENTAL		10.00
793694	07/16/2020	NOR-CAL RECYCLED ROCK	12-4300	PRESCHOOL PROJECT		944.34
793695	07/16/2020	PG&E	01-5510	JUNE 2020		79.49
793696	07/16/2020	PITNEY BOWES	01-5600	2019/20 POSTAGE MACHINE LEASE & SUPPLIES		576.42
793697	07/16/2020	PURCHASE POWER	01-5904	JUNE 18- 20-2020		280.55
793698	07/16/2020	RECREONICS INC	01-4300	SERVICE CHARGE		13.37
793699	07/16/2020	REDWOOD COAST FUELS	01-4361	MAINT FUEL CARDS JUNE	418.96	
				MAINT OPERATIONS FUEL CARDS JUNE	225.26	
				SERVICE CHARGE	5.90	
				TRANSPORTATION JUNE	157.95	808.07
793700	07/16/2020	RICH, KENNETH	01-3701	JAN-JUN 2020 FINAL RETIREE BENEFIT REIMB		2,254.80
793701	07/16/2020	SLAKEY BROTHERS	01-4300	DRINKING FOUNTAINS		22,945.19
793702	07/16/2020	EUREKA OXYGEN CO	01-5800	BGMS FIRE SERVICE	613.00	
				BLE FIRE SERVICE	524.00	
				BRKS FIRE SERVICE	578.00	
				BUS BARN FIRE SERVICE	533.84	
				SANHEDRIN FIRE SERVICE	149.00	
				WHS FIRE SERVICE	1,047.71	3,445.55
793703	07/16/2020	WYATT IRRIGATION SUPPLY	01-4300	WHS IRRIGATION		530.65
793704	07/16/2020	XEROX CORPORATION	01-5610	BLOSSER LANE JUNE	166.31	
				BRKS OFFICE JUNE	103.74	
				BRKS STAFF ROOM JUNE	229.79	
				DISTRICT OFFICE JUNE 20	235.13	
				SHERWOOD JUNE	92.71	
				SHS JUNE	104.11	
				WHS OFFICE JUNE	236.04	
				WHS STAFF ROOM JUNE	421.66	
			13-5610	CAFETERIA JUNE	50.38	1,639.87
793705	07/16/2020	XEROX FINANCIAL SERVICES	01-5610	BGMS STAFF	618.94	

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ESCAPE ONLINE

Checks Dated 07/01/2020 through 07/31/2020

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
793705	07/16/2020	XEROX FINANCIAL SERVICES		BGMS STAFF COPIER NEW	545.95	1,164.89
793706	07/16/2020	ZONAR SYSTEMS INC	01-4300	Bus 11 & 12 Zonar	1,728.65	
				Unpaid Tax	4.18-	1,724.47
793997	07/23/2020	CHAIX, SANDRA M	01-5800	DOT PHYSICAL REIMBURSEMENT		90.00
793998	07/23/2020	ACCESS INFORMATION MANAGEMENT	01-5800	JUNE 20 ADMIN CHARGE	10.73	
				JUNE 2020 SHREDDING	354.95	365.68
793999	07/23/2020	ARAMARK UNIFORM SERVICES INC	01-4300	MASKS FOR STUDENTS AND STAFF	4,928.03	
			01-5560	JUNE 2020	3,435.64	8,363.67
794000	07/23/2020	AT&T	01-5903	JULY 20		33.03
794001	07/23/2020	AVID CENTER	01-5800	AVID 2020-21 MEMBERSHIP DUES		4,099.00
794002	07/23/2020	CA SCHOOL BOARDS ASSOC//C/O WE ST AMERICA BANK	01-5300	CSBA ELA MEMBERSHIPS	9,301.00	
			01-5800	CSBA ELA MEMBERSHIPS	4,830.00	14,131.00
794003	07/23/2020	WILLITS, CITY OF	13-5800	20-21 ANNUAL FOG PERMITS		240.00
794004	07/23/2020	DEPT OF TOXIC SUBSTANCES CTRL	01-5800	Annual EPA FEE		232.50
794005	07/23/2020	DOCUMENT TRACKING SERVICES LLC	01-5800	DOC TRACKING/TRANSLATION SERVICES 7/1/20-7/1/21		2,160.00
794006	07/23/2020	FRONTLINE TECHNOLOGIES GROUP	01-5800	STAFF ABSENCE AND SUB MANAGEMENT 2020-21		8,709.90
794007	07/23/2020	JIVE COMMUNICATIONS	01-5903	JULY PHONE SERVICES		2,370.33
794008	07/23/2020	MENDOCINO COUNTY OFFICE OF ED/ /ACCOUNTS RECEIVABLE	01-5800	CTE KIDWELL		649.24
794009	07/23/2020	KEMPTON-MILLIKEN, NANCY	01-3701	FEB AND JUNE RETIREE BENEFITS		701.79
794010	07/23/2020	MYERS, MARETTE	01-3701	JULY 2020 SUPP, RX		223.32
794011	07/23/2020	NORTH COAST RAILROAD AUTHORITY	01-5600	2020/2021 LEASE		2,541.56
794012	07/23/2020	PEALATERE, JACQUELINE	01-3701	2019/20 RETIREE HEALTH BENEFITS		2,112.98
794013	07/23/2020	PG&E	01-5510	5-1-20 - 6-1-20		1,002.62
794014	07/23/2020	PLATT ELECTRIC SUPPY INC	01-4300	Electric Supplies	333.45	
				Unpaid Tax	1.54-	331.91
794015	07/23/2020	SAN JOAQUIN OFFICE OF ED	01-5800	2020/2021 EDJOIN FEES		450.00
794016	07/23/2020	SCHOOL INNOVATIONS & ACHIEVE	01-5800	20/21 PROGRAM ADVISORY SERVICES		8,800.00
794017	07/23/2020	THOMAS, JOAN	01-3701	JULY - SEPT RETIREE BENEFITS		433.80
794018	07/23/2020	U.S. CELLULAR	01-5902	JULY 2020		86.27
794372	07/30/2020	MANN, JUANITA R	01-4300	REIMBURSEMENT FOR SUMMER SCHOOL SUPPLIES	301.96	
			01-5800	REIMBURSEMENT FOR SUMMER SCHOOL SUPPLIES	43.82	345.78
794373	07/30/2020	MYERS, KIRSTEN	01-5800	SLP LICENSE REIMBURSEMENT		110.00

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ESCAPE ONLINE

Checks Dated 07/01/2020 through 07/31/2020

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
794374	07/30/2020	RUNBERG, NANCY E	01-4300	WALMART REIMBURSEMENT		50.11
794375	07/30/2020	SLEEPER, LAURA A	01-4300	TONER REIMBURSEMENT	51.78	
			01-5200	MCOE CREDENTIAL DELIVERY	29.32	81.10
794376	07/30/2020	ACEVEDO'S UKIAH TRUCK REPAIR	01-5600	BUS 12	240.00	
				BUS 2	240.00	
				BUS 5	480.00	
				FORD E350	1,445.16	2,405.16
794377	07/30/2020	AMAZON CAPITAL SERVICES	01-4300	Drink Fountains Filters	2,699.83	
				GRADE LEVEL PAPER ORDER K-2	414.79	
				GROUPS	489.84	
				MAINTENANCE	383.53	
				SCHOOL SUPPLIES	489.02	
				Unpaid Tax	18.03-	4,458.98
794378	07/30/2020	ARROW BENEFITS GROUP	69-5800	7-15 - 7-22-20 VISION CLAIMS		157.50
794379	07/30/2020	BENCHMARK HOME ELEVATOR INC	01-5800	4 SITES	856.00	
				BLOSSER LANE	502.25	
				WHS	210.00	1,568.25
794380	07/30/2020	CALIFORNIA DEPT OF EDUCATION	01-8290	FY 17-18 UNSPENT FUNDS		888.00
794381	07/30/2020	CLARK, SUSAN	01-3701	APR-JUNE 2020 RETIREE BENEFITS		1,497.06
794382	07/30/2020	CRAMER MFT, JEFFREY	01-5800	ESY COUNSELING SERVICES		1,020.00
794383	07/30/2020	ACADIENCE LEARNING	01-5200	2019/20 DATA MANAGEMENT		747.00
794384	07/30/2020	FISHMAN SUPPLY COMPANY	01-4300	KIDS CLUB ITEMS	405.75	
				WAREHOUSE	6,645.59	
				WHS	416.81	
				Unpaid Tax	40.41-	7,427.74
794385	07/30/2020	GOSSETT ALARM	01-5800	QUARTERLY MONITORING JULY 20- OCT		90.00
				20		
794386	07/30/2020	GRAINGER	01-4300	MOTOR STARTER	389.67	
				Unpaid Tax	1.80-	387.87
794387	07/30/2020	MC CLERK-RECORDER	01-5800	CEQA FILING FEE		2,456.75
794388	07/30/2020	O'REILLY AUTOMOTIVE, INC.	01-4300	2000 FORD LOCKING CAP	20.22	
				2017 FORD BATTERY	209.63	229.85
794389	07/30/2020	PACE SUPPLY CORP	01-4300	MAINTENANCE WHS	173.62	
				Unpaid Tax	.80-	172.82
794390	07/30/2020	QUILL CORP	01-4300	HR INK	15.61	
				HR INK-DISTRICT SUPPLIES	45.02	
				Unpaid Tax	.27-	60.36

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ESCAPE ONLINE

Checks Dated 07/01/2020 through 07/31/2020

Check Number	Check Date	Pay to the Order of	Fund-Object	Comment	Expensed Amount	Check Amount
794391	07/30/2020	SONOMA CO OFFICE OF ED	01-5200	MAY 1 WEBINAR FOR 18 STAFF MEMBERS		810.00
794392	07/30/2020	SPURR	01-5520	MAY 15 - JUN 15, 20		6,935.01
794393	07/30/2020	TEAMTALK NETWORK LLC	01-5800	SEPTEMBER BUS RADIO'S		911.88
794394	07/30/2020	U.S. BANK CORPORATE PAYMENT	01-4300	Blosser Lane Booster Pump Part/PAYPAL RADWELL Cub Cadet Part/PAYPAL MTD SNEEZEGUARDS FOR SPED SUPERINTENDENT	33.53 23.33 195.02 112.26	
			13-4300	BOX TRUCK CHECK UP WITH ADAMS TIRE SEAFOAM FOR BOX TRUCK SEAT COVERS FOR BOX TRUCK WIPER BLADES FOR BOX TRUCK	49.99 23.82 21.67 111.55	
			13-4400	2002 FORD E350 BOX TRUCK	5,418.75	
				Unpaid Tax	418.85-	5,571.07
794395	07/30/2020	WILLITS KIDS CLUB INC	01-5800	JUNE 2020 KIDS CLUB FEES SECOND HALF OF ADMIN FEES FOR 19-20	5,963.44 4,584.93	10,548.37
794396	07/30/2020	WILLITS MINI STORAGE	01-5600	AUGUST 2020		148.00
794397	07/30/2020	WILLITS POWER EQUIPMENT	01-4300	SHARPEN CHAIN/BLADE		15.00
Total Number of Checks					124	456,837.62

Fund Recap

Fund	Description	Check Count	Expensed Amount
01	GENERAL FUND	109	397,019.38
11	ADULT EDUCATION	1	179.00
12	CHILD DEVELOPMENT	4	1,423.28
13	CAFETERIA SPECIAL REVEN	9	24,185.69
68	SELF-INSURANCE (dental)	2	24,510.00
69	SELF-INSURANCE (vision)	3	433.00
76	WARRANT/PASS-THROUGH	1	9,745.41
Total Number of Checks		124	457,495.76
Less Unpaid Tax Liability			658.14
Net (Check Amount)			456,837.62

The preceding Checks have been issued in accordance with the District's Policy and authorization of the Board of Trustees. It is recommended that the preceding Checks be approved.

ESCAPE ONLINE

**WILLITS UNIFIED SCHOOL DISTRICT
OFFICE OF THE SUPERINTENDENT**

1277 Blosser Lane
Willits, CA 95490
(707) 459-5314

Date: 8/12/2020
To: Trina Cardillo
From: Lynda Walker
Re: Info for August 12, 2020 Board Meeting

Certificated New Hire:

Abbie Buntin, 1.0 FTE, Teacher, Blosser Lane Elementary School, 08/10/2020

Devina Cash, 1.0 FTE, Teacher, Brookside Elementary School, 08/19/2020

Daniel Cech, 1.0 FTE, Teacher, Willits High School, 08/10/2020

Jeffrey Ivy, 1.0 FTE, Teacher, Baechtel Grove Middle School, 08/19/2020

Yuko Kohut, 1.0 FTE, Teacher, Brookside Elementary School, 06/02/2020

Sarah Luckey, 1.0 FTE, Teacher, Brookside Elementary School, 08/19/2020

Lori Moore, 1.0 FTE, Teacher, Willits High School, 08/19/2020

Holly Sanbeck, 1.0 FTE, Teacher, Baechtel Grove Middle School, 08/19/2020

James Schweig, 1.0 FTE, Teacher, Baechtel Grove Middle School, 08/19/2020

Alisa Smith, 1.0 FTE, Teacher, Baechtel Grove Middle School, 08/19/2020

Kenneth Smith, 1.0 FTE, Teacher, Willits High School, 08/19/2020

Patricia Wall, 1.0 FTE, Teacher, Baechtel Grove Middle School, 08/19/2020

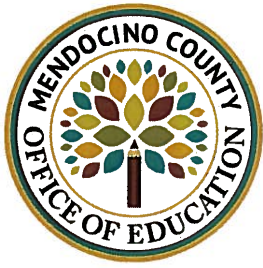
Diane Johnson, 1.0 FTE, Teacher, Blosser Lane Elementary School, 08/19/2020

Kathleen Sheckells, 1.0 FTE, Teacher, Blosser Lane Elementary School,
08/19/2020

Valarie McCourtney, 1.0 FTE Speech and Language Specialist, District Wide.
07/17/2020

Certificated Retirement:

Tracey Douglas, 1.0 FTE, Teacher, Brookside Elementary School, 06/08/2020



2240 Old River Road
Ukiah, CA 95482-6156

Ph. (707) 467-5001
Fax (707) 462-0379

MICHELLE HUTCHINS
Superintendent of Schools

SERVICE

EXCELLENCE

INNOVATION

TEAMWORK

Williams Quarterly Report – 4th Quarter 2019-2020

July 20, 2020

Mark Westerburg, Superintendent
Willits Unified School District
1277 Blosser Lane
Willits, CA 95490

Dear Mark:

I am providing, for submission to your governing board at a regularly scheduled meeting, the fourth quarterly report for fiscal year 2019-2020, which outlines the results of my visits and reviews at Blosser Lane Elementary, Baechtel Grove Middle School and Willits High School for the period of April through June of 2020.

Requirements found in California *Education Code* Section 1240(c)(2)(G) pursuant to the Williams Settlement, requires that the County Superintendent of Schools or designee(s), visit all decile 1-3 schools in Mendocino County and review information in the areas noted below, and report the results of the visit(s) and review(s) on a quarterly basis.

The purpose of my visit(s) as specified in California Education Code 1240 was to:

1. Determine if students have "sufficient" standards-aligned instructional materials in four core subject areas (English language arts, mathematics, history/social science and science), including science laboratory equipment in grades 9-12, and, as appropriate, in foreign languages, and health;
2. Determine if there is any facility condition that "poses an emergency or urgent threat to the health or safety of pupils or staff"; and
3. Determine if the school has provided accurate data on the annual school accountability report card (SARC) related to the sufficiency of instructional materials and the safety, cleanliness, and adequacy of school facilities, including "good repair."

The law further requires that the county superintendent or designee (s):

1. Annually monitor and review teacher misassignments and teacher vacancies in schools ranked in deciles 1-3 (2012 Base API); and
2. Receive quarterly reports on complaints filed within the school district concerning insufficient instructional materials, teacher vacancies and misassignments, emergency or urgent facilities issues and CAHSEE Intensive Instruction & Services under the Uniform Complaint Procedure.

Before proceeding with the report, let me define some basic terms:

- "Sufficient textbooks or instructional materials", means each pupil, including English language learners, has a standards-aligned textbook, or instructional materials, or both, to use in class and to take home.
- A school facility condition that poses an "emergency or urgent threat" is a "condition that poses a threat to the health or safety of pupils or staff while at school."
- "Good Repair" means the school facilities are clean, safe and functional as determined pursuant to the school facility inspection and evaluation instrument (FIT Form) developed by the Office of Public School Construction. Each school district that receives state funding for facilities maintenance is required to establish a facilities inspection system to ensure that each of its schools is maintained in "good repair."

Please Note- During the facilities site inspection, the school facilities were rated on a set of 15 categories as determined on the FIT form which determined an overall facilities rating for the school (exemplary, good, fair, poor). Schools that receive an overall facilities rating of fair or poor will receive a follow up letter from the County Superintendent and another inspection will be scheduled.

The specific findings are outlined on the attached quarterly report. Please extend to your governing board, administration and site staff my appreciation for their professionalism in addressing the compliance requirements for the Williams Settlement Legislation.

Sincerely,
Michelle Hutchins, County Superintendent of Schools



MH/dm

Attachment: Williams Quarterly Report, 4th Quarter 2019-2020

**WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE**

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020

RE: PG & E Easement Deed

Priority: Communication

Objective: Board Approval

Background:

APN 005-150-87

A strip of land granting easement to PG&E from time to time to excavate for, construct, reconstruct, replace, remove, maintain, inspect and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over and under the easement area as set forth.

Recommendation:

Administration recommends the board

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City/Uninc _____
Recording Fee \$ _____
Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

Signature of declarant or agent determining tax

LD# 2418-14-10004

EASEMENT DEED

PM# 35144821 / 35145022

WILLITS UNIFIED SCHOOL DISTRICT,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situated in the City of Willits, County of Mendocino, State of California, described as follows:

(APN 005-150-87)

The parcel of land described in the deed from Northwestern Pacific Railroad Company, a Delaware corporation to Willits Unified School District dated April 6, 1988 and recorded in Book 1695 of Official Records at page 541, Mendocino County Records.

The easement area is described as follows:

The strip of land described in EXHIBIT "A" and shown on EXHIBIT "B" attached hereto and made a part hereof.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down, without Grantee paying compensation, any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

Grantor hereby covenants and agrees not to place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

Grantor further grants to Grantee the right to apportion to another public utility (as defined in Section 216 of the California Public Utilities Code) the right to excavate for, construct, reconstruct, replace, remove, maintain, inspect, and use the communications facilities within said easement area including ingress thereto and egress therefrom.

Grantor acknowledges that they have read the "Grant of Easement Disclosure Statement", EXHIBIT "C", attached hereto and made a part hereof.

This document may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: _____, _____.

I hereby certify that a resolution was adopted on the ____ day of _____, 20____, by the _____ authorizing the foregoing grant of easement.
By _____

WILLITS UNIFIED SCHOOL DISTRICT

By _____

Name _____

Title _____

By _____

Name _____

Title _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____ Notary Public,
Insert name
personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other _____



EXHIBIT "C"

GRANT OF EASEMENT DISCLOSURE STATEMENT

This Disclosure Statement will assist you in evaluating the request for granting an easement to Pacific Gas and Electric Company (PG&E) to accommodate a utility service extension to PG&E's applicant. **Please read this disclosure carefully before signing the Grant of Easement.**

- You are under no obligation or threat of condemnation by PG&E to grant this easement.
- The granting of this easement is an accommodation to PG&E's applicant requesting the extension of PG&E utility facilities to the applicant's property or project. Because this easement is an accommodation for a service extension to a single customer or group of customers, PG&E is not authorized to purchase any such easement.
- By granting this easement to PG&E, the easement area may be used to serve additional customers in the area and **may be used to install additional utility facilities**. Installation of any proposed facilities outside of this easement area will require an additional easement.
- Removal and/or pruning of trees or other vegetation on your property may be necessary for the installation of PG&E facilities. You have the option of having PG&E's contractors perform this work on your property, if available, or granting permission to PG&E's applicant or the applicant's contractor to perform this work. Additionally, in order to comply with California fire laws and safety orders, PG&E or its contractors will periodically perform vegetation maintenance activities on your property as provided for in this grant of easement in order to maintain proper clearances from energized electric lines or other facilities.
- The description of the easement location where PG&E utility facilities are to be installed across your property must be satisfactory to you.
- The California Public Utilities Commission has authorized PG&E's applicant to perform the installation of certain utility facilities for utility service. In addition to granting this easement to PG&E, your consent may be requested by the applicant, or applicant's contractor, to work on your property. Upon completion of the applicant's installation, the utility facilities will be inspected by PG&E. When the facility installation is determined to be acceptable the facilities will be conveyed to PG&E by its applicant.

By signing the Grant of Easement, you are acknowledging that you have read this disclosure and understand that you are voluntarily granting the easement to PG&E. Please return the signed and notarized Grant of Easement with this Disclosure Statement attached to PG&E. The duplicate copy of the Grant of Easement and this Disclosure Statement is for your records.

EXHIBIT "A"
UTILITY EASEMENT
LD# 2418-14-10004

LANDS:

(APN 005-150-87)

The parcel of land described in the deed from Northwestern Pacific Railroad Company, a Delaware corporation to Willits Unified School District dated April 6, 1988 and recorded in Book 1695 of Official Records at Page 541, Mendocino County Records.

EASEMENT:

A strip of land of varying widths extending from the northwesterly boundary line of said lands in a southeasterly, southerly, southwesterly, westerly and northwesterly direction to the northwesterly boundary line of said lands and being initially of the uniform width of 10 feet and lying 5 feet on each side of the first and second courses of the following described line:

BEGINNING at a point in the northwesterly boundary line of said lands and running thence

- (1) south 42°15' east 53.2 feet, more or less; thence
- (2) south 14°30' east 40.00 feet to a point which bears north 35°52' west 210.77 feet distant from the 1/8-inch pin in well accepted as marking the northerly terminus of the course shown as S 00°00'20" E near the intersection of N. Main Street and State Street as shown upon the Record of Survey filed for record April 17, 1968 in Case 2, Drawer 11, Page 19, Mendocino County Records, said point also being 10 feet distant, more or less, from the southeasterly boundary line (measured at a right angle) of said lands; thence changing from the uniform width of 10 feet to the uniform width of 15 feet lying 5 feet on the northwesterly side and 10 feet, more or less, on southeasterly side of the next course of said line
- (3) south 65°40' west 160.00 feet; thence continuing and changing from the uniform width of 15 feet to the uniform width of 20 feet lying 10 feet on the northwesterly side and 10 feet, more or less, on the southeasterly side of the next course of said line
- (4) south 65°40' west 127.00 feet; thence continuing and changing from the uniform width of 20 feet to the uniform width of 10 feet lying 5 feet on each side of the remaining three courses of said line
- (5) south 65°40' west 21.00 feet; thence
- (6) south 86°50' west 27.00 feet; thence
- (7) north 45°20' west 86.0 feet, more or less, to a point in the northwesterly boundary line of said lands.

Excepting therefrom, any and all portions thereof lying outside of the boundary lines of said lands.

The side lines of said strip of land shall be lengthened or shortened at the northwesterly and southerly termini thereof so as to terminate in the northwesterly and southeasterly boundary lines of said lands.

BASIS OF BEARING:

The bearings for this description are based upon the California Coordinate System of 1983 (CCS 83), Zone 2 (2017.50) measured as south $00^{\circ}36'23$ east between the found 1/8-inch pin in well near the intersection of N. Main Street and State Street and the 1/8-inch pin in well near the intersection of N. Main Street and Commercial Street both accepted as marking the termini of the course shown as $S\ 00^{\circ}00'20''\ E$ as shown upon the Record of Survey filed for record April 17, 1968 in Case 2, Drawer 11, Page 19, Mendocino County Records. Distances contained herein are grid distances (U.S. Survey Foot), to obtain ground distances, divide distances by a combined factor of 0.99986997.

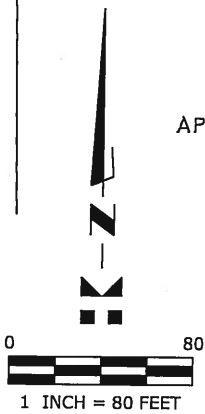
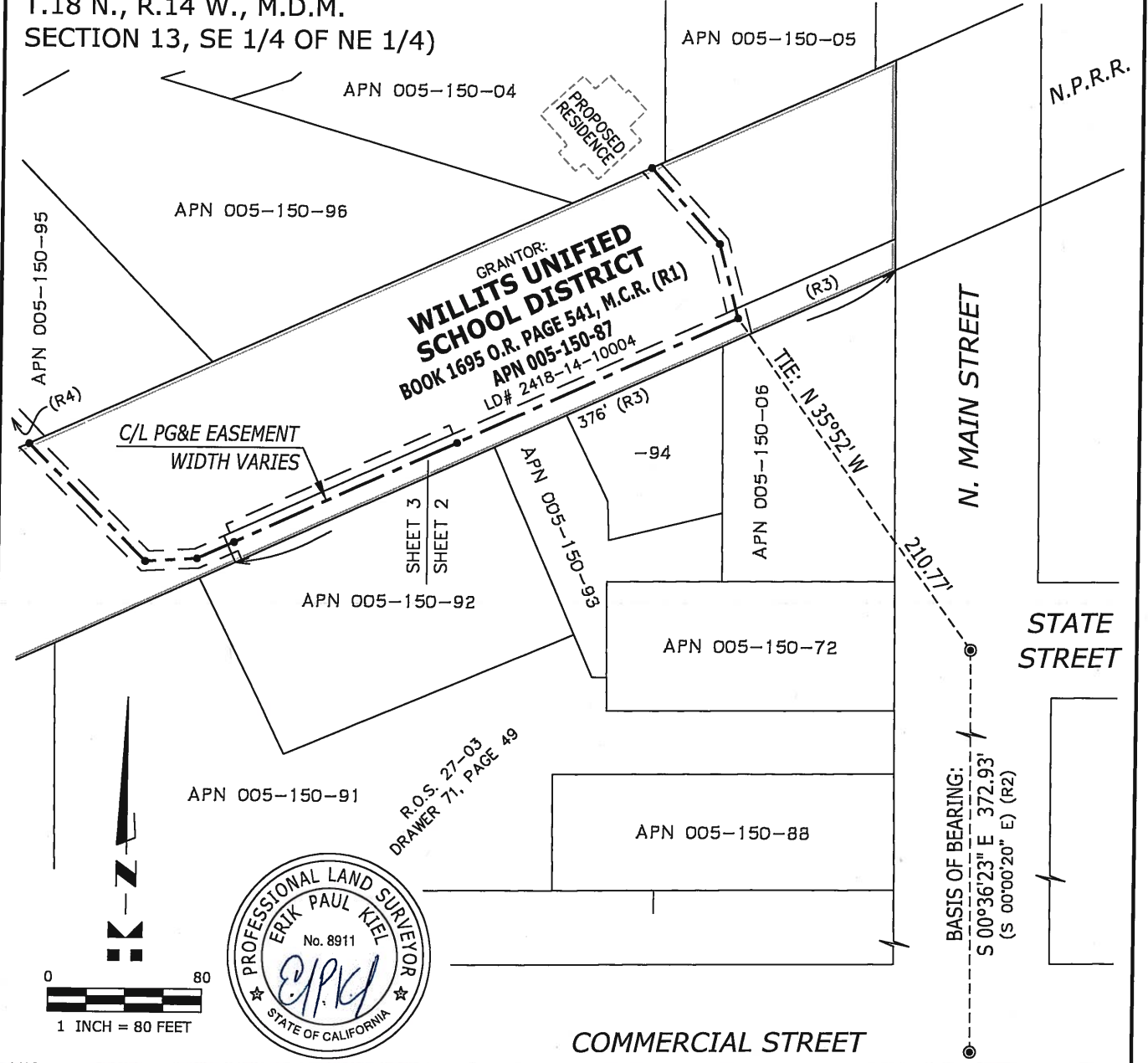
Prepared By:
Mark Thomas



Erik Paul Kiel, PLS 8911 Date: 5/28/2020



T.18 N., R.14 W., M.D.M.
SECTION 13, SE 1/4 OF NE 1/4)



R.O.S. 27-03
DRAWER 71, PAGE 49

LEGEND:

- PG&E EASEMENT BOUNDARY LINE
- FOUND 1/8" PIN IN WELL (R2)
- DIMENSION POINT
- M.C.R. MENDOCINO COUNTY RECORDS

BASIS OF BEARING:

CALIFORNIA COORDINATE SYSTEM (CCS83)
ZONE 2 (2017.50) DISTANCES SHOWN ARE
GRID TO OBTAIN GROUND DISTANCES DIVIDE
BY A COMBINED FACTOR OF 0.99986997

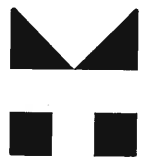
REFERENCES:

- (R1) QUITCLAIM DEED DATED 4/6/1988 AND RECORDED IN BOOK 1695 O.R. PAGE 541, M.C.R.
- (R2) RECORD OF SURVEY FILED FOR RECORD 4/17/1968 IN CASE 2, DRAWER 11, PAGE 19, M.C.R.
- (R3) PG&E EASEMENT DATED 10/4/1989 AND RECORDED IN BOOK 1819 O.R. PAGE 474, M.C.R. (LD 2418-14-0270)
- (R4) PG&E EASEMENT DATED 2/5/1954 AND RECORDED IN BOOK 369 O.R. PAGE 271, M.C.R. (LD 2418-14-0115)

MT JOB NUMBER
FN-19113_128

BY: MT
DR: E. KIEL
CH: MT
O.K. C. SCARBOROUGH
DATE: 5/28/2020

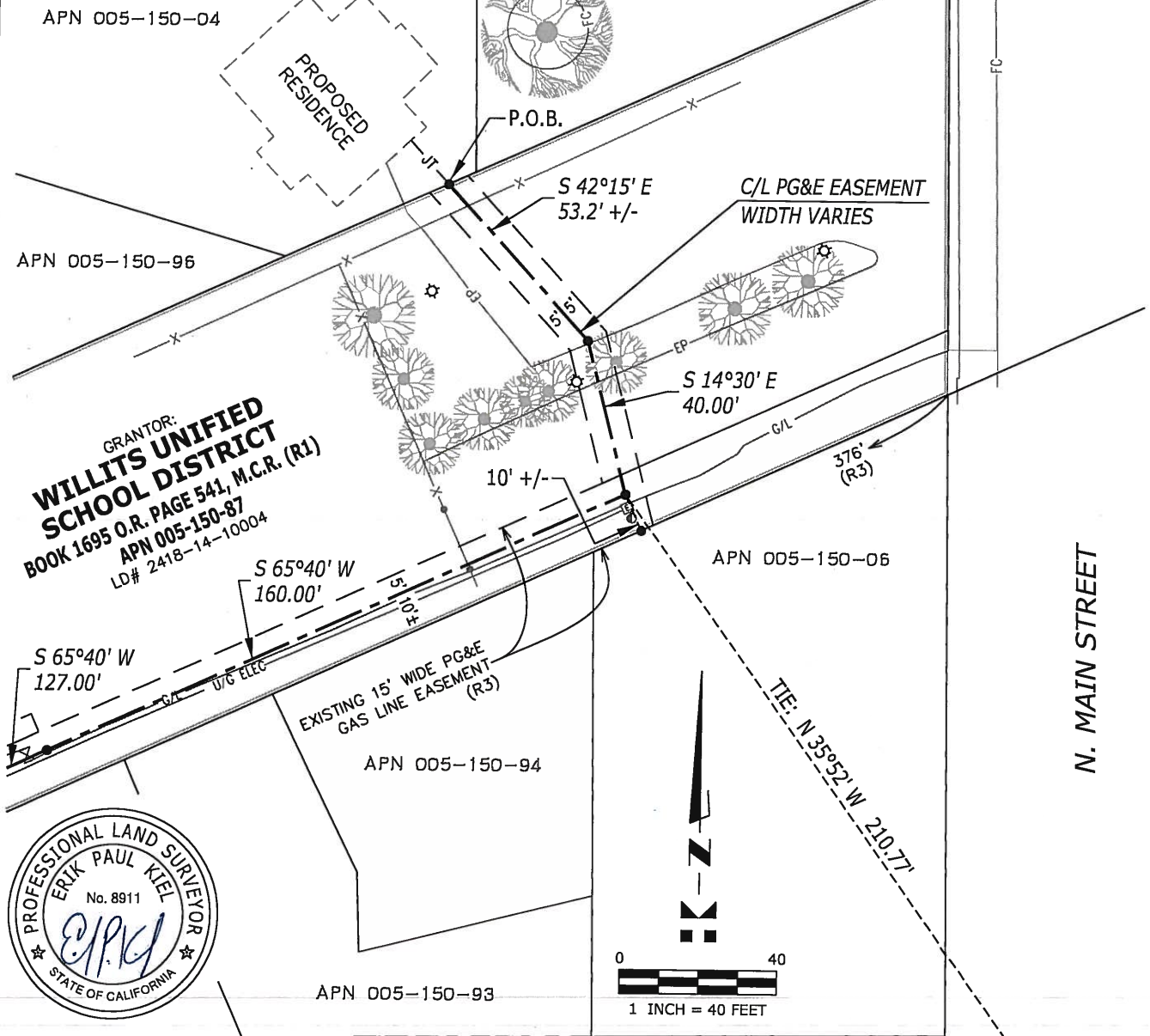
EXHIBIT "B"
UTILITY EASEMENT
120 N. MAIN STREET
WILLITS, CALIFORNIA
MARK THOMAS
3000 OAK ROAD SUITE 650, WALNUT CREEK CA 94597



AREA	7
DIVISION	HUMBOLDT
COUNTY	MENDOCINO
SCALE	1" = 80' (US sFT)
SHEET NO.	1 OF 3
DRAWING NUMBER	CHANGE
35145022 B	0

P.G. & E. CO.
COPY

T.18 N., R.14 W., M.D.M.
SECTION 13, SE 1/4 OF NE 1/4)



GRANTOR:
**WILLITS UNIFIED
SCHOOL DISTRICT**
BOOK 1695 O.R. PAGE 541, M.C.R. (R1)
APN 005-150-87
LD# 2418-14-10004



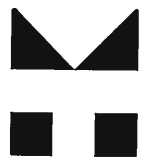
- LEGEND:**
- PG&E EASEMENT BOUNDARY LINE
 - G/L — EXISTING PG&E GAS LINE
 - U/G ELEC- EXISTING PG&E U/G ELECTRIC LINE
 - ⊙ FOUND 1/8" PIN IN WELL (R2)
 - DIMENSION POINT
 - P.O.B. POINT OF BEGINNING
 - M.C.R. MENDOCINO COUNTY RECORDS

NOTE:
SEE SHEET 1 FOR ADDITIONAL INFORMATION

MT JOB NUMBER
FN-19113_128

BY: MT
DR: E. KIEL
CH: MT
O.K. C. SCARBOROUGH
DATE: 5/28/2020

EXHIBIT "B"
UTILITY EASEMENT
120 N. MAIN STREET
WILLITS, CALIFORNIA
MARK THOMAS
3000 OAK ROAD SUITE 650, WALNUT CREEK CA 94597



AREA	7
DIVISION	HUMBOLDT
COUNTY	MENDOCINO
SCALE	1" = 40' (US sFT)
SHEET NO.	2 OF 3
DRAWING NUMBER	CHANGE
35145022 B	0

P.G.& E. CO.
COPY

T.18 N., R.14 W., M.D.M.
SECTION 13, SE 1/4 OF NE 1/4)

APN 005-150-96

APN 005-150-95

GRANTOR:
**WILLITS UNIFIED
SCHOOL DISTRICT**
BOOK 1695 O.R. PAGE 541, M.C.R. (R1)
APN 005-150-87
LD# 2418-14-10004

S 65°40' W
160.00'

N 45°20' W
86.0' +/-

S 65°40' W
127.00'

S 86°50' W
27.00'

S 65°40' W
21.00'

376'
(R3)

EXISTING 15' WIDE PG&E
GAS LINE EASEMENT
(R3)

EXISTING PG&E
POLELINE EASEMENT
(R4)

C/L PG&E EASEMENT
WIDTH VARIES

R.O.S 27-03
DRAWER 71, PAGE 49

APN 005-150-92

APN 005-150-91



LEGEND:

- PG&E EASEMENT BOUNDARY LINE
- G/L — EXISTING PG&E GAS LINE
- U/G ELEC- EXISTING PG&E U/G ELECTRIC LINE
- DIMENSION POINT
- M.C.R. MENDOCINO COUNTY RECORDS

NOTE:

SEE SHEET 1 FOR ADDITIONAL INFORMATION



MT JOB NUMBER
FN-19113_128

BY: MT
DR: E. KIEL
CH: MT
O.K. C. SCARBOROUGH
DATE: 5/28/2020

EXHIBIT "B"
UTILITY EASEMENT
120 N. MAIN STREET
WILLITS, CALIFORNIA
MARK THOMAS
3000 OAK ROAD SUITE 650, WALNUT CREEK CA 94597



AREA 7
DIVISION HUMBOLDT
COUNTY MENDOCINO
SCALE 1" = 40' (US SFT)

SHEET NO. 3 OF 3

DRAWING NUMBER CHANGE
35145022 B 0

P.G.&E. CO.
COPY

Attach to LD 2418-14-10004

The Area, Region or Location: Area 7, Humboldt Division

Land Service Office: Ukiah Land Office

Line of Business: Electric Distribution (43) Gas Distribution (53)

Business Doc Type: Easement

MTRSQ: 24.18.14.13.12

FERC License Number(s): NA

PG&E Drawing Number: 35145022 B

PLAT NO. N1203 (Elec) 1943-D6 and 1943-D7 (Gas)

LD of any affected documents: NA

LD of any Cross-referenced documents: 2418-14-0270; 2418-14-0115

TYPE OF INTEREST: Elec. U/G Easement (4), Gas Pipeline Easement (5), Utility Easement (86)

SBE Parcel Number: NA

(For Quitclaims, % being quitclaimed): NA

Order # or PM #: 35145022 (Elec) Ops. # 1110; 35144821 (Gas) Ops. # 1110

JCN: NA

County: Mendocino

Utility Notice Numbers (if applicable): NA

851 Approval Application No. NA Decision NA

Prepared By: EPK3

Checked By: C9SE *CS*

Checked By: KCCD *RM*

**WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE**

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020

RE: Surplus real estate

Priority: Communication

Objective: Surplus real estate

Background:

In the City of Willits lying on the east side of Blosser Lane, 0.07 miles south of its intersection with Robert Drive; located at 1277 Blosser Lane. APN 006-210-19 (2.53 acres) and APN 006-210-26 (a portion of 5.68 acres).

WUSD has applied to the City of Willits to have this property rezoned for the potential development of single and multi-family residences.

Recommendation:

Administration recommends the board surplus the real estate as presented.

WILKITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020
RE: Board Policy Revision- Board Policy 0430 - Comprehensive Local Plan for Special Education

Priority:
Communication

Objective:
To conduct a first read of the revised policy

Background:
Policy updated to reflect the requirement that the Special Education Local Plan Area (SELPA) submit its local plan to the county office of education and/or Superintendent of Public Instruction and the requirement, beginning July 1, 2020, to review the plan every three years. Policy also clarifies the different types of SELPA governance structures and adds an option for arrangements in which the district joins with other districts and the county office of education to form a SELPA. Policy deletes material related to the referral and eligibility of students for special education, which is addressed in AR 6164.4 - Identification and Evaluation of Individuals for Special Education. Policy adds requirement to adopt a procedure for the ongoing review of programs and a mechanism for correcting any identified problem.

Funding/Source:
None

Recommendation:
Administration recommends the board conduct a first read of the revised policy

Comprehensive Local Plan For Special Education

The Governing Board of Trustees desires-requires its obligation to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district, ~~including children who have been suspended or expelled or placed by the district in a nonpublic, nonsectarian school.~~

~~Students shall be referred for special education instruction and services only after the resources of the regular education program have been considered, and where appropriate, utilized. (Education Code 56303)~~

~~(cf. 3541.2 – Transportation for Students with Disabilities)~~

~~(cf.4112.23 – Special Education Staff~~

~~(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))~~

~~(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)~~

~~(cf. 6159 - Individualized Education Program)~~

~~(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)~~

~~(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)~~

~~(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)~~

~~(cf. 6159.4 - Behavioral Interventions for Special Education Students)~~

~~(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)~~

~~(cf. 6164.6 - Identification and Education Under Section 504)~~

~~The special education local plan area (SELPA) shall administer a local plan and administer the allocation of funds. (Education Code 56195)~~

~~(cf. 1220 – Citizen Advisory Committees)~~

~~(cf. 1312.3 – Uniform Complaint Procedures)~~

~~(cf. 3541.2 – Transportation for Students with Disabilities)~~

~~(cf. 4112.23 – Special Education Staff)~~

In order to meet the needs of individuals with disabilities, the district shall participate as a member of a Special Education Local Plan Area (SELPS) with other districts and the county office of education

pursuant to Education Code 56195.1, and employ staff with adequate expertise for this purpose, the district participates as a member of the SELPA.

The district shall enter into agreements with other members of the SELPA in accordance with Education Code 56195.1 and 56195.7. Consistent with these agreements, the district shall adopt policies governing the programs and services it operates. (Education Code 56195.8)

The Superintendent or designee shall work with the other members of the extend the district's full cooperation to the SELPA to develop a local plan for the education of individuals with disabilities. The plan shall be approved by the Board and the other members of the SELPA, and shall be submitted to the Superintendent of Public Instruction. (Education Code 56195.1)The policies and procedures of the SELPA shall be applied as policies and regulations of this district, with the exception of those that apply to complaints, unless the SELPA plan specifically authorizes the district to operate under its own policies and regulations.

The local plan shall be reviewed at least once every three years and updated as needed to ensure the information contained in the plan remains relevant and accurate. The local plan shall be updated cooperatively by a committee of representatives of special and regular education teachers and administrators selected by the groups they represent and with participation by parent/guardian members of the community advisory committee, or parents/guardians selected by the community advisory committee, to ensure adequate and effective participation and communication. (Education Code 56195.9)

Special education programs and services shall be reviewed on an ongoing basis. The results of such evaluations shall be used to identify and correct any program deficiencies.

Legal Reference:

EDUCATION CODE

56000-56001 Education for individuals with exceptional needs

56020-56035 Definitions

56040-56046 General provisions

56048-56050 Surrogate parents

56055 Foster parents

56060-56063 Substitute teachers

56170-56177 Children enrolled in private schools

56190-56194 Community advisory committees

[56195-56195.10](#) Local plans

[56205-56208](#) Local plan requirements

[56213](#) Special education local plan areas with small or sparse populations

[56240-56245](#) Staff development

[56300-56385](#) Identification and referral, assessment, instructional planning

[56440-56447.1](#) Programs for individuals between the ages of three and five years

[56500-56508](#) Procedural safeguards, including due process rights

[56520-56524](#) Behavioral interventions

[56600-56606](#) Evaluation, audits and information

[56836-56836.05](#) Administration of local plan

GOVERNMENT CODE

[7579.5](#) Surrogate parent, appointment, qualifications, liability

[95000-95029](#) California Early Intervention Services Act

WELFARE AND INSTITUTIONS CODE

[361](#) Limitations on parental control

[726](#) Limitations on parental control

CODE OF REGULATIONS, TITLE 5

[3000-3089](#) Regulations governing special education

UNITED STATES CODE, TITLE 20

[1400-1482](#) Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

[794](#) Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

[12101-12213](#) Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

300.1-300.818 Assistance to states for the education of children with disabilities, including:

300.500-300.520 Due process procedures for parents and children

303.1-303.654 Early intervention program for infants and toddlers with disabilities

Management Resources:

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education
Programs: <http://www.ed.gov/about/offices/list/osers/osep>

Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: August 7, 2013 Willits, California

revised: September 9, 2020

Comprehensive Local Plan For Special Education

The Governing Board requires its obligation to provide a free appropriate public education to all individuals with disabilities, aged 3 to 21 years, who reside in the district..

(cf. 3541.2 – Transportation for Students with Disabilities)

(cf.4112.23 – Special Education Staff

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. [6146.4](#) - Differential Graduation and Competency Standards for Students with Disabilities)

(cf. [6159](#) - Individualized Education Program)

(cf. [6159.1](#) - Procedural Safeguards and Complaints for Special Education)

(cf. [6159.2](#) - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. [6159.3](#) - Appointment of Surrogate Parent for Special Education Students)

(cf. [6159.4](#) - Behavioral Interventions for Special Education Students)

(cf. [6164.4](#) - Identification and Evaluation of Individuals for Special Education)

(cf. [6164.6](#) - Identification and Education Under Section 504)

In order to meet the needs of individuals with disabilities, the district shall participate as a member of a Special Education Local Plan Area (SELPS) with other districts and the county office of education pursuant to Education Code 56195.1.

The district shall enter into agreements with other members of the SELPA in accordance with Education Code 56195.1 and 56195.7. Consistent with these agreements, the district shall adopt policies governing the programs and services it operates. (Education Code 56195.8)

The Superintendent or designee shall work with the other members of the SELPA to develop a local plan for the education of individuals with disabilities. The plan shall be approved by the Board and the other members of the SELPA, and shall be submitted to the Superintendent of Public Instruction. (Education Code 56195.1)

The local plan shall be reviewed at least once every three years and updated as needed to ensure the information contained in the plan remains relevant and accurate. The local plan shall be updated cooperatively by a committee of representatives of special and regular education teachers and administrators selected by the groups they represent and with participation by parent/guardian members of the community advisory committee, or parents/guardians selected by the community

advisory committee, to ensure adequate and effective participation and communication. (Education Code 56195.9)

Special education programs and services shall be reviewed on an ongoing basis. The results of such evaluations shall be used to identify and correct any program deficiencies.

Legal Reference:

EDUCATION CODE

[56000-56001](#) Education for individuals with exceptional needs

[56020-56035](#) Definitions

[56040-56046](#) General provisions

[56048-56050](#) Surrogate parents

[56055](#) Foster parents

[56060-56063](#) Substitute teachers

[56170-56177](#) Children enrolled in private schools

[56190-56194](#) Community advisory committees

[56195-56195.10](#) Local plans

[56205-56208](#) Local plan requirements

[56213](#) Special education local plan areas with small or sparse populations

[56240-56245](#) Staff development

[56300-56385](#) Identification and referral, assessment, instructional planning

[56440-56447.1](#) Programs for individuals between the ages of three and five years

[56500-56508](#) Procedural safeguards, including due process rights

[56520-56524](#) Behavioral interventions

[56600-56606](#) Evaluation, audits and information

[56836-56836.05](#) Administration of local plan

GOVERNMENT CODE

7579.5 Surrogate parent, appointment, qualifications, liability

95000-95029 California Early Intervention Services Act

WELFARE AND INSTITUTIONS CODE

361 Limitations on parental control

726 Limitations on parental control

CODE OF REGULATIONS, TITLE 5

3000-3089 Regulations governing special education

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

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303.1-303.654 Early intervention program for infants and toddlers with disabilities

Management Resources:

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education
Programs: <http://www.ed.gov/about/offices/list/osers/osep>

Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: August 7, 2013 Willits, California

revised: September 9, 2020

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020
RE: Board Policy Revision- Administrative Regulation 0430 - Comprehensive Local Plan for Special Education

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

Regulation updated to reflect the new template for the SELPA plan developed by the California Department of Education (CDE). Section on "Definitions" revised to delete definitions for terms which are not used in this policy and regulation. Section on "Elements of the Plan" expanded to include further details regarding required components. Regulation also reflects **NEW LAW (SB 75, 2019)** which requires the SELPA plan to include an annual assurances support plan, beginning July 1, 2021 based on a CDE template developed by July 1, 2020. Regulation adds a requirement that each school post a notice of the public hearing that will be held by the SELPA to adopt the plan, and adds a new section on "Availability of the Plan" which includes a requirement to post the SELPA plan on the district's web site and make it available in the district office.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Comprehensive Local Plan For Special Education

Definitions

Free appropriate public education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education, including the requirements of 34 CFR [300.1-300.818](#); include appropriate preschool, elementary school, or secondary school education for individuals between the ages of 3 and 21; and are provided in conformity with an individualized education program (IEP) that meets the requirements of 34 CFR [300.320-300.324](#). (34 CFR [300.17](#), [300.101](#), [300.104](#); Education Code [56040](#))

FAPE applies to students who are suspended or expelled or placed by the district in a nonpublic, nonsectarian school. (34 CFR [300.17](#), [300.101](#), [300.104](#))

Least restrictive environment means that, to the maximum extent appropriate, students with disabilities, including individuals in public or private institutions or other care facilities, be educated with individuals who are nondisabled, including the provision of nonacademic and extracurricular services and activities. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (34 CFR [300.107](#), [300.114](#), [300.117](#); ~~Education Code [56040.1](#)~~)

~~Special education means specially designed instruction, provided at no cost to the parent/guardian, to meet the unique needs of individuals with disabilities including a full continuum of program options including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education to meet the educational and service needs in the least restrictive environment. (Education Code [56300](#), [56031](#))~~

~~Special education may include each of the following if the services otherwise meet the definition in the above paragraph: (Education Code [56031](#))~~

~~1. Speech language pathology services, or any other designated instruction and service or related service, pursuant to Education Code [56363](#), if the service is considered special education rather than designated instruction and service or related service under state standards~~

~~2. Travel training~~

~~3. Career technical education~~

~~4. Transition services for students with disabilities in accordance with 34 CFR [300.43](#) if provided as specially designed instruction, or a related service, if required to assist a student with disabilities to benefit from special education~~

~~Specially designed instruction means adapting the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the~~

student to the general curriculum, so that the student can meet the educational standards that apply to all students in the district. (34 CFR 300.39)

Surrogate parent means an individual assigned to act as a surrogate for the parent/guardian. The surrogate may represent an individual with disabilities in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the IEP, and in other matters relating to the provision of FAPE to the individual with disability. (34 CFR 300.519; Education Code 56050)

(cf. 6159.3—Appointment of Surrogate Parent for Special Education)

Elements of the Local Plan

The local plan developed by the special education local plan area (SELPA) shall include, but not be limited to, the following: (Education Code 56205, 56206)

1. Assurances that policies, procedures, and programs, consistent with state law, regulation, and policy, are in effect as specified in Education Code 56205(a)(1-22) and in conformity with 20 USC 1412(a), 20 USC 1413(a)(1), and 34 CFR 300.201
2. An annual budget plan and annual service plan adopted at a public hearing held by the SELPA
3. A description of programs for early childhood special education from birth through five years of age
4. A description of the method by which members of the public, including parents/guardians of individuals with disabilities who are receiving services under the plan, may address questions or concerns pursuant to Education Code 56205
5. A description of a dispute resolution process
6. Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205
7. A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303
8. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools and the method for ensuring that all requirements of each student's IEP are being met
9. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment

Elements of the Local Plan

The local plan developed by the Special Education Local Plan Area (SELPA) shall include, but not be limited to: (Education Code 56122, 56205, 56206)

1. Policies, procedures, and programs, that are consistent with state laws, regulations, and policies and 20 USC 1412(a), 20 USC 1413(a)(1), and 34 CFR 300.201 governing the following:
 - a. Free appropriate public education
 - b. Full educational opportunity
 - c. Child find and referral
 - d. Individualized education programs, including development, implementation, review, and revision
 - e. Least restrictive environment
 - f. Procedural safeguards
 - g. Annual and triennial assessments
 - h. Confidentiality
 - i. Transition from the Infants and Toddlers with Disabilities programs pursuant to 20 USC 1431 to the preschool program
 - j. Children in private schools
 - k. Compliance assurances, including general compliance with the federal Individuals with Disabilities Education Act (20 USC 1400-1482), Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), the federal Americans with Disabilities Act of 1990 (42 USC 12101-12213), related federal regulations, and Education Code 56000-56865
 - l. A description of the governance and administration of the local plan in accordance with Education Code 56205(a)(12)
 - m. Personnel qualification to ensure that personnel, including special education teachers and personnel and paraprofessionals are appropriately and adequately prepared and trained in accordance with Education Code 56058 and 56070 and 20 USC 1412(a)(14) and 1413(a)(3)
 - n. Performance goals and indicators
 - o. Participation in state and districtwide assessments, including assessments described in 20 USC 6301 et seq. and alternate assessments in accordance with 20 USC 1412(a)(16), and reports relating to assessments

- p. Supplementation of state, local, and other federal funds, including nonsupplantation of funds
 - q. Maintenance of financial effort
 - r. Opportunities for public participation before adoption of policies and procedures
 - s. Suspension and expulsion rates
 - t. Access to instructional materials by blind individuals with exceptional needs and others with print disabilities in accordance with 20 USC 1412(a)(23)
 - u. Overidentification and disproportionate representation by race and ethnicity of children as individuals with exceptional needs, including children with disabilities with a particular impairment described in 20 USC 1401 and 1412(a)(24)
 - v. Prohibition of mandatory medication use pursuant to Education Code 56040.5 and 20 USC 1412(a)(25)
2. An annual budget plan, including descriptions of the SELPA's allocation plan in accordance with Education Code 56836-56845, all revenues by revenue source received by the SELPA specifically for the purpose of special education, a breakdown of the distribution of funds to each local educational agency (LEA) within the SELPA, projected total special education expenditures by each LEA, projected total expenditures by the SELPA and the LEAs within the SELPA, projected funding to be received specifically for regionalized operations, and a breakdown of projected SELPA operating expenditures
3. An annual service plan, describing the services to be provided by each LEA, regardless of whether the LEA participates in the local plan, including the nature of the services and the physical location at which the services will be provided. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.
4. Beginning July 1, 2021, an annual assurances support plan to demonstrate how the SELPA and its participating agencies are coordinating for purposes of assuring effective outcomes for students with disabilities, including a description of:
- a. How the SELPA will support each participating district in achieving the goals, actions, and services identified in its local control and accountability plan
 - b. How the SELPA will connect any participating district in need of technical assistance to the statewide system of support
 - c. The services, technical assistance, and support the SELPA will provide to meet the required policies, procedures, and programs specified in Education Code 56205

5. A description of programs for early childhood special education from birth through five years of age
6. A description of the method by which members of the public, including parents/guardians of individuals with disabilities who are receiving services under the plan, may address questions or concerns pursuant to Education Code 56205
7. A description of a dispute resolution process, including mediation and arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan
8. Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205 and that the committee had at least 30 days to conduct this review before submission of the local plan to CDE
9. A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303
10. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools, the method of ensuring that all requirements of each student's IEP are being met, and a method for evaluating whether the student is making appropriate educational progress
11. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment

The local plan, annual budget plan, ~~and~~ annual service plan and annual assurances support plan shall be written in language that is understandable to the general public. They shall be adopted at a public hearing of the SELPA, for which notice of the hearing shall be posted in each school in the SELPA at least 15 days before the hearing. (Education Code 56205)

~~Each entity providing special education shall adopt policies for the programs and services it operates, consistent with agreements adopted pursuant to Education Code 56195.1 and 56195.7. (Education Code 56195.8)~~

~~(cf. 3541.2 – Transportation for Students with Disabilities)~~

~~(cf. 3542 – School Bus Drivers)~~

~~(cf. 4112.23 – Special Education Staff)~~

~~(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))~~

~~(cf. 6159 Individualized Education Program)~~

~~(cf. 6159.1 Procedural Safeguards and Complaints for Special Education)~~

~~(cf. 6159.2 Nonpublic, Nonsectarian School and Agency Services for Special Education)~~

~~(cf. 6164.4 Identification and Evaluation of Individuals for Special Education)~~

~~(cf. 6164.41 Children with Disabilities Enrolled by Their Parents in Private School)~~

~~(cf. 6164.6 Identification and Education Under Section 504)~~

Availability of the Plan

The Superintendent or designee shall post on the district's web site the approved local plan, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans. A complete copy of the local plan, annual budget plan, annual service plan, annual assurances support plan, and policies and procedures shall be held on file in the district office and shall be accessible to any interested party. (Education Code 56205.5)

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: August 7, 2013 Willits, California

revised: September 9, 2020

Comprehensive Local Plan For Special Education

Definitions

Free appropriate public education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the California Department of Education, including the requirements of 34 CFR [300.1-300.818](#); include appropriate preschool, elementary school, or secondary school education for individuals between the ages of 3 and 21; and are provided in conformity with an individualized education program (IEP) that meets the requirements of 34 CFR [300.320-300.324](#). (34 CFR [300.17](#), [300.101](#), [300.104](#); Education Code [56040](#))

FAPE applies to students who are suspended or expelled or placed by the district in a nonpublic, nonsectarian school. (34 CFR [300.17](#), [300.101](#), [300.104](#))

Least restrictive environment means that, to the maximum extent appropriate, students with disabilities, including individuals in public or private institutions or other care facilities, be educated with individuals who are nondisabled, including the provision of nonacademic and extracurricular services and activities. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (34 CFR [300.107](#), [300.114](#), [300.117](#))

Elements of the Local Plan

The local plan developed by the Special Education Local Plan Area (SELPA) shall include, but not be limited to: (Education Code 56122, 56205, 56206)

1. Policies, procedures, and programs, that are consistent with state laws, regulations, and policies and 20 USC 1412(a), 20 USC 1413(a)(1), and 34 CFR 300.201 governing the following:
 - a. Free appropriate public education
 - b. Full educational opportunity
 - c. Child find and referral
 - d. Individualized education programs, including development, implementation, review, and revision
 - e. Least restrictive environment
 - f. Procedural safeguards

- g. Annual and triennial assessments
- h. Confidentiality
- i. Transition from the Infants and Toddlers with Disabilities programs pursuant to 20 USC 1431 to the preschool program
- j. Children in private schools
- k. Compliance assurances, including general compliance with the federal Individuals with Disabilities Education Act (20 USC 1400-1482), Section 504 of the federal Rehabilitation Act of 1973 (29 USC 794), the federal Americans with Disabilities Act of 1990 (42 USC 12101-12213), related federal regulations, and Education Code 56000-56865
- l. A description of the governance and administration of the local plan in accordance with Education Code 56205(a)(12)
- m. Personnel qualification to ensure that personnel, including special education teachers and personnel and paraprofessionals are appropriately and adequately prepared and trained in accordance with Education Code 56058 and 56070 and 20 USC 1412(a)(14) and 1413(a)(3)
- n. Performance goals and indicators
- o. Participation in state and districtwide assessments, including assessments described in 20 USC 6301 et seq. and alternate assessments in accordance with 20 USC 1412(a)(16), and reports relating to assessments
- p. Supplementation of state, local, and other federal funds, including nonsupplantation of funds
- q. Maintenance of financial effort
- r. Opportunities for public participation before adoption of policies and procedures
- s. Suspension and expulsion rates
- t. Access to instructional materials by blind individuals with exceptional needs and others with print disabilities in accordance with 20 USC 1412(a)(23)
- u. Overidentification and disproportionate representation by race and ethnicity of children as individuals with exceptional needs, including children with disabilities with a particular impairment described in 20 USC 1401 and 1412(a)(24)

- v. Prohibition of mandatory medication use pursuant to Education Code 56040.5 and 20 USC 1412(a)(25)
2. An annual budget plan, including descriptions of the SELPA's allocation plan in accordance with Education Code 56836-56845, all revenues by revenue source received by the SELPA specifically for the purpose of special education, a breakdown of the distribution of funds to each local educational agency (LEA) within the SELPA, projected total special education expenditures by each LEA, projected total expenditures by the SELPA and the LEAs within the SELPA, projected funding to be received specifically for regionalized operations, and a breakdown of projected SELPA operating expenditures
3. An annual service plan, describing the services to be provided by each LEA, regardless of whether the LEA participates in the local plan, including the nature of the services and the physical location at which the services will be provided. This description shall demonstrate that all individuals with exceptional needs shall have access to services and instruction appropriate to meet their needs as specified in their individualized education programs.
4. Beginning July 1, 2021, an annual assurances support plan to demonstrate how the SELPA and its participating agencies are coordinating for purposes of assuring effective outcomes for students with disabilities, including a description of:
 - a. How the SELPA will support each participating district in achieving the goals, actions, and services identified in its local control and accountability plan
 - b. How the SELPA will connect any participating district in need of technical assistance to the statewide system of support
 - c. The services, technical assistance, and support the SELPA will provide to meet the required policies, procedures, and programs specified in Education Code 56205
5. A description of programs for early childhood special education from birth through five years of age
6. A description of the method by which members of the public, including parents/guardians of individuals with disabilities who are receiving services under the plan, may address questions or concerns pursuant to Education Code 56205
7. A description of a dispute resolution process, including mediation and arbitration to resolve disputes over the distribution of funding, the responsibility for service provision, and the other governance activities specified within the local plan
8. Verification that the plan has been reviewed by the community advisory committee in accordance with Education Code 56205 and that the committee had at least 30 days to conduct this review before submission of the local plan to CDE

9. A description of the process being utilized to refer students for special education instruction pursuant to Education Code 56303
10. A description of the process being utilized to oversee and evaluate placements in nonpublic, nonsectarian schools, the method of ensuring that all requirements of each student's IEP are being met, and a method for evaluating whether the student is making appropriate educational progress
11. A description of how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve students in isolated sites and maximizes the opportunities to serve students in the least restrictive environment

The local plan, annual budget plan, annual service plan and annual assurances support plan shall be written in language that is understandable to the general public. They shall be adopted at a public hearing of the SELPA, for which notice of the hearing shall be posted in each school in the SELPA at least 15 days before the hearing. (Education Code 56205)

Availability of the Plan

The Superintendent or designee shall post on the district's web site the approved local plan, annual budget plan, annual service plan, and annual assurances support plan and any updates or revisions to the plans. A complete copy of the local plan, annual budget plan, annual service plan, annual assurances support plan, and policies and procedures shall be held on file in the district office and shall be accessible to any interested party. (Education Code 56205.5)

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: August 7, 2013 Willits, California

revised: September 9, 2020

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020
RE: Board Policy Revision- 1312.3 - Uniform Complaint Procedures

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

Policy updated to add medical condition as a characteristic that is protected from discrimination, reflect NEW LAW (SB 75, 2019) which extends the use of uniform complaint procedures (UCP) to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12, and add an item indicating the use of the UCP for complaints regarding health and safety in a license-exempt California State Preschool Program (CSPP) consistent with CDE's Federal Program Monitoring Instrument.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Uniform Complaint Procedures

The Governing Board of Trustees recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; ~~American Indian education centers and early childhood education program assessments; bilingual education; California Peer Assistance and Review programs for teachers; state career technical and technical education, career technical, and technical training programs;~~ federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; ~~Economic Impact Aid;~~ the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; ~~special education programs;~~ California State Preschool Programs; ~~Tobacco Use Prevention Education programs;~~ and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

~~(cf. 5131.62 - Tobacco)~~

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

~~(cf. 6159 - Individualized Education Program)~~

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. [6178.1](#) - Work-Based Learning)

(cf. [6178.2](#) - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, [medical condition](#), sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code [200](#) or [220](#), Government Code [11135](#), or Penal Code [422.55](#), or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR [4610](#))

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

3. Any complaint alleging district noncompliance 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](#))

(cf. [5146](#) - Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)

5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR [4610](#))

(cf. [3260](#) - Fees and Charges)

(cf. [3320](#) - Claims and Actions Against the District)

6. Any complaint alleging district noncompliance with applicable requirements of Education Code [52060-52077](#) related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code [52075](#))

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [3100](#) - Budget)

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code [64000-64001](#), 65000-65001)

(cf. [0420](#) - School Plans/Site Councils)

8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code [51225.2](#), alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code [48853](#), [48853.5](#), 49069.5, [51225.1](#), [51225.2](#))

(cf. [6173.1](#) - Education for Foster Youth)

9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC [11434a](#), a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code [49701](#), or a migrant student as defined in Education Code [54441](#), or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code [51225.2](#) in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code [51225.1](#))

(cf. [6173](#) - Education for Homeless Children)

(cf. [6173.2](#) - Education of Children of Military Families)

(cf. [6173.3](#) - Education for Juvenile Court School Students)

10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC [11434a](#), a former juvenile court school student, a child of a military family as defined in Education Code [49701](#), a migrant child as defined in Education Code [54441](#), or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code [51225.2](#), alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code [51225.2](#))

11. Any complaint alleging district noncompliance with the requirements of Education Code [51228.1](#) and [51228.2](#) that prohibit the assignment of a student in grades 9-12 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](#))

(cf. [6152](#) - Class Assignment)

12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code [51210](#), [51222](#), [51223](#))

(cf. [6142.7](#) - Physical Education and Activity)

13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code 8235.5; Health and Safety Code 1596.7925)

143. 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

154. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process ~~for resolving to reach a resolution to the~~ complaint in a manner that is acceptable to all parties. An ADR process such as mediation 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 Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

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

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [5125](#) - Student Records)

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to UCP is included in a UCP complaint, the district 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 the district's UCP.

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

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

The Superintendent or designee 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](#).

(cf. [3580](#) - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district'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 Protective Services Division and the appropriate law enforcement agency.

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

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 fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

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, teacher vacancies and misassignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code [8235.5](#), [35186](#))

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures

~~33380-33384 California Indian Education Centers~~

35186 Williams uniform complaint procedures

~~44500-44508 California Peer Assistance and Review Program for Teachers~~

46015 Parental leave for students

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49014 Student fees

49060-49079 Student records, especially:

49069.5 Records of foster youth

49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children

51210 Courses of study grades 1-6

51222 Physical education, secondary schools

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements

51226-51226.1 Career technical education

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~~

52300-52462 Career technical education

52500-52616.24 Adult schools

54000-54029 Economic Impact Aid

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

~~56000-56865 Special education programs~~

59000-59300 Special schools and centers

64000-64001 Consolidated application process; school plan for student achievement

65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions

1596.7925 California Child Day Care Act; health and safety regulations

104420 Tobacco-Use Prevention Education

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

~~3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities~~

4600-4670 Uniform complaint procedures

4680-4687 Williams 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

6301-6576 Title I Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient and immigrant students

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

12101-12213 Title II equal opportunity for individuals with disabilities

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

[Uniform Complaint Procedures 2020-21 Program Instrument](#)

Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <https://www2.ed.gov/policy/gen/guid/fpco>

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

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

Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: May 8, 2019 Willits, California

revised : September 9, 2020

Uniform Complaint Procedures

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR [4600-4670](#) and the accompanying administrative regulation.

Complaints Subject to UCP

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; California State Preschool Programs; and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code [64000](#)

(cf. [3553](#) - Free and Reduced Price Meals)

(cf. [3555](#) - Nutrition Program Compliance)

(cf. [5148](#) - Child Care and Development)

(cf. [5148.2](#) - Before/After School Programs)

(cf. [5148.3](#) - Preschool/Early Childhood Education)

(cf. [6171](#) - Title I Programs)

(cf. [6174](#) - Education for English Learners)

(cf. [6175](#) - Migrant Education Program)

(cf. [6178](#) - Career Technical Education)

(cf. [6178.1](#) - Work-Based Learning)

(cf. [6178.2](#) - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code [200](#) or [220](#), Government Code [11135](#), or Penal Code [422.55](#), or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR [4610](#))

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

3. Any complaint alleging district noncompliance 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](#))

(cf. [5146](#) - Married/Pregnant/Parenting Students)

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code [46015](#), including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code [46015](#))

5. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR [4610](#))

(cf. [3260](#) - Fees and Charges)

(cf. [3320](#) - Claims and Actions Against the District)

6. Any complaint alleging district noncompliance with applicable requirements of Education Code [52060-52077](#) related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code [52075](#))

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [3100](#) - Budget)

7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code [64000-64001](#), [65000-65001](#))

(cf. [0420](#) - School Plans/Site Councils)

8. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code [51225.2](#), alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code [48853](#), [48853.5](#), [49069.5](#), [51225.1](#), [51225.2](#))

(cf. [6173.1](#) - Education for Foster Youth)

9. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC [11434a](#), a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code [49701](#), or a migrant student as defined in Education Code [54441](#), or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code [51225.2](#) in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code [51225.1](#))

(cf. [6173](#) - Education for Homeless Children)

(cf. [6173.2](#) - Education of Children of Military Families)

(cf. [6173.3](#) - Education for Juvenile Court School Students)

10. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC [11434a](#), a former juvenile court school student, a child of a military family as defined in Education Code [49701](#), a migrant child as defined in Education Code [54441](#), or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code [51225.2](#), alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code [51225.2](#))

11. Any complaint alleging district noncompliance with the requirements of Education Code [51228.1](#) and [51228.2](#) that prohibit the assignment of a student in grades 9-12 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](#))

(cf. [6152](#) - Class Assignment)

12. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code [51210](#), [51222](#), [51223](#))

(cf. [6142.7](#) - Physical Education and Activity)

13. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations (Education Code 8235.5; Health and Safety Code 1596.7925)

14. 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

15. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process for resolving a complaint in a manner that is acceptable to all parties. An ADR process such as mediation 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 Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

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

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [5125](#) - Student Records)

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

When an allegation that is not subject to UCP is included in a UCP complaint, the district 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 the district's UCP.

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

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

The Superintendent or designee 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](#).

(cf. [3580](#) - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district'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 Protective Services Division and the appropriate law enforcement agency.

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

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 fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

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, teacher vacancies and misassignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code [8235.5](#), [35186](#))

(cf. [1312.4](#) - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic-education

18100-18203 School libraries

32280-32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

46015 Parental leave for students

48853-48853.5 Foster youth

48985 Notices in language other than English

49010-49014 Student fees

49060-49079 Student records, especially:

49069.5 Records of foster youth

49490-49590 Child nutrition programs

49701 Interstate Compact on Educational Opportunity for Military Children

51210 Courses of study grades 1-6

51222 Physical education, secondary schools

51223 Physical education, elementary schools

51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements

51226-51226.1 Career technical education

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

52300-52462 Career technical education

52500-52616.24 Adult schools

54000-54029 Economic Impact Aid

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process; school plan for student achievement

65000-65001 School site councils

GOVERNMENT CODE

11135 Nondiscrimination in programs or activities funded by state

12900-12996 Fair Employment and Housing Act

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions

1596.7925 California Child Day Care Act; health and safety regulations

104420 Tobacco-Use Prevention Education

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4680-4687 Williams 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

6301-6576 Title I Improving the Academic Achievement of the Disadvantaged

6801-7014 Title III language instruction for limited English proficient and immigrant students

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

12101-12213 Title II equal opportunity for individuals with disabilities

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Uniform Complaint Procedures 2020-21 Program Instrument

Sample UCP Board Policies and Procedures

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

WEB SITES

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

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

Family Policy Compliance Office: <https://www2.ed.gov/policy/gen/guid/fpco>

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

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

Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: May 8, 2019 Willits, California

revised : September 9, 2020

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020
RE: Administrative Regulation Revision- 1312.3 - Uniform Complaint Procedures

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

Regulation updated to reflect NEW LAW (SB 75, 2019) which extends the use of UCP to complaints alleging noncompliance with the physical education instructional minutes requirement for grades 7-12, and to add a section reflecting requirements for complaints alleging noncompliance with health and safety standards for CSPP programs, formerly in AR 1312.4 - Williams Uniform Complaint Procedures.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Uniform Complaint Procedures

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Superintendent, Mark Westerburg

1277 Blosser Lane

Willits, CA 95490

(707) 459-5314

markwesterburg@willitsunified.com

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 the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of 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 Superintendent or designee who shall determine how the complaint will be investigated.

The 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 employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. [4331](#) - Staff Development)

(cf. [9124](#) - Attorney)

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

Notifications

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

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR [4622](#))

(cf. [0420](#) - School Plans/Site Councils)

(cf. [1220](#) - Citizen Advisory Committees)

(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)

(cf. [5145.6](#) - Parental Notifications)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [3260](#) - Fees and Charges)

3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred

5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code [48853](#), [48853.5](#), [49069.5](#), [51225.1](#), and [51225.2](#), and the complaint process

(cf. [6173](#) - Education for Homeless Children)

(cf. [6173.1](#) - Education for Foster Youth)

(cf. [6173.2](#) - Education of Children of Military Families)

(cf. [6173.3](#) - Education for Juvenile Court School Students)

(cf. [6175](#) - Migrant Education Program)

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints

7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision

9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable

10. A statement that copies of the district's UCP are available free of charge

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

(cf. [1113](#) - District and School Web Sites)

(cf. [1114](#) - District-Sponsored Social Media)

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

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

Filing of Complaints

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

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

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

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR [4630](#))
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the 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 persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that 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 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 not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer 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 proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district 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 the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or 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. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

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

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

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

Timeline for Final Decision

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR [4631](#))

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's final written decision at the same time it is provided to the complainant.

Final Written Decision

For all complaints, the district's final written 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. The manner in which the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

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

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

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment,

intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in 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 pursuant to Education Code [48985](#). In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with 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 within 180 days of the alleged discrimination.

Corrective Actions

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

(cf. [5137](#) - Positive School Climate)

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

1. Counseling

(cf. [6164.2](#) - Guidance/Counseling Services)

2. Academic support

3. Health services

4. Assignment of an escort to allow the victim to move safely about campus

5. Information regarding available resources and how to report similar incidents or retaliation

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

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

(cf. [6164.5](#) - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. [6145](#) - Extracurricular and Cocurricular Activities)

7. Disciplinary action, such as suspension or expulsion, as permitted by law

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

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

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

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

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

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

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

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (5 CCR [4632](#))

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR [4632](#))

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

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

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

Health and Safety Complaints in California State Preschool Program

In each license-exempt CSPP classroom, a notice shall be posted notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. (Education Code 8235.5)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint and shall contain a space to indicate whether the complainant desires a response to the complaint. If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. (Education Code 8235.5)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8235.5)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting. (Education Code 8235.5)

A complainant may file a written appeal of the district's decision to CDE in accordance with 5 CCR 4632. (Education Code 8235.5)

Any such appeal shall be filed within 30 days of receiving the decision.

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools.

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: May 8, 2019 Willits, California

revised: September 9, 2020

Uniform Complaint Procedures

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

Compliance Officers

The district designates the individual(s), position(s), or unit(s) identified below as responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s), position(s), or unit(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment responsible for handling complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The compliance officer(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

Superintendent, Mark Westerburg

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Willits, CA 95490

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

In no instance shall a compliance officer be assigned to a complaint in which the compliance officer has a bias or conflict of interest that would prohibit the fair investigation or resolution of 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 Superintendent or designee who shall determine how the complaint will be investigated.

The 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 employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. [4331](#) - Staff Development)

(cf. [9124](#) - Attorney)

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

Notifications

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

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians of district students, district advisory committee members, school advisory committee members, appropriate private school officials or representatives, and other interested parties. (5 CCR [4622](#))

(cf. [0420](#) - School Plans/Site Councils)

(cf. [1220](#) - Citizen Advisory Committees)

(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)

(cf. [5145.6](#) - Parental Notifications)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy
2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [3260](#) - Fees and Charges)

3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred

5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code [48853](#), [48853.5](#), 49069.5, [51225.1](#), and [51225.2](#), and the complaint process

(cf. [6173](#) - Education for Homeless Children)

(cf. [6173.1](#) - Education for Foster Youth)

(cf. [6173.2](#) - Education of Children of Military Families)

(cf. [6173.3](#) - Education for Juvenile Court School Students)

(cf. [6175](#) - Migrant Education Program)

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints

7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant

8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision

9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable

10. A statement that copies of the district's UCP are available free of charge

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

(cf. [1113](#) - District and School Web Sites)

(cf. [1114](#) - District-Sponsored Social Media)

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

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

Filing of Complaints

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

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

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

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR [4630](#))
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the 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 persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that 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 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 not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation

Within three business days after receiving the complaint, the compliance officer 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 proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district 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 the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or 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. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

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

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

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

Timeline for Final Decision

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR [4631](#))

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's final written decision at the same time it is provided to the complainant.

Final Written Decision

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

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

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

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment,

intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in 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 pursuant to Education Code [48985](#). In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with 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 within 180 days of the alleged discrimination.

Corrective Actions

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

(cf. [5137](#) - Positive School Climate)

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

1. Counseling

(cf. [6164.2](#) - Guidance/Counseling Services)

2. Academic support

3. Health services

4. Assignment of an escort to allow the victim to move safely about campus

5. Information regarding available resources and how to report similar incidents or retaliation

6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim

7. Restorative justice

8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

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

(cf. [6164.5](#) - Student Success Teams)

6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

(cf. [6145](#) - Extracurricular and Cocurricular Activities)

7. Disciplinary action, such as suspension or expulsion, as permitted by law

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

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

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

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

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

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

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

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (5 CCR [4632](#))

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR [4632](#))

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

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

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

Health and Safety Complaints in California State Preschool Program

In each license-exempt CSPP classroom, a notice shall be posted notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 regulations that apply to CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements. (Education Code 8235.5)

Any complaint regarding specified health or safety issues in a license-exempt CSPP program shall be filed with the preschool program administrator or designee, and may be filed anonymously. The complaint form shall specify the location for filing the complaint and shall contain a space to indicate whether the complainant desires a response to the complaint. If it is determined that the complaint is beyond the authority of the preschool program administrator, the matter shall be forwarded to the Superintendent or designee in a timely manner, not to exceed 10 working days, for resolution. (Education Code 8235.5)

Investigation of a complaint regarding health or safety issues in a license-exempt CSPP program shall begin within 10 days of receipt of the complaint. (Education Code 8235.5)

The preschool administrator or designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the preschool administrator or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Board at a regularly scheduled meeting. (Education Code 8235.5)

A complainant may file a written appeal of the district's decision to CDE in accordance with 5 CCR 4632. (Education Code 8235.5)

Any such appeal shall be filed within 30 days of receiving the decision.

On a quarterly basis, the Superintendent or designee shall report summarized data on the nature and resolution of all CSPP health and safety complaints, including the number of complaints by general subject area with the number of resolved and unresolved complaints, to the Board at a regularly scheduled Board meeting and to the County Superintendent of Schools.

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: May 8, 2019 Willits, California

revised: September 9, 2020

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020
RE: New Exhibits 1 & 2 1312.3

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

Exhibit (1) 1312.3 - Uniform Complaint Procedures

New exhibit presents a sample notice, formerly in E(3) 1312.4 - Williams Uniform Complaint Procedures, regarding health and safety standards in license-exempt CSPP programs and available complaint procedures.

Exhibit (2) 1312.3 - Uniform Complaint Procedures

New exhibit presents a sample complaint form, formerly in E(4) 1312.4 - Williams Uniform Complaint Procedures, for complaints alleging that a license-exempt CSPP program does not comply with health and safety standards.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

UNIFORM COMPLAINT PROCEDURES

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

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 8235.5, you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

1. Outdoor shade that is safe and in good repair
2. Drinking water that is accessible and readily available throughout the day
3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children
4. Restroom facilities that are available only for preschoolers and kindergartners
5. Visual supervision of children at all times
6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time
7. Playground equipment that is safe, in good repair, and age appropriate

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's uniform complaint procedures as required by law. 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.

WILLITS UNIFIED SCHOOL DISTRICT
adopted: September 9, 2020

UNIFORM COMPLAINT PROCEDURES

**PRESCHOOL COMPLAINT FORM:
UNIFORM COMPLAINT PROCEDURES**

Education Code 8235.5 requires that the district's uniform complaint procedures be used for the filing of complaints concerning noncompliance with health and safety standards for license-exempt California State Preschool Programs. 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: _____

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 district for the appropriate district complaint procedure.

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

- The preschool does not have outdoor shade that is safe and in good repair.
- Drinking water is not accessible and/or readily available throughout the day.
- The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.
- Restroom facilities are not available only for preschoolers and kindergartners.
- The preschool program does not provide visual supervision of children at all times.

- Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
- Playground equipment is not safe, in good repair, or age appropriate.

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.

Note: Education Code 8235.5 requires complaints identified above to be filed with the preschool administrator or designee. Districts should specify the names and/or locations in the spaces below.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

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

(Signature)

(Date)

WILLITS UNIFIED SCHOOL DISTRICT

Adopted: September 9, 2020

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020
RE: **Administrative Regulation, E(3) and E(4) 1312.4 - Williams Uniform Complaint Procedures**

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

Regulation updated to delete material related to complaints regarding noncompliance with health and safety requirements in a license-exempt CSPP program as such complaints have been moved to BP/AR 1312.3 - Uniform Complaint Procedures, consistent with CDE's Federal Program Monitoring instrument.

Exhibit (3) 1312.3 - Williams Uniform Complaint Procedures

Exhibit presenting example of classroom notice for CSPP health and safety complaints moved to E(1) 1312.3 - Uniform Complaint Procedures, consistent with CDE's Federal Program Monitoring instrument.

Exhibit (4) 1312.3 - Williams Uniform Complaint Procedures

Exhibit presenting a sample complaint form for CSPP health and safety complaints moved to E(2) 1312.3 - Uniform Complaint Procedures, consistent with CDE's Federal Program Monitoring instrument.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Williams Uniform Complaint Procedures

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code [35186](#); 5 CCR [4681](#))

a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

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

d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. [6161.1](#) - Selection and Evaluation of Instructional Materials)

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code [35186](#); 5 CCR [4682](#))

a. A semester begins and a teacher vacancy exists.

b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

(cf. [4112.22](#) - Staff Teaching English Learners)

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

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

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

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a

certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

3. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)

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)

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

(cf. 3514 - Environmental Safety)

(cf. 3517 - Facilities Inspection)

~~4. Complaints regarding the noncompliance of a license exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations, including any complaint alleging that: (Education Code 8235.5; Health and Safety Code 1596.7925)~~

~~a. The preschool does not have outdoor shade that is safe and in good repair.~~

- ~~b. Drinking water is not accessible and/or readily available throughout the day.~~
- ~~c. The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.~~
- ~~d. Restroom facilities are not available only for preschoolers and kindergartners.~~
- ~~e. The preschool program does not provide visual supervision of children at all times.~~
- ~~f. Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.~~
- ~~g. Playground equipment is not safe, in good repair, or age appropriate.~~

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

~~The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 8235.5, 35186; 5 CCR 4680)~~

Forms and Notices

~~The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)~~ ~~post in each K-12 classroom in each school a notice containing the components specified in Education Code 35186. In each license-exempt CSPP classroom, a notice containing the components specified in Education Code 8235.5 shall be posted. (Education Code 8235.5, 35186)~~

~~The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 35186; 5 CCR 4680)~~

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, ~~or the preschool administrator or designee as appropriate~~, at the school in which the complaint arises. A complaint about problems beyond the authority of the principal ~~or preschool administrator~~ shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 8235.5, 35186; 5 CCR 4680)

Investigation and Response

The principal/~~preschool administrator~~ or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within their authority. (Education Code 8235.5, 35186; 5 CCR 4685)

~~Investigation of a complaint regarding preschool health or safety issues shall begin within 10 calendar days of receipt of the complaint. (Education Code 8235.5)~~

The principal/~~preschool administrator~~ or Superintendent's designee 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 ~~8235.5, 35186~~; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal/~~preschool administrator~~ or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the principal/~~preschool administrator~~ makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code ~~8235.5, 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 8235.5, 35186)

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Governing Board of Trustees at a regularly scheduled meeting. (Education Code ~~8235.5, 35186~~; 5 CCR 4686)

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 in item #3a ~~or #4~~ in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal/~~preschool administrator~~ or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code ~~8235.5, 35186~~; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code ~~8235.5, 35186~~; 5 CCR 4686)

(cf. 1340 - Access to District Records)

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 8235.5, 35186; 5 CCR 4686)

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

~~8235-8239.1 California State Preschool Programs, especially:~~

~~8235.5 California State Preschool Program, complaints regarding health and safety issues~~

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedures

35292.5-35292.6 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

~~HEALTH AND SAFETY CODE~~

~~1596.792 California Child Day Care Act; general provisions and definitions~~

~~1596.7925 California Child Day Care Act; health and safety regulations~~

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

UNITED STATES CODE, TITLE 20

6314 Title I schoolwide program

Management Resources:

WEB SITES

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

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

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

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

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: May 8, 2019 Willits, California

revised: September 9, 2020

Williams Uniform Complaint Procedures

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code [35186](#); 5 CCR [4681](#))

a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

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

d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. [6161.1](#) - Selection and Evaluation of Instructional Materials)

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code [35186](#); 5 CCR [4682](#))

a. A semester begins and a teacher vacancy exists.

b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

(cf. [4112.22](#) - Staff Teaching English Learners)

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

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

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

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a

certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code [35186](#); 5 CCR [4600](#))

(cf. [4112.2](#) - Certification)

(cf. [4113](#) - Assignment)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:
(Education Code [35186](#); 5 CCR [4683](#))

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](#))

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC [6314](#), a complaint may be filed alleging noncompliance with the requirement of Education Code [35292.6](#) to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

(cf. [3514](#) - Environmental Safety)

(cf. [3517](#) - Facilities Inspection)

Forms and Notices

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

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 35186; 5 CCR 4680)

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. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code [8235.5](#), [35186](#); 5 CCR [4680](#))

Investigation and Response

The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within their authority. (Education Code [8235.5](#), [35186](#); 5 CCR [4685](#))

The principal or Superintendent's designee 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](#))

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code [35186](#); 5 CCR [4680](#), [4685](#))

When Education Code [48985](#) is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code [8235.5](#), [35186](#))

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

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

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

(cf. [1340](#) - Access to District Records)

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code [8235.5](#), [35186](#); 5 CCR [4686](#))

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

35292.5-35292.6 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

UNITED STATES CODE, TITLE 20

6314 Title I schoolwide program

Management Resources:

WEB SITES

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

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

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

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

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: May 8, 2019 Willits, California

revised: September 9, 2020

Williams Uniform Complaint Procedures

Exhibit 1

Notice To Parents/Guardians, Students, And Teachers:

K-12 Complaint Rights

Parents/Guardians, Students, and Teachers:

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

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of 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.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

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

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. 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.

Exhibit WILLITS UNIFIED SCHOOL DISTRICT

version: May 8, 2019 Willits, California

Exhibit 2

K-12 Complaint Form:

Williams Uniform Complaint Procedures

Education Code 35186 creates a procedure for the 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 misassignment. 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 district for the appropriate district 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: (Education Code 35186; 5 CCR 4681)

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 misassignment: (Education Code [35186](#); 5 CCR [4682](#))

___ 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.

___ 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: (Education Code [17592.72](#), [35186](#), [35292.5](#), [35292.6](#); 5 CCR [4683](#))

___ 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.

___ For a school that serves students in any of grades 6-12 with 40 percent or more of its students from low-income families, as defined, the school has not stocked at least half of its restrooms with feminine products at all times and made those products available to students at no cost.

___ 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.

Note: Education Code [35186](#) requires that complaints be filed with the principal or designee and that the complaint form specify the location for filing the complaint. Districts should specify the name and/or location in the spaces below.

Please file this complaint at the following location:

(principal or designee)

(address)

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

(Signature) (Date)

Exhibit WILLITS UNIFIED SCHOOL DISTRICT

version: May 8, 2019 Willits, California

Exhibit 3

Notice To Parents/Guardians, Students, And Teachers: Preschool Complaint Rights

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code [8235.5](#), you are hereby notified that any California State Preschool Program that is exempt from licensure must have:

- 1. Outdoor shade that is safe and in good repair**
- 2. Drinking water that is accessible and readily available throughout the day**
- 3. Safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children**

4. Restroom facilities that are available only for preschoolers and kindergartners

5. Visual supervision of children at all times

6. Indoor and outdoor space that is properly contained or fenced and provides sufficient space for the number of children using the space at any given time

7. Playground equipment that is safe, in good repair, and age appropriate

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the district's Williams uniform complaint procedures as required by law. 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.

Exhibit WILLITS UNIFIED SCHOOL DISTRICT

version: May 8, 2019 Willits, California

Exhibit 4

Preschool Complaint Form:

Williams Uniform Complaint Procedures

Education Code 8235.5 requires that the complaint procedures in 5 CCR 4680.4687 be used for the filing of complaints concerning noncompliance with health and safety standards for license exempt California State Preschool Programs. 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: _____

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 district for the appropriate district complaint procedure.

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

The preschool does not have outdoor shade that is safe and in good repair.

Drinking water is not accessible and/or readily available throughout the day.

The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.

Restroom facilities are not available only for preschoolers and kindergartners.

The preschool program does not provide visual supervision of children at all times.

Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.

Playground equipment is not safe, in good repair, or age appropriate.

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.

Please file this complaint at the following location:

(preschool administrator or designee)

(address)

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

~~(Signature) (Date)~~

Exhibit WILLITS UNIFIED SCHOOL DISTRICT

version: May 8, 2019 Willits, California

Williams Uniform Complaint Procedures

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code [35186](#); 5 CCR [4681](#))

a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

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

d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. [6161.1](#) - Selection and Evaluation of Instructional Materials)

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code [35186](#); 5 CCR [4682](#))

a. A semester begins and a teacher vacancy exists.

b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

(cf. [4112.22](#) - Staff Teaching English Learners)

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

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

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

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a

certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code [35186](#); 5 CCR [4600](#))

(cf. [4112.2](#) - Certification)

(cf. [4113](#) - Assignment)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:
(Education Code [35186](#); 5 CCR [4683](#))

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](#))

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC [6314](#), a complaint may be filed alleging noncompliance with the requirement of Education Code [35292.6](#) to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

(cf. [3514](#) - Environmental Safety)

(cf. [3517](#) - Facilities Inspection)

Forms and Notices

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

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 35186; 5 CCR 4680)

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. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code [8235.5](#), [35186](#); 5 CCR [4680](#))

Investigation and Response

The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within their authority. (Education Code [8235.5](#), [35186](#); 5 CCR [4685](#))

The principal or Superintendent's designee 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](#))

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code [35186](#); 5 CCR [4680](#), [4685](#))

When Education Code [48985](#) is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code [8235.5](#), [35186](#))

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

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

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

(cf. [1340](#) - Access to District Records)

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code [8235.5](#), [35186](#); 5 CCR [4686](#))

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

35292.5-35292.6 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

UNITED STATES CODE, TITLE 20

6314 Title I schoolwide program

Management Resources:

WEB SITES

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

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

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

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

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: May 8, 2019 Willits, California

revised: September 9, 2020

**WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE**

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020
RE: Board Policy Revision- Board Policy/ Administrative Regulation 1340 - Access to District Records

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

Policy updated to reflect **NEW LAW (AB 1819, 2019)** which allows members of the public to use their own equipment on district premises, free of charge, to photograph, copy, or reproduce a disclosable district record, provided that the equipment does not make physical contact with the record.

Regulation updates the list of confidential public records to include the prohibition against releasing an employee's personal email address, upon request from the employee. Regulation also reflects **NEW LAW (AB 1819, 2019)** which allows members of the public to use their own equipment, free of charge, to photograph, copy, or reproduce a disclosable district record on district premises, provided that the means of copying or reproducing the record does not require the equipment to make physical contact with the record, does not damage the record, and does not result in unauthorized access to the district's computer systems or secured networks.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

Access To District Records

The Governing Board of Trustees recognizes the right of members of the public citizens to have access to public records of the district. The ~~Board intends the~~ district shall to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3580 - District Records)

(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)

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

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

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6162.5 - Student Assessment)

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

(cf. 9321 - Closed Session Purposes and Agendas)

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through a district-provided device or account or through an employee's or Board member's personal device or account.

(cf. 4040 - Employee Use of Technology)

(cf. 9012 - Board Member Electronic Communications)

The district may charge for copies of public records or other materials requested by individuals or groups, unless they are using their own personal equipment to reproduce the record. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

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

Legal Reference:

EDUCATION CODE

234.7 Student protections relating to immigration and citizenship status

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 Student records

49091.10 Parental review of curriculum and instruction

GOVERNMENT CODE

3547 Proposals relating to representation

6250-6270 California Public Records Act

6275-6276.48 Other exemptions from disclosure

8310.3 California Religious Freedom Act

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 student records

COURT DECISIONS

City of San Jose v. Superior Court (2017) 2 Cal.5th 608

Los Angeles County Board of Supervisors v. Superior Court (2016) 2 Cal.5th 282

[Sacramento County Employees' Retirement System v. Superior Court \(2011\) 195 Cal. App. 4th 440](#)

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

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

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

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

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

ATTORNEY GENERAL OPINIONS

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

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

Management Resources:

CSBA PUBLICATIONS

Legal Alert: Tips for Governing Boards in Response to Public Records Act Ruling on Electronic Communications, March 2017

[CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS](#)

[Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018](#)

[California Department of Justice Guidelines for Access to Public Records, October 2017](#)

~~[Summary of the California Public Records Act, 2004](#)~~

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

The People's Business: A Guide to the California Public Records Act, [rev. April 2017](#)~~2008~~

WEB SITES

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

California Attorney General's Office: <https://oag.ca.gov>

Institute for Local Government: <http://www.cacities.org>

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

Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: April 11, 2018 Willits, California

revised: September 9, 2020

Access To District Records

The Governing Board recognizes the right of members of the public to have access to public records of the district. The district shall provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of law. Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act and other state or federal law.

(cf. [3553](#) - Free and Reduced Price Meals)

(cf. [3580](#) - District Records)

(cf. [4112.5/4212.5/4312.5](#) - Criminal Record Check)

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [5020](#) - Parent Rights and Responsibilities)

(cf. [5125](#) - Student Records)

(cf. [5125.1](#) - Release of Directory Information)

(cf. [6162.5](#) - Student Assessment)

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

(cf. [9321](#) - Closed Session Purposes and Agendas)

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

Policy WILLITS UNIFIED SCHOOL DISTRICT

adopted: April 11, 2018 Willits, California

revised: September 9, 2020

Access To District Records

Definitions

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

(cf. [3580](#) - District Records)

(cf. [9012](#) - Board Member Electronic Communications)

Writing means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code [6252](#))

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of such membership, agency, office, or employment. (Government Code [6252](#))

Public Records

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

1. Proposed and approved district budgets and annual audits (Education Code [41020](#), [42103](#))

(cf. [3100](#) - Budget)

(cf. [3460](#) - Financial Reports and Accountability)

2. Statistical compilations

3. Reports and memoranda

4. Notices and bulletins

5. Minutes of public meetings (Education Code [35145](#))

(cf. [9324](#) - Minutes and Recordings)

6. Meeting agendas (Government Code [54957.5](#))

(cf. [9322](#) - Agenda/Meeting Materials)

7. Official communications between the district and other government agencies

8. District and school plans, and the information and data relevant to the development and evaluation of such plans, unless otherwise prohibited by law

(cf. [0400](#) - Comprehensive Plans)

(cf. [0420](#) - School Plans/Site Councils)

(cf. [0440](#) - District Technology Plan)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [3516](#) - Emergencies and Disaster Preparedness Plan)

(cf. [3543](#) - Transportation Safety and Emergencies)

(cf. [7110](#) - Facilities Master Plan)

9. Initial proposals of exclusive employee representatives and of the district (Government Code [3547](#))

(cf. [4143.1/4243.1](#) - Public Notice - Personnel Negotiations)

10. Records pertaining to claims and litigation against the district which have been adjudicated or settled (Government Code [6254](#), [6254.25](#))

(cf. [3320](#) - Claims and Actions Against the District)

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

(cf. [9270](#) - Conflict of Interest)

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

13. Employment contracts and settlement agreements (Government Code [53262](#))

(cf. [2121](#) - Superintendent's Contract)

(cf. [4117.5/4217.5/4317.5](#) - Termination Agreements)

(cf. [4141/4241](#) - Collective Bargaining Agreement)

14. Instructional materials including, but not limited to, textbooks (Education Code [49091.10](#))

(cf. [5020](#) - Parent Rights and Responsibilities)

(cf. [6161.1](#) - Selection and Evaluation of Instructional Materials)

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

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

Confidential Public Records

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed to federal government authorities. (Education Code [234.7](#); Government Code [8310.3](#))

(cf. [5145.13](#) - Response to Immigration Enforcement)

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

1. Preliminary drafts, notes, and interagency or intradistrict memoranda that are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code [6254](#))

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district 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 (Government Code [6254](#), [6254.25](#))

3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code [6254](#))

(cf. [4112.5/4212.5/4312.5](#)) - Criminal Record Check)

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

The home addresses, home telephone numbers, personal cell phone numbers, or birth date of employees may only be disclosed as follows: (Government Code [6254.3](#))

a. To an agent or a family member of the employee

b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties

c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed

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

(cf. [4140/4240/4340](#) - Bargaining Units)

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

(cf. [4154/4254/4354](#) - Health and Welfare Benefits)

4. Student records, except directory information and other records to the extent permitted under the law, when disclosure is authorized by law

(cf. [5125](#) - Student Records)

(cf. [5125.1](#) - Release of Directory Information)

(cf. [5125.3](#) - Challenging Student Records)

5. Test questions, scoring keys, and other examination data except as provided by law (Government Code [6254](#))

(cf. [6162.51](#) - State Academic Achievement Tests)

6. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code [6254](#))

7. 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 an unfair competitive disadvantage to the person supplying the information (Government Code [6254](#))

8. Library circulation and patron use records of a borrower or patron including, but not limited to, name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to persons acting within the scope of their duties in the administration of the library, to persons authorized in writing by the individual to whom the records pertain, or by court order (Government Code [6254](#), [6267](#))

(cf. [6163.1](#) - Library Media Centers)

9. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code [6254](#))

(cf. [9124](#) - Attorney)

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

11. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code [6253.5](#))

(cf. [9223](#) - Filling Vacancies)

12. Minutes of Board meetings held in closed session (Government Code [54957.2](#))

(cf. [9321](#) - Closed Session Purposes and Agendas)

13. Computer software developed by the district (Government Code [6254.9](#))

14. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code [6254.19](#))

15. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code [6254](#), [6255](#))

(cf. [5141.6](#) - School Health Services)

16. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

17. Any other records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code [6255](#))

Inspection of Records and Requests for Copies

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

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

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code [6253](#))

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code [6253](#))

Public records shall be open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code [6253](#))

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

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

Without charging any fees or costs, the Superintendent or designee shall allow members of the public to use their own equipment on district premises to photograph or otherwise copy or reproduce a disclosable record as long as the means of copy or reproduction: (Government Code [6253](#))

1. Do not require the equipment to make physical contact with the record
2. Will not result in damage to the record
3. Will not result in unauthorized access to the district's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the district's electronic records

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the record from the web site, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code [6253](#))

If any person requests that a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code [6253.9](#))

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code [6253.9](#))

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.
2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, the requester shall be assisted in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code [6253.1](#))

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code [6253](#))

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: June 12, 2019 Willits, California

revisd: September 9, 2020

Access To District Records

Definitions

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

(cf. [3580](#) - District Records)

(cf. [9012](#) - Board Member Electronic Communications)

Writing means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code [6252](#))

Member of the public means any person, except a member, agent, officer, or employee of the district or a federal, state, or other local agency acting within the scope of such membership, agency, office, or employment. (Government Code [6252](#))

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

1. Proposed and approved district budgets and annual audits (Education Code [41020](#), [42103](#))

(cf. [3100](#) - Budget)

(cf. [3460](#) - Financial Reports and Accountability)

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(cf. [0400](#) - Comprehensive Plans)

(cf. [0420](#) - School Plans/Site Councils)

(cf. [0440](#) - District Technology Plan)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [3516](#) - Emergencies and Disaster Preparedness Plan)

(cf. [3543](#) - Transportation Safety and Emergencies)

(cf. [7110](#) - Facilities Master Plan)

9. Initial proposals of exclusive employee representatives and of the district (Government Code [3547](#))

(cf. [4143.1/4243.1](#) - Public Notice - Personnel Negotiations)

10. Records pertaining to claims and litigation against the district which have been adjudicated or settled (Government Code [6254](#), [6254.25](#))

(cf. [3320](#) - Claims and Actions Against the District)

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

(cf. [9270](#) - Conflict of Interest)

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

13. Employment contracts and settlement agreements (Government Code [53262](#))

(cf. [2121](#) - Superintendent's Contract)

(cf. [4117.5/4217.5/4317.5](#) - Termination Agreements)

(cf. [4141/4241](#) - Collective Bargaining Agreement)

14. Instructional materials including, but not limited to, textbooks (Education Code [49091.10](#))

(cf. [5020](#) - Parent Rights and Responsibilities)

(cf. [6161.1](#) - Selection and Evaluation of Instructional Materials)

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

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

Confidential Public Records

Unless otherwise authorized or required by law, information regarding an individual's citizenship or immigration status or religious beliefs, practices, or affiliation shall not be disclosed to federal government authorities. (Education Code [234.7](#); Government Code [8310.3](#))

(cf. [5145.13](#) - Response to Immigration Enforcement)

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

1. Preliminary drafts, notes, and interagency or intradistrict memoranda that are not retained by the district in the ordinary course of business, provided that the public interest in withholding these records clearly outweighs the public interest in disclosure (Government Code [6254](#))

(cf. [4119.23/4219.23/4319.23](#) - Unauthorized Release of Confidential/Privileged Information)

(cf. [9011](#) - Disclosure of Confidential/Privileged Information)

2. Records specifically generated in connection with or prepared for use in litigation to which the district is a party or to respond to claims made against the district 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 (Government Code [6254](#), [6254.25](#))

3. Personnel records, medical records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code [6254](#))

(cf. [4112.5/4212.5/4312.5](#) - Criminal Record Check)

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

The home addresses, home telephone numbers, personal cell phone numbers, or birth date of employees may only be disclosed as follows: (Government Code [6254.3](#))

a. To an agent or a family member of the employee

b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties

c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, except that the home address and any telephone number for an employee who performs law enforcement-related functions, or the birth date of any employee, shall not be disclosed

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

(cf. [4140/4240/4340](#) - Bargaining Units)

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

(cf. [4154/4254/4354](#) - Health and Welfare Benefits)

4. Student records, except directory information and other records to the extent permitted under the law, when disclosure is authorized by law

(cf. [5125](#) - Student Records)

(cf. [5125.1](#) - Release of Directory Information)

(cf. [5125.3](#) - Challenging Student Records)

5. Test questions, scoring keys, and other examination data except as provided by law (Government Code [6254](#))

(cf. [6162.51](#) - State Academic Achievement Tests)

6. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the district relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code [6254](#))

7. 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 an unfair competitive disadvantage to the person supplying the information (Government Code [6254](#))

8. Library circulation and patron use records of a borrower or patron including, but not limited to, name, address, telephone number, email address, borrowing information, or use of library information resources, except when disclosure is to persons acting within the scope of their duties in the administration of the library, to persons authorized in writing by the individual to whom the records pertain, or by court order (Government Code [6254](#), [6267](#))

(cf. [6163.1](#) - Library Media Centers)

9. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code [6254](#))

(cf. [9124](#) - Attorney)

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

11. Recall petitions, petitions for special elections to fill Board vacancies, or petitions for the reorganization of the school district (Government Code [6253.5](#))

(cf. [9223](#) - Filling Vacancies)

12. Minutes of Board meetings held in closed session (Government Code [54957.2](#))

(cf. [9321](#) - Closed Session Purposes and Agendas)

13. Computer software developed by the district (Government Code [6254.9](#))

14. Information security records, the disclosure of which would reveal vulnerabilities to, or otherwise increase potential for an attack on, the district's information technology system (Government Code [6254.19](#))

15. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code [6254](#), [6255](#))

(cf. [5141.6](#) - School Health Services)

16. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes

17. Any other records for which the district can demonstrate that, based on the particular facts of the case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record (Government Code [6255](#))

Inspection of Records and Requests for Copies

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

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

In unusual circumstances, the Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (Government Code [6253](#))

1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request
2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request
3. The need for consultation, which shall be conducted with all practicable speed, with another agency (e.g., a state agency or city) having a substantial interest in the determination of the request or among two or more components of the district (e.g., two different school sites) with substantial interest in the request
4. In the case of electronic records, the need to compile data, write programming language or a computer program, or construct a computer report to extract data

If the Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Public records shall be open to inspection at all times during district office hours. Any reasonably segregable portion of a record shall be made available for inspection by any person requesting the record after deletion of the portions that are exempted by law. (Government Code 6253)

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

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

Without charging any fees or costs, the Superintendent or designee shall allow members of the public to use their own equipment on district premises to photograph or otherwise copy or reproduce a disclosable record as long as the means of copy or reproduction: (Government Code 6253)

1. Do not require the equipment to make physical contact with the record
2. Will not result in damage to the record
3. Will not result in unauthorized access to the district's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the district's electronic records

In addition to maintaining public records for public inspection during district office hours, the district may comply with public records requests by posting any public record on the district's web site and, in response to a public records request, directing the member of the public to the location on the web site where the record can be found. However, if the member of the public is unable to access or reproduce the record from the web site, the district shall promptly provide an exact copy of the public record upon payment of duplication fees, if applicable, unless it is impracticable to provide an exact copy. (Government Code 6253)

If any person requests that a public record be provided in an electronic format, the district shall make that record available in any electronic format in which it holds the information. The district shall provide a copy of the electronic record in the format requested as long as the requested format is one that has been used by the district to create copies for its own use or for use by other agencies. (Government Code 6253.9)

The cost of duplicating an electronic record shall be limited to the direct cost of producing a copy of the record in electronic format. However, the requester shall bear the cost of producing the copy of the electronic record, including the cost to construct the record and the cost of programming and computer services necessary to produce the copy, under the following circumstances: (Government Code 6253.9)

1. The electronic record is one that is produced only at otherwise regularly scheduled intervals.
2. The request would require data compilation, extraction, or programming to produce the record.

Assistance in Identifying Requested Records

If the Superintendent or designee denies a request for disclosable records, the requester shall be assisted in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the Superintendent or designee shall do all of the following: (Government Code 6253.1)

1. Assist in identifying records and information responsive to the request or the purpose of the request, if specified

If, after making a reasonable effort to elicit additional clarifying information from the requester to help identify the record, the Superintendent or designee is still unable to identify the information, this requirement shall be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay or obstruct the inspection or copying of public records. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)

Regulation WILLITS UNIFIED SCHOOL DISTRICT

approved: June 12, 2019 Willits, California

revised: September 9, 2020

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020
RE: **NEW - Administrative Regulation 3231 - Impact Aid**

Priority:

Communication

Objective:

To conduct a first read of the revised policy

Background:

New regulation addresses requirements of Title VII Impact Aid, which provides assistance to districts with concentrations of children residing on lands owned by the federal government, including Indian lands. Districts with children residing on Indian lands are **mandated** to adopt policy and procedures with specified components, including, but not limited to, consultation with Indian tribes and parents/guardians of students living on Indian lands in the planning and development of programs and activities supported by Impact Aid.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the revised policy

IMPACT AID

Any federal Title VII Impact Aid funds received by the district based on the concentration of children residing on lands owned by the federal government shall be used to support district programs and activities in accordance with the budget approved by the Governing Board. Such expenditures may include, but are not limited to, the salaries of teachers and paraprofessionals, capital expenditures, instructional materials, computers and other equipment, supplemental instructional programs, after-school programs, Advanced Placement classes, and special enrichment programs.

(cf. 0415 - Equity)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 3100 - Budget)
(cf. 3230 - Federal Grant Funds)

Any Impact Aid funds received for children with disabilities shall be used to provide a free appropriate public education to those children. (20 USC 7703, 7703a; 34 CFR 222.53)

Whenever Impact Aid funds are received based on students living on Indian lands, the Superintendent or designee shall consult and involve American Indian tribes and parents/guardians of students living on Indian lands in the planning and development of the district's general education program and of the policies and procedures for programs and activities supported by Impact Aid funding. (20 USC 7704; 34 CFR 222.94)

(cf. 1220 - Citizen Advisory Committees)
(cf. 6020 - Parent Involvement)
(cf. 6173.4 - Title VI Indian Education Program)

The Superintendent or designee shall: (20 USC 7704; 34 CFR 222.91, 222.94)

1. Disseminate relevant applications, evaluations, program plans, and information related to the district's education program and activities with sufficient advance notice to allow Indian tribes and parents/guardians of American Indian students the opportunity to review and make recommendations

(cf. 5145.6 - Parental Notifications)

2. Afford an opportunity for tribes and parents/guardians of American Indian students to present their views regarding the district's educational program and activities, including an opportunity to make recommendations on the needs of those students and how the district may help those students realize the benefits of the programs and activities

The Superintendent or designee shall notify tribes and parents/guardians of the opportunity to submit comments and recommendations, considering the tribe's

preference for method of communication. If necessary, the Superintendent or designee shall modify the method of and time for soliciting views to ensure the maximum participation of tribes and parents/guardians.

3. At least annually, assess the extent to which American Indian students participate on an equal basis with other students in the district's education program and activities by:
 - a. Sharing relevant information with tribes and parents/guardians related to the participation of American Indian students in the district's education program and activities
 - b. Allowing tribes and parents/guardians the opportunity and time to review and comment on whether American Indian students participate on an equal basis with non-Indian students
4. At least annually, respond in writing to any comments and recommendations made by tribes or parents/guardians and disseminate the responses to the tribe and parents/guardians prior to the submission of the district's policies and procedures to the federal Impact Aid program director
5. Modify the district's policies and procedures as necessary based on any assessments or input from tribes or parents/guardians of Indian students
6. Annually provide a copy of the district's policy and procedures to the affected tribe(s)

The district shall annually review the district's procedures to ensure that they comply with law and are implemented by the district. If the district determines that its procedures do not comply with law, it shall revise the policy and procedures within 90 days of its determination. Within 30 days following any such revision, the district shall send a copy of the policy and procedures to the federal Impact Aid program director and the affected tribe(s). (34 CFR 222.94)

Records

The Superintendent or designee shall maintain records of any Impact Aid funds received by the district, including, but not limited to, data and certifications in support of funds received. Such records shall be maintained for three years after completion of the activity for which the funds are expended and, when requested, shall be provided to the appropriate federal authority. (20 USC 1232f, 7703; 34 CFR 222.9-222.10)

Legal Reference:

UNITED STATES CODE, TITLE 20
1232f Records
1400-1482 Individuals with Disabilities Education Act
7701-7714 Impact Aid
CODE OF FEDERAL REGULATIONS, TITLE 2
200.0-200.521 Federal uniform grant guidance
CODE OF FEDERAL REGULATIONS, TITLE 34

*222.1-222.196 Impact Aid programs, especially:
222.90-222.129 Impact Aid, special provisions for local educational agencies that claim children residing on Indian lands*

Management Resources:

WEB SITES

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

U.S. Department of Education, Office of Impact Aid: <https://www2.ed.gov/about/offices/list/oese/impactaid>

U.S. Department of Education, Office of Indian Education: <https://www2.ed.gov/about/offices/list/oese/oie>

**Adopted: Willits Unified School District
September 9, 2020**

WILLITS UNIFIED SCHOOL DISTRICT
SUPERINTENDENT'S OFFICE

TO: Board of Trustees
FROM: Mark Westerburg, Superintendent
DATE: August 12, 2020
RE: Board Policy Revision- BB 9230, Conflict of Interest

Priority:

Communication

Objective:

To conduct a first read of the board bylaw

Background:

Biennial review of Conflict of Interest Code, every even number year the board is required to review the board bylaw.

Funding/Source:

None

Recommendation:

Administration recommends the board conduct a first read of the board bylaw

Conflict Of Interest

The Board of Trustees desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. Accordingly, no Board member, district employee, or other person in a designated position shall participate in the making of any decision for the district when the decision will or may be affected by his/her financial, family, or other personal interest or consideration.

(cf. 9005 - Governance Standards)

Even if a prohibited conflict of interest does not exist, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

The Board shall adopt for the district a conflict of interest code that incorporates the provisions of 2 CCR 18730 by reference, specifies the district's designated positions, and provides the disclosure categories required for each position. The conflict of interest code shall be submitted to the district's code reviewing body for approval, in accordance with Government Code 87303 and within the deadline for submission established by the code reviewing body. (Government Code 87303)

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code and submit any changes to the code reviewing body or, if no change is required, the Board shall submit a written statement to that effect. (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated due to changed circumstances, such as the creation of new designated positions, changes to the duties assigned to existing positions, amendments, or revisions, the amended code shall be submitted to the code reviewing body within 90 days after the changed circumstances necessitating the amendments have become apparent. (Government Code 87306)

When reviewing and preparing the district's conflict of interest code, the Superintendent or designee shall provide officers, employees, consultants, and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

(cf. 9320 - Meetings and Notices)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30

days, file a revised statement covering the period of time between the closing date of the last required statement and the date of leaving office or district employment. (Government Code [87302](#), [87302.6](#))

(cf. [4117.2/4217.2/4317.2](#) - Resignation)

(cf. [9222](#) - Resignation)

Conflict of Interest under the Political Reform Act

A Board member, designated employee, or other person in a designated position shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A disqualifying conflict of interest exists if the decision will have a "reasonably foreseeable material financial effect," which is distinguishable from the effect on the public generally, on the Board member, designated employee, or other person in a designated position, his/her immediate family, or any financial interest described in 2 CCR [18700](#). (Government Code [87100](#), [87101](#), [87103](#); 2 CCR [18700-18709](#))

A Board member, designated employee, or other person in a designated position makes a governmental decision when he/she, acting within the authority of his/her office or position, authorizes or directs any action on a matter, votes or provides information or opinion on it, contacts or appears before a district official for the purpose of affecting the decision, or takes any other action specified in 2 CCR [18704](#).

However, a Board member shall participate in the making of a contract in which he/she has a financial interest if his/her participation is required by the rule of necessity or legally required participation pursuant to Government Code [87101](#) and 2 CCR [18705](#).

Additional Requirements for Boards that Manage Public Investments

Any Board member who manages public investments pursuant to Government Code [87200](#) and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code [87105](#); 2 CCR [18707](#))

1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code [87100](#). The Board member shall not be counted toward achieving a quorum while the item is discussed.

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion and deliberations of the matter with members of the public.

3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code [87100](#). He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.

(cf. [3430](#) - Investing)

(cf. [9321](#) - Closed Session Purposes and Agendas)

(cf. [9321.1](#) - Closed Session Actions and Reports)

Conflict of Interest under Government Code [1090](#) - Financial Interest in a Contract

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest in a contract made by the Board, the contract is void. (Government Code [1090](#))

A Board member shall not be considered to be financially interested in a contract in which he/she has only a "remote interest," as specified in Government Code [1091](#), if the interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member or district official to enter into the contract. (Government Code [1091](#))

In addition, a Board member shall not be considered to be financially interested in a contract in which his/her interest is a "noninterest" as defined in Government Code [1091.5](#). Noninterest includes a Board member's interest in being reimbursed for his/her actual and necessary expenses incurred in the performance of his/her official duties, in the employment of his/her spouse/registered domestic partner who has been a district employee for at least one year prior to the Board member's election or appointment, or in any other applicable circumstance specified in Government Code [1091.5](#).

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

Incompatible Offices and Activities

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code [1099](#), [1126](#))

(cf. [4136/4236/4336](#) - Nonschool Employment)

Gifts

Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code [89503](#) and 2 CCR [18730](#).

The limitation on gifts does not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code [89503](#))

In addition, the limitation on gifts does not apply to informational materials such as books, reports, pamphlets, calendars, and periodicals. (Government Code [82028](#))

Gifts of travel and related lodging and subsistence shall be subject to the current gift limitation, except when: (Government Code [89506](#))

1. The travel is in connection with a speech given by a Board member or designated employee, provided the lodging and subsistence expenses are limited to the day immediately preceding, the day of, and the day immediately following the speech and the travel is within the United States.
2. The travel is provided by a person or agency specified in Government Code [89506](#), including a government, governmental agency or authority, bona fide public or private educational institution, as defined in Revenue and Taxation Code 203, or nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Gifts of travel exempted from the gift limitation, as described in items #1 and 2 above, shall nevertheless be reportable on the recipient's Statement of Economic Interest/Form 700 as required by law.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code [89506](#))

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or like gathering. (Government Code [89501](#), [89502](#))

The term honorarium does not include: (Government Code [89501](#))

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession, unless the sole or predominant activity of the business, trade, or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices, especially:

35233 Prohibitions applicable to members of governing boards

41000-41003 Moneys received by school districts

41015 Investments

FAMILY CODE

297.5 Rights, protections, and benefits of registered domestic partners

GOVERNMENT CODE

1090-1099 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91014 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition, designated employee

82028 Definition, gift

82030 Definition, income

82033 Definition, interest in real property

82034 Definition, investment

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

89506 Ethics; travel

91000-91014 Enforcement

PENAL CODE

85-88 Bribes

REVENUE AND TAXATION CODE

203 Taxable and exempt property - colleges

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18700-18707 General prohibitions

18722-18740 Disclosure of interests

18750.1-18756 Conflict of interest codes

COURT DECISIONS

McGee v. Balfour Beatty Construction, LLC, et al. (4/12/16, No. B262850)

Davis v. Fresno Unified School District (2015) 237 Cal.App.4th 261

Klistoff v. Superior Court, (2007) 157 Cal.App.4th 469

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

92 Ops.Cal.Atty.Gen. 26 (2009)

92 Ops.Cal.Atty.Gen. 19 (2009)

89 Ops.Cal.Atty.Gen. 217 (2006)

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

65 Ops.Cal.Atty.Gen. 606 (1982)

63 Ops.Cal.Atty.Gen. 868 (1980)

Management Resources:

CSBA PUBLICATIONS

Conflict of Interest: Overview of Key Issues for Board of Trustees Members, Fact Sheet, July 2010

FAIR POLITICAL PRACTICES COMMISSION PUBLICATIONS

Can I Vote? A Basic Overview of Public Officials' Obligations Under the Conflict-of-Interest Rules, 2005

INSTITUTE FOR LOCAL GOVERNMENT PUBLICATIONS

Understanding the Basics of Public Service Ethics: Personal Financial Gain Laws, 2009

Understanding the Basics of Public Service Ethics: Transparency Laws, 2009

WEB SITES

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

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

Institute of Local Government: <http://www.ca-ilg.org>

Bylaw WILLITS UNIFIED SCHOOL DISTRICT

adopted: October 5, 2016 Willits, California

approved: **September 9, 2020**