



Northern  
California

April 10, 2018

**VIA ELECTRONIC MAIL**

Todd Oto, Superintendent  
Visalia Unified School District  
5000 W. Cypress Ave.  
Visalia, CA 93277-8300  
[toto@vusd.org](mailto:toto@vusd.org)

**RE: Public Records Act Request**

Dear Superintendent Oto:

The American Civil Liberties Union of Northern California (“ACLU-NC”) is interested in obtaining information about discipline policies and procedures; responses to discrimination and harassment; and the presence of law enforcement officers at all high schools and Alternative Education programs in Visalia Unified School District (“District”). As you are aware, we have heard from current and past students as well as community members that Visalia Unified has not adequately addressed the racial harm that students of color face while in your school district. While we were hopeful when the District initially suggested that it would agree to a written plan to address racial hostility on campus, the District has since decided not to take those steps. We remain concerned that students will continue to face discrimination and racial harassment in the District.

Accordingly, we submit the following request for records pursuant to the California Public Records Act (“CPRA”), California Government Code § 6250 *et seq.* As you likely know, Government Code § 6253(c) requires agencies to provide a response to Public Record Act requests within ten (10) days of receipt of a request. Pursuant to that requirement, I look forward to your prompt response.

**Definitions Used in this Request**

The phrase “policies and procedures” includes, but is not limited to codes, rules, and regulations, board exhibits, bulletins, memoranda, directive and training materials, and board

policies. If any of the policies or procedures we have requested is currently being updated or revised, please let us know.

The term “document” used in this request has the same broad definition as the term “writing” in section 6252(f) of the Government Code, set forth below:

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.

The term “District schools” refers to Divisadero Middle School, El Diamante High School, Golden West High School, Green Acres Middle School, La Joya Middle School, Mt. Whitney High School, Redwood High School, Ridgeview Middle School, Sequoia High School, and Valley Oak Middle School in Visalia Unified School District.

The term “students” refers to students on campus at Divisadero Middle School, El Diamante High School, Golden West High School, Green Acres Middle School, La Joya Middle School, Mt. Whitney High School, Redwood High School, Ridgeview Middle School, Sequoia High School, and Valley Oak Middle School in Visalia Unified School District.

### Records Requested

Please provide us with the copies of the records specified below. Each lettered or numbered paragraph should be considered a separate request under the CPRA. For each set of records produced, please identify the paragraph to which these records are intended to respond.

1. Disaggregated by race, gender, disability status, and limited English proficiency status,
  - a. The number of students enrolled at each school for each academic year from 2012-2013 through 2017-2018;
  - b. The number of students who were suspended<sup>1</sup> or expelled from school at each school for each academic year from 2012-2013 through 2017-2018;
  - c. The number of suspensions<sup>2</sup> or expulsions imposed at each school for each academic year from 2012-2013 through 2017-2018;

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<sup>1</sup> This includes any variation of a suspension including removal for part of one period or half-day non-medical removals from classrooms.

<sup>2</sup> This includes any variation of a suspension including removal for part of one period or half-day non-medical removals from classrooms.

- d. The number of office referrals<sup>3</sup> at each school for each academic year from 2012-2013 through 2017-2018;
  - e. The number of students transferred to continuation schools and alternative school programs for each academic year from 2012-2013 through 2017-2018.
2. Disaggregated by race, gender, disability status, and limited English proficiency status, the number of students who were suspended or expelled from school on the basis of truancy at each school for each academic year from 2012-2013 through 2017-2018;
  3. Disaggregated by race, gender, disability status, and limited English proficiency status, the number of students who were suspended or expelled from school on the basis of willful defiance at each school for each academic year from 2012-2013 through 2017-2018.
  4. All policies and procedures that refer or are related to the election or appointment of officers within schools' Associated Student Body (ASB) organizations, including, but not limited to, all academic and disciplinary requirements affecting eligibility to run for office.
  5. All policies and procedures regarding involuntary transfer to continuation high schools, reasons why students are involuntarily transferred, and the process the district and the school site follows in the event of an involuntary transfer.
  6. All documents establishing agreements or informal arrangements that the District or its individual schools have entered into or terminated with law enforcement or security agencies, including but not limited to memoranda of agreement or understanding, contracts or other similar formal or informal agreements. This should include all documents including, but not limited to, the number and/or type of law enforcement agents at the school, and funding applications, disbursements, and grants made or awarded. Please include all relevant materials for each academic year from 2012-2013 through 2017-2018.
  7. Nonconfidential documents as well as policies and procedures regarding complaints related to peer to peer student harassment, and how those complaints were resolved. Please include all relevant materials for each academic year from 2012-2013 through 2017-2018.
  8. Nonconfidential documents as well as policies and procedures regarding complaints related to teachers and school officials that involves student harassment, and how

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<sup>3</sup> Office referrals are defined here to mean instances or events where students are sent to an administrative office by a teacher or other administrative official for the purposes of corrective action or behavioral issues.

those complaints were resolved. Please include all relevant materials for each academic year from 2012-2013 through 2017-2018.

9. Guidelines, policies, and/or training materials that establish any law enforcement agency or School Resource Officer practices for investigating and resolving complaints made by teachers, parents and/or students in the District. Please include all relevant materials for each academic year from 2012-2013 through 2017-2018.
10. Nonconfidential documents that refer or relate to student contact with law enforcement agencies and/or School Resource Officers including but not limited to documents regarding incidents in which students were questioned, photographed, searched, cited, arrested, restrained, referred to probation, or subjected to the use of force, or in which other law enforcement action was taken against the District's students, including, but not limited to information about the students involved (e.g., race, gender, disability status, and limited English proficiency status,) and the factual circumstance of the incident (e.g., a description of the incident, the date and time of the incident, and the alleged penal code violation(s), if any). Please include all relevant materials for each academic year from 2012-2013 through 2017-2018.
11. All documents that refer to or relate to plans adopted to improve or to create an inclusive school climate, including trainings, staff development, student instruction, peer mediation, or other programs designed to improve race relations and/or to address racial tension, hate crimes, and discrimination, including but not limited to discrimination based on race, gender, ethnicity, disability, national origin, sexual orientation, gender identity or other factors.
12. Disaggregated by race, gender, disability, and offense, the number of students who received warnings or citations on the basis of any dress code policy and the specific dress code violation for each of these warnings or citations at each District school for each academic year from 2012-2013 through 2017-2018.
13. All documents, communication, policies, and procedures related to the Visalia Unified Student Taskforce regarding racial hostility in the District.

We have attempted to be as specific as possible in designating the public records we wish to review, given that we are unfamiliar with the District's policies and practices regarding the collection and maintenance of these records. If you find that any of our requests are unclear or insufficiently focused, we request that you provide us with the assistance required under California Government Code § 6253.1, including "assisting the member of the public to identify records and information that are responsive to the request or to the purpose of the request."

We understand that some of the documents we have requested may contain information that would identify juveniles if produced in unredacted form. We both expect and encourage the District to comply with its obligation to protect the privacy of its students. We therefore request that, where necessary, responsive documents be redacted to replace juvenile names with numbers or codes. This will protect juveniles' identities while allowing us to know if certain students are repeatedly referred to in the documents provided.

Because the ACLU-NC is a nonprofit organization, we request that you waive any fees that would be normally applicable to a Public Records Act request. See *North County Parents Org'n v. Dept. of Educ.*, 23 Cal. App. 4th 144 (1994). Should you be unable to do so, please let me know if the direct costs associated with reproducing the documents requested herein will exceed one hundred dollars (\$100) prior to incurring such costs.

We understand that our requests are significant, and we thank you in advance for providing us with the records we have requested. Please send all responsive documents to me at:

Abre' Conner  
ACLU Foundation of Northern California  
P.O. Box 188  
Fresno, CA 93707

You may also send an electronic copy to [aconner@aclunc.org](mailto:aconner@aclunc.org). If certain documents take longer to produce, we request this information on a rolling basis. If you or your legal representative have any questions regarding this request, please do not hesitate to contact me. I can be reached by telephone at (559) 554-2994.

Sincerely,



Abre' Conner  
Staff Attorney  
ACLU Foundation of Northern California