

VENTURA COUNTY BOARD OF EDUCATION

ADMINISTRATIVE

REGULATION NO. 1340

ADOPTED: 10/07/15

CLASSIFICATION: Community Relations

SUBJECT: Access to Ventura County Office of Education Public Records

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

Writing means any handwriting, typewriting, printing, photostating, photographing, transmitting by electronic email or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. (Government Code 6252)

A member of the public includes any person, except a member, agent, officer, or employee of VCOE acting within the scope of his/her office or employment. VCOE members shall have the ability to access public records permitted by law in the administration of their duties. Notwithstanding, members of VCOE are entitled to access to VCOE public records on the same basis as any other person. (Government Code 6252, 6252.5)

PUBLIC RECORDS

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

1. The proposed and approved budgets and annual audits (Government Code 6252; Education Code 41020, 42103)
2. Statistical compilations
3. Reports and memoranda
4. Notices and bulletins
5. Minutes of public meetings (Education Code 35145)
6. Meeting agendas (Government Code 54957.5)
7. Official communications between VCOE and other government agencies

8. School-based program plans (Education Code 52850)
9. Information and data relevant to the evaluation and modification of VCOE plans
10. Initial proposals of exclusive employee representatives and of VCOE (Government Code 3547)
11. Statements of economic interest required by the Conflict of Interest Code (Government Code 81008)
12. Contracts of employment and settlement agreements (Government Code 53262)
13. Instructional materials including, but not limited to, textbooks (64 Ops.Cal.Atty.Gen. 186 (1981))

County Board members shall also have the ability to access public records permitted by law in the administration of their duties or open to inspection by members of the public. (Government Code 6252.5)

The County Superintendent or designee shall ensure that any public record containing personal information is redacted to ensure that such information, including, but not limited to, an employee's home address or social security number, is not disclosed to the public. (Government Code 6254.29)

CONFIDENTIAL RECORDS

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

1. Preliminary drafts, notes, interdistrict or intradistrict memoranda which are not retained by VCOE 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)
2. Records specifically prepared for litigation to which VCOE is a party or to respond to claims made against VCOE 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; Fairly v. Superior Court; 71 Ops.Cal.Atty.Gen 235 (1988))
3. Personnel records, medical records, student records, or similar materials, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code 6254)

The home addresses and home telephone numbers of employees may only be disclosed as follows: (Government Code 6254.3)

- a. To an agent or a family member of the individual to whom the information pertains
 - b. To an officer or employee of a state agency or another school district or county office of education when necessary for the performance of official duties
 - c. To an employee organization pursuant to regulations and decisions of the Public Employment Relations Board, unless the employee performs law enforcement-related functions or requests in writing that the information not be disclosed
 - d. To an agent or employee of a health benefit plan providing health services or administering claims for health services to VCOE employees and their enrolled dependents, for the purpose of providing the health services or administering claims for employees and their enrolled dependents
4. Test questions scoring keys and other examination data except as provided by law (Government Code 6254)
5. Without affecting the law of eminent domain, the contents of real estate appraisals or engineering of feasibility estimates and evaluations made for or by VCOE relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code 6254)
6. Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information (Government Code 6254)
7. Library circulation and patron use records of a borrower or patron including, but not limited to, his/her name, address, telephone number, email address, borrowing information, or use of library information resources (Government Code 6254, 6267)
8. Records for which the disclosure is exempted or prohibited pursuant to state or federal law, including, but not limited to, provisions of the Evidence Code relating to privilege (Government Code 6254)
9. Documents prepared by or for VCOE to assess its vulnerability to terrorist attack or other criminal acts intended to disrupt VCOE operation and that are for distribution or consideration in closed session (Government Code 6254)
10. Recall petitions, petitions for special election to fill County Board vacancies, or petitions for the reorganization of VCOE (Government Code 6253.5)
11. Minutes of Board meetings held in closed session (Government Code 54957.2)
12. Computer software developed by VCOE (Government Code 6254.9)

13. Information security records, the disclosure of which would reveal vulnerabilities to, or increase potential for an attack on, VCOE's information technology system (Government Code 6254.19)
14. Records that contain individually identifiable health information, including records that may be exempt pursuant to physician-patient privilege, the Confidentiality of Medical Information Act, and the Health Insurance Portability and Accountability Act (Government Code 6254, 6255)
15. Any other records listed as exempt from public disclosure in the California Public Records Act or other statutes
16. Records for which VCOE can demonstrate that, based on the particular facts of the case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record (Government Code 6255)
17. Written instructional textbooks or other materials for which providing a copy would infringe a copyright or would constitute an unreasonable burden on the operation of VCOE (65 Ops.Cal.Atty.Gen 185 (1981))

INSPECTION OF RECORDS AND REQUESTS FOR COPIES

Any person may request a copy or inspection of any VCOE 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 VCOE record, the County Superintendent or designee shall determine whether the request seeks release of a disclosable public record in VCOE's possession. The County Superintendent or designee shall promptly inform the person making the request of his/her determination and the reasons for the decision. (Government Code 6253)

In unusual circumstances, the County Superintendent or designee may extend the 10-day limit for up to 14 days by providing written notice to the requester and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include the following, but only to the extent reasonably necessary to properly process the request: (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 VCOE 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, to write programming language or a computer program, or to construct a computer report to extract data

If the County Superintendent or designee determines that the request seeks disclosable public records, the determination shall state the estimated date and time when the records will be made available. (Government Code 6253)

Public records shall be open to inspection at all times during VCOE 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 County Superintendent or designee shall charge an amount for copies that reflects the direct costs of duplication. Written requests to waive the fee shall be submitted to the County Superintendent or designee.

If any person requests that a public record be provided in an electronic format, VCOE shall make that record available in any electronic format in which it holds the information. VCOE 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 VCOE 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 programing to produce the record

ASSISTANCE IN IDENTIFYING REQUESTED RECORDS

If the County Superintendent or designee denies a request for disclosable records, he/she shall assist the requester in making a focused and effective request that reasonably describes an identifiable record. To the extent reasonable under the circumstances, the County Superintendent or designee shall do all of the following: (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 County Superintendent or designee is still unable to identify the information, this requirement will be deemed satisfied.

2. Describe the information technology and physical location in which the records exist
3. Provide suggestions for overcoming any practical basis for denying access to the records or information sought

Provisions of the Public Records Act shall not be construed so as to delay access for purposes of inspecting records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial. (Government Code 6253)