

# Student/Parent Handbook

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2024-2025

HOPE ELEMENTARY SCHOOL DISTRICT | 613 W. TEAPOT DOME AVE | PORTERVILLE | 93257  
559-784-1064 OFFICE | 559-784-1905 FAX



**HOPE**  
**ELEMENTARY SCHOOL DISTRICT**

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**EVERY CHILD, EVERY OPPORTUNITY, EVERY DAY**

**Melanie R. Matta, Superintendent/Principal**  
Adela Maciel, Administrative Assistant  
Yolanda Cascio, Business Services  
Robert Pendola, MOT Supervisor

**Board of Trustees**  
Bob Nuckols, Clerk  
Tom Cemo, Member  
Tim Newby, Member



August 12, 2024

Dear Parents,

Welcome back to a new school year! We hope you and your child had a restful and fun-filled break! A new school year always brings excitement and this year is going to be our best one yet! We have a lot of fun activities planned for the students throughout the year.

On behalf of the entire Hope Elementary School staff, I welcome you to become a key part of your child's education. With your support and involvement, your child's school experience will be both positive and rewarding!

At the beginning of each school year, we are required to inform you of certain rights that pertain to students and parents. In this book there are informational letters that cover those rights. Since we must have your written approval on some of them, we have designed a signature card for your convenience which will satisfy our legal requirement and will limit the number of signatures required. After carefully reading the material, please sign the signature card and return it to your child's teacher or school office.

In addition to the Parent Rights materials, we have included rules and regulations pertaining to student discipline, our school calendar, names of School Board Members and Board Meeting dates. Also included is information about our Free and Reduced Breakfast/Lunch Program.

If you have any concerns or questions at any time, please feel free to call the District Office Staff. Welcome to Hope Elementary School!

Sincerely,

*Mrs. Melanie Matta*  
*Superintendent/Principal*

# Hope Elementary School Regular Bell Schedule 2024-2025

## REGULAR DAY

8:12	Warning Bell
8:15	All classes begin
9:45-10:00	TK/K - 1st grade morning recess
10:00-10:15	2nd-4th grade morning recess
10:45-11:00	5th-8th grade morning recess
11:30-12:10	TK/K-1 lunch/recess
11:55-12:35	2nd-4th grades lunch/recess
12:20-1:00	5th-8th grade lunch/recess
2:45	Dismissal
2:45-6:00	CHOICES After School Program

## MINIMUM DAY (Dismissal at 1:10)

8:12	Warning Bell
8:15	All classes begin
9:45-10:00	TK/K - 1st grade morning recess
10:00-10:15	2nd-4th grade morning recess
10:45-11:00	5th-8th grade morning recess
11:30-12:10	TK/K-1 lunch/recess
11:55-12:35	2nd-4th grades lunch/recess
12:20-1:00	5th-8th grade lunch/recess
1:10	Dismissal
1:10-6:00	CHOICES After School Program

<b>Minimum Days:</b>	<b>1:10 p.m. Dismissal</b>
Oct. 30 - Nov.3	Conference Days
Feb. 27-28	Spring Conference Days
Mar. 15	Spring Break early release
May 31	Last Day of School

## SPORTS SCHEDULE FOR HOME GAMES

8:12	Warning Bell
8:15	All classes begin
8:30-9:00	Spirit Circle
11:30-12:10	Athlete and TK-2nd grade lunch and recess
11:50-12:30	3rd-4th grades and all non-athletes lunch and recess
1:00	Game begins for student athletes
2:45	Dismissal
2:45-6:00	CHOICES After School Program

## STUDENT NON-ATTENDANCE DAYS

Sept. 2	Labor Day	Feb. 14	Lincoln's Birthday
Oct. 14	Staff Development Day	Feb. 17	Presidents Day
Nov. 11	Veterans Day Observed	Mar. 17-21	Spring Break
Nov. 25-29	Thanksgiving Break	Apr. 18-21	Easter Holiday
Dec. 16-Jan 3	Winter Break	May 26	Memorial Day
Jan. 14	Martin Luther King Jr. Day		

## **HOPE ELEMENTARY SCHOOL STAFF**

### **Board of Trustees**

Bob Nuckols, Clerk

Tom Cemo, Member

Tim Newby, Member

\*Board Meetings are held on the second Wednesday of every month at 5:30 p.m at Hope Elementary School Cafeteria 613 W. Teapot Dome Ave., Porterville, Ca. 93257. The December meeting will be held on Thursday. No July meeting is held.

**August 14, 2024; Sept. 11, 2024; Oct. 9, 2024; Nov. 13, 2024; Dec. 11, 2024; Jan. 8, 2025; Feb. 12, 2025; Mar. 12, 2025; April 9, 2025; May 14, 2025; June 11, 2025; June 18, 2025**

In compliance with the Americans with Disabilities Act and Government Code section 54954. - If you need special assistance to participate in this meeting, please contact Adela Maciel at (559) 784-1064. Notification of 48 hours prior to the meeting with enable the school district to make reasonable arrangements to ensure accessibility to this meeting (28 CFR.35.102-35.104 ADA Title II)

Any agenda packet provided to the Board of Trustees is available for public inspection at the school office and/or at the regular board meeting (SB 343, Chapter 298, Government Code section 54957.5).

### **Certificated Staff**

**Melanie Matta**  
**Joanie Carlisle**

**Superintendent/Principal**  
**Coordinator-Student Support**

**mmatta@hope-esd.org**  
**jarnold@hope-esd.org**

Jennifer Hedrick  
Melissa Clark  
Margaret Manson  
Christina McDowell  
Maria Lopez  
Michaela Koop  
Flor Martinez  
Cindy Johnson  
Victoria Silva  
Samantha Alonzo  
Glenda Landin

Transitional Kindergarten  
Kindergarten teacher  
Grade 1 teacher  
Grade 2 teacher  
Grade 3 teacher  
Grade 4 teacher  
Grade 5 teacher  
Grade 6 teacher  
Grade 7 teacher  
Grade 8 teacher  
Reading Intervention Teacher

jhedrick@hope-esd.org  
mclark@hope-esd.org  
mmanson@hope-esd.org  
cmcdowell@hope-esd.org  
malopez@hope-esd.org  
mkoop@hope-esd.org  
fmartinez@hope-esd.org  
cjohnson@hope-esd.org  
vsilva@hope-esd.org  
salonzo@hope-esd.org  
glandin@hope-esd.org

### **Classified Staff**

**Adela Maciel**  
**Yolanda Cascio**

**Administrative Assistant**  
**Administrative Assistant -**  
**Business Services**  
**MOT Supervisor**

**amaciel@hope-esd.org**  
**business@hope-esd.org**  
**rpendola@hope-esd.org**

Salvador Jaramillo  
Cynthia Acevedo  
Azucena Hernandez  
Lucia Mendoza  
Tammy Gobel

Custodian/Bus Driver  
Instructional Aide  
Instructional Aide  
Instructional Aide  
Instructional Aide

Wanda Ballard  
Sally Ramirez  
Sara Segura  
Regan Manning  
Breitlan Minter

Instructional Aide  
Instructional Aide  
Instructional Aide  
Instructional Aide  
Instructional Aide

### **Special Services**

Lisa Marquis  
Olga Gonzalez

Special Education Teacher  
School Psychologist

Desiree Sahagun Social Worker  
Sara Turner Speech Services

### **EMERGENCY CONTACT CARD:**

All parents/guardians are required to have an emergency contact card, updated annually, on file in the school office. There are times when it is imperative that the school reach a parent/guardian because of an illness, accident, or other emergency. **PLEASE MAKE SURE TO LIST AT LEAST TWO (2) EMERGENCY NUMBERS AND KEEP THE SCHOOL INFORMED OF ANY CHANGES IMMEDIATELY.**

Students are released ONLY to adults listed on the emergency card or a verified parent phone call releasing their child to a person they indicate. If you have any legal documents which prohibit individuals from coming into contact with your child, it is extremely important that the school office have current copies of these documents.

### **ARRIVAL AND DISMISSAL**

Providing a safe and supervised learning environment is one of our top priorities. Hope is a closed facility with gates locked during school hours. The campus opens at 7:30 am. Students are not to arrive before that time and will not be allowed to enter the campus. The school day begins at 8:15 am and ends at 2:45pm (TK-8th).

For dismissal, parents are to remain at the front or side gates. Teachers will bring their class as a group to the departure area. Pick up your child promptly after school. Students are not allowed to linger on campus.

Providing a safe environment is everyone's responsibility. The parking lot can get congested during pick-up/drop-off times. Always follow the flow of traffic to avoid traffic hazards, drive slowly, do not park in the handicap zones without appropriate handicap placards, do not leave your vehicle unattended, and WATCH OUT FOR STUDENTS CROSSING THE PARKING LOT.

### **ATTENDANCE PROCEDURES:**

Regular attendance is vital to a student's success. Coming to school every day, on time, and staying all day are important not only for academic growth, but are also good life skills to learn and follow. Research shows that students who attend school regularly outperform those with poor attendance patterns. It is not possible to give your child the best education possible if he/she is not in class or arrives late. The staff and administration will uphold and enforce the state laws of California which require students under 18 years of age to be in school, on time, on a daily basis.

**Absences:** When your child is going to be absent from school please notify the school office right away: 559-784-1064 or send an email to: amaciel@hope-esd.org

**Tardies:** Students are expected to be on time daily. Students who miss even just a few minutes on a frequent basis lose out on a very important part of the day. This crucial time is for teachers to greet their students, provide information for the day, give directions, and a feeling of belonging start. Tardies are excused only for the same reasons as legal absences. It is in violation of school rules and state law (Education Code 48200) if a child is tardy without a note or phone call verifying a valid excuse. **If tardies become numerous, the school will address the problem and may jeopardize the continuance of those students enrolled on an Interdistrict Contract. As part of our agreement with neighboring school districts for interdistrict attendance, we stand by this commitment with diligence. The promise of good school attendance is part of any interdistrict attendance agreement approved by the Hope Elementary School District Board of Trustees and these requirements will be enforced.** Please make every possible effort to work with us to achieve these goals and ensure that your student(s) may continue to enjoy their attendance at Hope Elementary.

If we cannot help you remediate issues of your children being at school and on-time, referrals may be made to the district social worker and eventually, the School Attendance Review Board (SARB). Our goal is to have students arrive on time so that we can make every minute count.

### **Student Check-Out Procedure:**

If you need to check your child out early, parents/guardians are required to sign them out of school in the front office. Parents are required to wait in the office and not go to the classroom to pick up their

child(ren) without permission from the office staff. This is a safety procedure in place for all students and staff. Students should only be checked out early for emergency situations or unavoidable medical/dental appointments. Parents are encouraged, whenever possible, to schedule appointments after the school day.

#### Independent Study:

There are times when parents need to take children out of school even though it violates the State Attendance Law. Therefore, we have established an Independent Study Program for 5 or more consecutive days. If you sign your child up for the Independent Study Program your child can complete his/her school work and get credit for being in school and an unexcused absence will not go down on their records. Our Independent Study Program should be initiated at least 1 week **prior** to your child missing school. This allows the teacher to prepare all the work necessary for your child. If there is a time when your child/children will be missing school for reasons other than illness or medical appointments, please contact the school **in advance** to fill out the proper documentation and collect your child's work.

### **HOPE SCHOOL ATTENDANCE MEDALS and MOVIE THEATER TRIP**

To promote and encourage excellent school attendance and to reward students for their outstanding efforts to have exceptional school attendance, we will be honoring students with medals, certificates, and a trip to the movie theater at the end of the year.

#### **END-OF-YEAR MEDALS**

**GOLD:** Gold medals are awarded to students who have **NO absences**, and/or **no more than two (2) unexcused tardies** for the school year.

**SILVER:** Silver medals are awarded to students who have **no more than two (2) absences**, and **no more than 3 unexcused tardies** for the school year.

**Only students earning the GOLD medal will be participating in the end of the year Movie Theater Trip.**

#### **PHYSICAL EDUCATION EXCUSES:**

A student must have a written note from home for a temporary exclusion from Physical Education. If a child must miss more than 3 days consecutively, a Physician excuse is necessary. Per Education Code 51210, districts shall provide physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 school days, exclusive of recesses and the lunch period. PE absences will have to be made up.

#### **MINIMUM AGE KINDERGARTEN:**

Students must be five years old on or before September first of the school term in progress in order to be admitted to any public school in California according to Education Code 48000. The parent or guardian of a child must present proof to the school district, prior to the admission of the child to Kindergarten that the child is of the minimum age for admission to school. Students who turn 5 between September 2 - April 2 of the current school term in progress will be enrolled in Transitional Kindergarten.

#### **WITHDRAWAL FROM SCHOOL:**

If it becomes necessary for your child to transfer to another school before the end of the year, please notify the office. You must then return all school property, including textbooks and library books. If your student owes fines or fees, please pay at that time. Your child's school records will be forwarded to your next school upon request from the Administrator of your new school. School records include health records, personal data, and report cards.

Withholding Records/School Textbooks/Supplies/Unpaid Debts: All students are furnished with school textbooks. Students are responsible for the care of all school equipment or materials placed in their possession. Board policy (6161.2) states that students are responsible for returning borrowed materials in good condition, with no more wear and tear than usual from normal use. Any school property that is lost or so damaged that the material is no longer usable, the student is responsible for reparation equal to the current replacement cost of the materials. The school district may withhold grades, diploma, and transcripts of a student who has not paid for any equipment or property that has been lost or damaged..

#### **INSUFFICIENT FUNDS CHECKS**

It is the practice of the Hope Elementary School District to accept cash payment only to redeem insufficient funds checks. This cash payment will consist of the amount of the check written plus any bank charges incurred as a result of the returned check. This total amount is due immediately upon notification by district personnel that such a check has been returned for non-payment. If, at any time, a second insufficient funds check is written by an individual during the same school year, that person will be placed on a cash only basis for the remainder of the school year for any payment made to the district.

#### **STUDENT PHONE USAGE:**

School phones may be used by the students only in the case of an emergency or when student-to-parent contact is deemed necessary by the teacher or office personnel. The school phone is a business phone and not be used to make arrangements to go home with a friend, etc. These arrangements need to be made prior to coming to school.

#### **STUDENT CELL PHONES/ELECTRONIC DEVICES/PERSONAL EQUIPMENT:**

Student cell phones/Electronic Signaling Devices/Personal Equipment are to be turned off and out of sight upon arrival to the school campus and not activated until after school has been dismissed for the day. **Such devices are personal property and not the responsibility of school personnel to replace or track down if lost, stolen, or damaged.** Students possess these items at school entirely at their own risk. No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which are limited to health-related purposes. (Ed. Code Section 48901.5) **School staff that sees a student with a cell phone in hand on their first offense will confiscate the phone and return it to the student at the end of the school day. On a student's second offense, the phone will be taken to the office where it will be kept until a parent comes to meet with the Principal. Depending upon the seriousness of the offense, detention procedures will apply. On the third offense, the cell phone may not come back to school or must be dropped off in the office prior to the student going to class each day. The student may pick it up at the end of the day.**

#### **BRINGING INAPPROPRIATE ITEMS TO SCHOOL**

(Education Code 48900 Section K) There are some items which a student must not bring to school because they are dangerous to the student or other students, or they interfere with the rights of others to learn. Some examples of things that must not be brought to school are personal electronic devices such as iPods, video games, pagers, and MP3 players. Other items not allowed in school include: toys, games, water balloons, fireworks, lighters, matches, medications, laser pointers, or any other item determined to be dangerous or disruptive to the educational environment by the Principal. Inappropriate items will be confiscated and turned over to the Principal. Depending upon the seriousness of the offense, detention and citation procedures will apply. The school district is not responsible for the loss of personal items brought to school.

#### **DRESS CODE:**

Hope Elementary School District believes that students should wear clothing to school that is conducive to the learning process and reflects respect for oneself and the school.

1. Attire that protects the health and safety of students:



- a. Students should wear shoes that are appropriate for school activities. This does NOT include shoes with cleats, spikes, or high heels. Shoes must have a back strap.
  - b. Attire which may be used as a weapon is not allowed. This includes, but is not limited to, chains, wallet chains, and items with spikes or studs.
2. Attire that does not interfere with the educational process:
  - a. Hats for sun protection are allowed, but may not be worn in buildings. Hats and/or hair apparel that can be attributed to or denote gang or group affiliation is NOT permitted.
  - b. Sunglasses are worn outside only.
  - c. Tank tops with straps less than 2" wide are not permitted. Mesh shirts, low cut blouses, crop tops, or sun-dresses with cleavage showing are not permitted. Clothing that does not cover undergarments is not permitted.
  - d. Shorts must hit mid thigh which is about a 4" inseam. Skirts and dresses should extend to a minimum of four inches from the top of the knee.
3. Attire should not advocate, advertise, denote, or be recognized as gang activity or affiliation, have crude or vulgar printing, slogans, symbols, designs or pictures depicting drugs, alcohol, tobacco, violence, graffiti, sexual suggestions, or unlawful activity.
4. Jewelry or accessories that are disruptive or might cause a health or safety hazard may not be worn. Fingernails no longer than ½ inch from base to tip may be worn.
5. The Principal has the discretion to limit other attire if it distracts from the learning process. In addition, the principal may also make exceptions to the above for special events.

Consequences: Violation of the dress code will result in one of the following: warning, notification to parents, student sent home to change clothes, or given school sports clothing to wear. Students will be required to change to acceptable clothing either by contacting parents or by getting clothing from the athletic director.

***\*\*Revisions to this dress code may be made at any time.\*\****

## **HOPE ELEMENTARY SCHOOL STUDENT USE OF TECHNOLOGY** **INTERNET SAFETY/ACCEPTABLE USE POLICY**

### **Technology**

The Governing Board recognizes that technology provides ways to access the most current and extensive sources of information. Technology also enables students to practice skills and to develop reasoning and problem-solving abilities. In addition, electronic resources foster workplace skills that may be transferable to new technological resources throughout the district's schools and classes.

To discourage access to inappropriate content when using technological resources, and preclude other misuses of the system, the Superintendent/Principal or designee shall establish administrative regulations governing use of the district's technological resources. He/she shall ensure that users have no expectations of privacy and understand that district staff may monitor or examine all system activities to ensure proper use of the system. Failure to abide by these regulations shall be subject to disciplinary action, revocation of the right to use technological resources, and legal action as appropriate (Penal Code Section 502).

### **Internet Protection Measure**

The Governing Board and Superintendent/Principal desire to protect students from access to harmful matter on the Internet and online sites/services. The Superintendent/Principal or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to harmful matter that can be accessed by minors through the

Internet. (20 USC 6777, 47 USC 254) Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct which lacks serious literary, artistic, political or scientific value for minors. (Penal Code Section 313) Harmful matter includes but is not limited to visual depictions that are obscene, child pornography, or that promote violence, alcohol use, tobacco use, sexual behaviors or attitudes that are harmful to minors.

As with all technologies and services, there are no guarantees that all unsuitable sites will be blocked 100% of the time. Educational staff shall monitor minors' use of the Internet in school, and shall take reasonable means to prevent access by minors to inappropriate materials on the Internet (instant messaging, chat rooms, electronic mail, etc.) and the World Wide Web (web pages), and restrict access to materials harmful to minors.

Filtering software is deployed and used on all district computers with access to the Internet. In general, the highest degree of filtering will be set for all school age children, with modifications to the degree of filtering based on district approval. Any site deemed inappropriate may be blocked at the request of the appointed school site administrator. Disclosure, use and dissemination of personal identification information regarding students, is prohibited. Staff shall supervise students while they are using the Internet/online resources and may ask Instructional Aides to assist in this supervision.

#### ***Regulations –***

##### **Student Use of Technology, Internet, and Online Resources**

The student is authorized to use technology, internet, and online resources in accordance with user obligations and responsibilities specified below:

1. All communication shall occur under the supervision of and with the permission of the supervising employee.
2. The system shall be used only for purposes related to education. Commercial, political, and personal use of the district's system is strictly prohibited.
3. Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standard, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct and which lacks serious literary, artistic, political or scientific value for minors. (Penal Code 313).
4. Copyrighted material shall not be placed on the system without the author's permission. The student may download copyrighted material, in accordance with copyright laws, for purposes related to education within the context of a school-related assignment/activity.
5. Vandalism is forbidden. Vandalism includes spreading computer viruses and/or any malicious attempt to harm or destroy district equipment or material or the data of any other user.
6. Employees supervising students' use of the Internet and online resources are expected to enforce the Hope Elementary School District regulations governing such use.
7. The district does not provide student electronic mail accounts.
8. The district reserves the right to monitor any online communication for improper use. Electronic communications and downloaded material, including files deleted from a user's account, may be monitored or read by district officials to ensure proper use of the system.
9. The Superintendent/Principal and/or designee shall make all decisions whether or not a student has violated Board policy or the district's Internet Safety/Acceptable Use Agreement. The decision of the Superintendent/Principal and/or designee shall be final.
10. Inappropriate use shall result in a cancellation of the student's user privileges, disciplinary action and/or legal action in accordance with law and Governing Board policy.
11. When a student leaves a school operated by the Hope Elementary School District, the student's access to the district's network will cease and all files shall remain the property of the Hope Elementary School District.
12. The student will abide by systems and security usage guidelines as set forth by district authorities.
13. The student shall:
  - a. keep personal information including home addresses and telephone numbers private and shall not disclose personal identification on the Internet. The student shall use the system only under generic student network accounts.

- b. not engage in any illegal activities on the Internet or use the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by the Superintendent/Principal or Governing Board policy.
- c. not access, post, submit, publish or display harmful or inappropriate matter that is threatening, obscene, disruptive, child pornographic or sexually explicit; or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, gender, sexual orientation, age, disability, religion or political beliefs; or that is otherwise inappropriate for educational purposes.
- d. not use district technology or Internet resources to engage in hacking or attempts to otherwise compromise any computer or network system's security.
- e. not access web-based electronic mail accounts using district technology.
- f. not access instant messaging accounts using district technology.
- g. not participate in other forms of direct electronic communications (chat rooms, IRQ, etc.) using district technology.
- h. not subscribe to online services using district technology.
- i. not read other users' electronic mail or files. He/she shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall he/she attempt to delete, copy, modify or forge other users' electronic mail or files.
- j. not install and/or download unlicensed software on a machine owned by the district.
- k. immediately report any security problems or misuse of the network to the teacher, principal or supervising employee.

#### **Polite Use of Technology and Rules of Internet Etiquette – “Netiquette”**

The student is expected to abide by the generally accepted rules of technology etiquette. These rules include, but are not limited to, the following:

- 1. BE POLITE. Never send, or encourage others to send, abusive messages.
- 2. USE APPROPRIATE LANGUAGE. Remember that you are a representative of not only yourself, but also your school on a publicly accessible system. You may be alone with your computer, but what you say and do can be viewed globally. Never swear, use vulgarities, or any other inappropriate language. Illegal activities of any kind are strictly forbidden.
- 3. PRIVACY. Do not reveal your home address or personal phone number or the addresses and phone numbers of others. To do so can result in unwanted intrusions of privacy and should be viewed in the same light as a public listing in a telephone directory. Users shall have no expectation of privacy and understand that the district has the right to monitor and examine all system activities to ensure proper use of the system.

#### **Privileges**

The use of technology is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. A student who fails to abide by these obligations and responsibilities shall be subject to disciplinary action, revocation of the privilege to use technological resources, and legal action as appropriate.

#### **Services**

The Hope Elementary School District makes no warranties of any kind, whether expressed or implied, for the service it is providing. Hope Elementary School District will not be responsible for any damages suffered while on this system. These damages include loss of data as a result of delays, non-deliveries, misdeliveries, or service interruptions caused by the system or your errors or omissions. Use of any information obtained via the information system is at your own risk. Hope Elementary School District specifically disclaims any responsibility for the accuracy of information obtained through its services. **I agree to indemnify and hold Hope Elementary School District personnel harmless for the failure of any technology protection measures from my child's own violations of copyright restrictions, mistakes or negligence, or any costs incurred by my child as a user.**

**PLEASE COMPLETE THE BACK SIDE OF THE YELLOW PARENT RIGHTS SIGNATURE CARD.**

#### **PHOTOGRAPHING OF STUDENTS**

On occasion, students may be spontaneously photographed or videotaped by school or non-school personnel (such as parent, news media, Hope Parent Teacher Club "HPTC", or other organizations) while the students are involved in activities at school or on field trips which are open to members of the public. There may also be occasions when students will be incidentally photographed/videotaped by parents or news media personnel while they are participating in activities which are not open to the general public (such as regular classroom instructional activities). The district intends to monitor such occasions so that there will be no undue invasion of individual pupil privacy or disruption of the instructional process. If you object to the photographing/videotaping of your child while participating in non-public activities as described above, please submit a request in writing to your child's school principal asking that efforts be made to exclude your child. In the event your child receives an award, his/her school picture may be submitted to the newspaper for publication.

**PLEASE COMPLETE THE BACK SIDE OF THE YELLOW PARENT RIGHTS SIGNATURE CARD.**

#### **TREATMENT FOR LIFE THREATENING ANAPHYLAXIS**

Anaphylaxis is a rapid, severe allergic response triggered by insect stings, foods, medications, latex materials, exercise, or in rare cases by unknown causes. This is a life-threatening allergic condition, requiring immediate treatment. Administering epinephrine to students during a medical emergency may help to insure the student's health and safety at school. Therefore, the Tulare County Office of Education has adopted a policy for giving life-saving epinephrine to students who are in need of such treatment. This policy states that a credentialed, licensed school nurse or trained, unlicensed school staff, under the direct or indirect supervision of the credentialed school nurse (or supervisor of health), may administer epinephrine in the form of an epinephrine auto-injector during a severe, life-threatening allergic reaction. The epinephrine auto-injector rapidly delivers a pre-measured, sterile, single dose of epinephrine by direct injection through the skin.

**PLEASE COMPLETE THE BACK SIDE OF THE YELLOW PARENT RIGHTS SIGNATURE CARD.**

#### **ANNUAL FIELD TRIPS/SCHOOL EVENTS - HOPE BUS TRANSPORTATION**

A school district is prohibited by law from requiring a student to be transported without the written permission of the parent or guardian. The activities where transportation should be required would be: Study trips, athletic events, field trips, or extra-curricular activities.

The Board of Trustees desires to provide for the safe and efficient transportation of students to and from school as necessary to ensure student access to the educational program, promote regular attendance and reduce tardiness. To provide the most economical and appropriate means of providing transportation services approved school district personnel may, with permission of the parent/guardian, provide the needed transportation. "No governing board of a school district shall require any student or pupil to be transported for any purpose or for any reason without the written permission of the parent/guardian. This section shall not apply to the transportation of a student or pupil in an emergency arising from illness or injury to the student or pupil." (E.C. 35350)

**PLEASE COMPLETE THE BACK SIDE OF THE YELLOW PARENT RIGHTS SIGNATURE CARD.**

### **STUDENT RELATED INJURIES**

Hope Elementary School District does not carry accident, medical, or dental insurance for children injured on the school premises and school related activities.

### **PLEASE COMPLETE THE BACK SIDE OF THE YELLOW PARENT RIGHTS SIGNATURE CARD.**

### **REPORT CARDS**

Report cards are issued at the end of each trimester. Marks are based on achievement in subjects and citizenship. Anytime during the trimester, a Progress Report may be sent home to parents. All students must complete all class work requirements and pay all debts before they can be considered for promotion or graduation.

Weeks 12, 18, and 24 (mid-trimester) progress reports...each teacher is responsible for sending a progress report to the parent of any pupil who is doing failing or near failing work. 3<sup>rd</sup> trimester report cards will be given on the last day of school.

Please contact your child's teacher if you have any questions regarding your child's grades or the grading system.

### **PROMOTION/ACCELERATION/RETENTION**

The governing Board expects students to progress through each grade within one school year. To accomplish this, instruction should accommodate the varying interests and growth patterns of individual students.

### **PARENT/TEACHER CONFERENCES:**

Parents will be asked to attend (1) scheduled parent-teacher conference the first trimester of the school year to discuss the student's progress with his/her teacher. Conference slips are sent home with the student indicating the date and time of the conference. Parents are always welcome to observe all phases of their child's instructional program during the school year. Such visitations must be pre-arranged with the office and the classroom teacher. Parents need to check in with the office upon arrival to the school and obtain a visitor's pass.

### **VISITORS**

Anyone entering the school grounds for any reason must report to the school office, sign-in, and obtain a visitor's badge. Our goal is to minimize class interruptions and to maximize classroom instruction.

### **CLASSROOM VOLUNTEERS/CHAPERONES**

Parents are encouraged to be an active part of your child's educational process at Hope. If you are interested in becoming a classroom volunteer and or chaperone for school field trips, complete the district required Volunteer/Chaperone Application (renewed annually) and contact your child's teacher.

### **MEGAN'S LAW INFORMATION**

The Hope Elementary School District Governing Board believes it is important that the district work with and respond appropriately in order to protect students while they are traveling to and from school, attending school or at a school related event. The law enforcement agency contacts the district about registered sex offenders who may reside or work within district boundaries. The Board believes that the local law enforcement agency is best able to assess the relative danger of a sex offender and to notify the public by the most appropriate means. Parents may contact the local law enforcement agency for more information or view the information on the Megan's Law Internet website.

## **STUDENT TRANSPORTATION**

Bus transportation is available to TK-8<sup>th</sup> grade students living within the district geographical boundaries.

### **Bus Rules:**

1. Bus students are expected to understand that riding the bus is a privilege.
2. Proper behavior is expected from all students when they are on the bus and when they are waiting for the bus at the school and neighborhood stops.
3. Students who do not follow the bus rules will be issued citations by the bus driver and may lose their privilege to ride the bus.
4. Students riding the bus should meet at the designated areas to wait for the bus and should conduct themselves in a manner that is not destructive to private and/or personal property.
5. Upon boarding the bus, students should be seated and remain seated until the bus reaches its destination and students are properly dismissed by the bus driver.
6. Students are to remain seated and facing forward at all times.
7. Students may not eat, drink, or chew gum on the bus. Pupils should assist in keeping the bus clean.
8. No student will extend arms, legs, or head from the bus. Windows are to remain closed except under the direction of the bus driver.
9. The driver is in full charge of the bus and students. Students **MUST OBEY WITHOUT ARGUMENT**, the directions of the driver.
10. No student is to board the bus unless the bus driver is in attendance.
11. All pencils and pens should be kept in a book bag or binder while riding the bus. This will eliminate potential cuts to the seats.
12. NO animals are allowed on the bus. (State Law)
13. All bus routes are approved by the Superintendent/Principal and any complaints regarding these routes should be directed to Mrs. Melanie Matta, Superintendent/Principal of Hope Elementary School.

### **Students Who Do Not Ride The Bus:**

Students who do not ride the bus should not be on school grounds before 7:30 am. All children arriving before 7:30 am will require a parent conference with the Superintendent/Principal regarding student safety. Any student not picked up within 15 minutes of school dismissal will be directed to the office. If you have an emergency and need to arrive late to pick up your child, we understand that those things happen on occasion. Please contact the office so we know to hold your child.

### **FOGGY DAY PROCEDURES:**

- School always starts on time (8:15am)
- The school bus may have a one hour delay, two hour delay, or be cancelled. Please check your local TV station channels: 24, 30, 47 after 7:00 a.m. and a Connect-Ed message will be sent.

### **CAFETERIA:**

We are encouraging children to eat in the school cafeteria or bring a sack lunch. School meals are tasty and nutritious. Meals are prepared by Porterville Unified School District (PUSD) and follow the Dietary Guidelines for Americans along with CDE nutrition requirements. **We are a Provision 2 school which means that we are able to provide healthy meals to ALL students free of charge this school year.**

### Cafeteria Behavior:

Eating in the cafeteria is a privilege, not a right. All students are expected to follow cafeteria rules and behave in an orderly manner. Any child unable to behave responsibly will lose cafeteria privileges and will be asked to make other arrangements for lunch.

- Sit in assigned area.
- Remain seated until dismissed by Instructional Aide
- Upon dismissal remove all trash at your table and deposit in the trash can on your way out.
- Use talking voices in the cafeteria – no shouting or screaming
- NO THROWING FOOD.

### BUILDINGS AND GROUNDS

Any damage to the buildings, grounds, furniture or other school property will be corrected at the expense of the student/parent causing the damages.

- CANDY, GUM, and SEEDS ARE NOT ALLOWED ON THE SCHOOL CAMPUS.  
Students with these items will have them confiscated.
- Keep our campus clean – do not litter.
- No glass bottles or containers are allowed on campus
- Students are to remain in designated play area only when supervising staff is on duty.

### CHOICES AFTER SCHOOL PROGRAM

The purpose of the CHOICES after school program is to provide your child with a safe and environment after school where they can participate in extra-curricular activities and get their homework completed with the assistance of the staff. CHOICES is run by the Tulare County Office of Education on our campus for students in TK-8<sup>th</sup> grade who attend Hope Elementary School. Please refer to the CHOICES Registration Packet, available in the school office, for further information or contact the office at 559-784-1064 and you will be transferred to the director.

#### Hours of Operation:

Regular Day- 2:45-6:00

Minimum Day - 1:10-6:00

### PARENT INVOLVEMENT

The Governing Board recognizes that parents/guardians are their children's first and most influential teachers and that sustained parent involvement in the education of their children contributes greatly to student achievement and a positive school environment. The Superintendent/Principal or designee shall work with staff and parents/guardians to develop meaningful opportunities at all grade levels for parents/guardians to be involved in district and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.

Parents/guardians shall be notified of their rights to be informed about and to participate in their children's education and of the opportunities available to them to do so.

The Superintendent/Principal or designee shall regularly evaluate and report to the Board on the effectiveness of the district's parent involvement efforts, including, but not limited to, input from parents/guardians and school staff on the adequacy of parent involvement opportunities and barriers that may inhibit parent/guardian participation.

### **HOPE PARENT TEACHER CLUB (HPTC)**

The HPTC is a group of parents, teachers, staff and family members who share a common bond, Hope School and its students. The HPTC meets each month to discuss goals for the school and to come up with fun and exciting ways to reach those goals. All parents, family members, teachers, and staff are welcome to attend the meetings to help make Hope Elementary School a fun, safe, and academically excellent place for our kids. You will be sent home a flier and a Parent Square message as to when the meetings will be held for the upcoming school year.

### **SCHOOL SITE COUNCIL (SSC):**

Hope Elementary School Site Council meets regularly to discuss issues related to the school program. This council is composed of ten voting members, five of which are parents/guardians. Elections are held each year for open positions.

### **SCHOOL RULES AND DISCIPLINE:**

The purpose of discipline is to provide a safe place for students to learn and grow. It is the goal of Hope Elementary School to help teach our kids to behave responsibly and to demonstrate respect for others as well as to property. Hope students are expected to:

- Be on time and prepared to work
- Show courtesy and respect for themselves and others
- Show respect for school property and the property of others
- Comply with all the Hope Elementary School District rules and regulations as described in the District "Discipline Rules, Regulations & Matrix" available in the school office.

### **DISCIPLINE RULES AND REGULATIONS**

Rules and regulations are established to maintain an atmosphere conducive to learning. Students who fail to comply with these rules and regulations will be counseled, reprimanded, suspended or expelled and/or arrested as the laws are applied. The Board of Trustees of the Hope Elementary School District has prescribed rules consistent with law or with the rules prescribed by the State Board of Education, for the government and discipline of the schools under its jurisdiction. (E.C. 35291) All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools. (E.C. 48921)

**\*\*Pursuant to Board Policy 5117 and Administrative Regulation Policy 5117; The district has the right to revoke an inter-district agreement at any time during the school year if a student is failing to maintain behavioral standards set forth by the district.**

Participation/attendance at extracurricular activities is considered a part of the educational program. Participants/spectators carry responsibilities as representatives of their schools/communities. All rules of student conduct apply also to extracurricular activities. The Board of Trustees may enforce the provisions of Section 35291 by suspending, or, if necessary, expelling a pupil in any elementary school who refuses or neglects to obey any rules prescribed pursuant to that section. (E.C. 48906)

This publication has been prepared and distributed to assist the Board, the Superintendent/Principal to inform all concerned persons of these policies. (E.C. 35291)



## **RIGHTS AND RESPONSIBILITIES**

### **RIGHTS OF STUDENTS**

- To attend school unless removed under due process as specified in the Education Code.
- To attend school in a secure academic and social climate, free of fear and violence.
- To enjoy the full benefit of their teachers' efforts undiluted by the disruptive student.
- To have ready access to a designated teacher/advisor.
- To be fully informed of school rules and regulations.
- To be allowed equal access to curriculum.

### **RESPONSIBILITIES OF STUDENTS**

- To attend school and classes regularly and on time.
- To be prepared for class with appropriate materials and work.
- To know and obey school rules and regulations.
- To respect the rights of school personnel, fellow students and the public in general.
- To demonstrate pride in the appearance of school buildings and grounds.

### **RIGHTS OF PARENTS**

- To expect that their children will spend their time at school in a safe, wholesome, stimulating atmosphere engaged in productive activity under the care and direction of a dedicated staff.
- To have assurance that school personnel will at no time preempt parental prerogative.
- To be informed of district policy, school rules and regulations.
- To review their child's record with a certificated staff member providing assistance.

### **RESPONSIBILITIES OF PARENTS**

- To visit school periodically to participate in conferences with teachers, counselors or administrators regarding the academic and behavioral status of their children.
- To provide supportive action by making sure that children have enough sleep, adequate nutrition and appropriate clothing before coming to school.
- To maintain consistent and adequate control over their children and to approve of reasonable control measures as applied by school personnel.
- To cooperate with the school in bringing about improvements designed to enhance the educational program offered students.
- To provide the school with current information regarding legal address, phone, medical data and other facts, which may help the school to serve their children.
- To become familiar with district policies and school rules and regulations.

### **RIGHTS OF TEACHERS**

- To expect and receive the attention, effort and participation of the students attending their classes.
- To have parental and administrative backing when enforcing rules designed to provide an optimum learning climate.
- To teach with interruptions held to an absolute minimum regardless of the cause or source.
- To enjoy the same level of respect and courteous treatment accorded members of the class individually and collectively.

## **RESPONSIBILITIES OF TEACHERS**

- To consider the personal worth of each individual student as a single, unique, important human being.
- To attempt to equip each learner with the knowledge, skills, attitudes and values required for successful living.
- To hold students accountable for their actions at all times.
- To assess divergent ideas, opinions and expression objectively and deal with them in a balanced, unbiased manner.
- To keep parents and students informed with timely or periodic reports, including all pertinent data related to the student's school experience.
- To consistently critique their own performance with the objective of an ever growing professional stature.
- To initiate and enforce individual classroom rules consistent with school and district policies.

## **RIGHTS OF ADMINISTRATOR**

- To initiate such control measures as needed to establish and maintain an environment in which optimum learning and teaching conditions prevail.
- To make decisions on all issues confronting schools, primarily on the basis of what is best for the students.
- To hold students accountable for their conduct and to take prompt and appropriate action toward those guilty of violations.
- To expect that all school employees recognize and fulfill their role in terms of controlling behavior of students.

## **RESPONSIBILITIES OF ADMINISTRATOR**

- To provide leadership that will establish, encourage and promote good teaching and effective learning.
- To establish, publicize and enforce school rules that facilitate effective learning and promote attitudes and habits of good citizenship among the students.
- To request assistance from the District's support services and community agencies and resources in all cases indicating such action.
- To make a determined effort to stay attuned to expressions of student/staff/parent/community concerns and to react with sensitivity toward them.

## **STUDENT SUPPORT SERVICES**

### **ATTENDANCE**

The attendance officer will work with students and parents in conjunction with school-site personnel in attempting to resolve attendance and related behavior problems.

### **GUIDANCE**

School psychologists and counselors will work with school-site personnel and parents in the evaluation of students with emotional or learning problems. Both these departments may refer cases to appropriate community agencies. Among these are:

Social Services	School Attendance & Review Board (SARB)
Probation Department	Health & Mental Health Department
Youth Service Bureau	Police & Sheriff Department

### **SCHOOL ATTENDANCE REVIEW BOARD (SARB)**

This board is staffed by community agency persons and volunteers to deal with students and families prior to being referred to the District Attorney or County Probation. The students are referred after all school resources and services resources have been exhausted. (E.C. 48263, 48320-4)

## **CAUSES AND PROCEDURES FOR DISCIPLINARY ACTION**

### **ASSERTIVE DISCIPLINE**

The school and individual teachers have adopted a set of rules for discipline in the classroom and at all other school related activities, in an effort for teachers, pupils, parents and administration to work closer together in bringing about a good school climate for learning.

### **CONFERENCING**

Students will be counseled regarding appropriate school behavior.

### **RESTRICTION**

A teacher may restrict for disciplinary purposes the time a pupil under his/her supervision is allowed for recess. (E.C. 44807.5)

### **DETENTION**

Students may be detained for disciplinary or other reasons up to one hour after the close of the maximum school day.

### **EXCLUSION**

The Board of Education may exclude students from attending school for any of the following:

1. Filthy or vicious habits, contagious or infectious diseases including noncompliance with state immunizations requirements.
2. Physical or mental disability determined to be detrimental to the welfare of other pupils.

**SUSPENSION** is the temporary removal of a pupil from regular classroom instruction or from school as initiated by a teacher or administrator for adjustment purposes.

According to E.C. 48900, students may be suspended and/or expelled from school for having committed any of the following:

- (a) Caused, attempted to cause, or threatened to cause physical injury to another person
- (b) Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object, the pupil had obtained written permission from a certificated employee with which the principal or principal's designee concurs.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of any controlled substance (as defined in the Health and Safety code), alcoholic beverage, or intoxicant of any kind.
- (d) Unlawfully offered or arranged or negotiated to sell any controlled substance and then sold, delivered, or otherwise furnished to any person another substance represented as a controlled substance.
- (e) Committed or attempted to commit robbery or extortion. Students also may be suspended and/or expelled from school for any of the following when:
  - (1) other means of correction have failed, or

- (2) when the student's continued presence is likely to be dangerous or disruptive to others.
- (f) Caused or attempted to cause damage to school property or private property.
- (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, except as provided in Section 48903.6.
- (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Had unlawful possession of, unlawfully offered, arranged, or negotiated to sell any drug paraphernalia.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel.
- (l) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
- (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.

**Students in grades 4 through 8 are also subject to suspension or recommendation for expulsion for any of the acts listed below:**

**Sexual Harassment (Ed. Code 48900.2)**

Committed sexual harassment as defined in Education Code 212.5. Pursuant to Education Code 48900.2, the conduct constitutes harassment if it would be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment.

**Hate Violence (Ed. Code 48900.3)**

Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 33032.5 (Education Code 48900.3). Education Code 233(e) defines "hate violence" as any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

**Hazing/Bullying/Harassment**

Harassment of students or staff, including bullying, intimidation, hazing, or initiation activity or any other verbal, written or physical conduct that causes or threatens to cause bodily harm or emotional suffering is subject to disciplinary action.

**Hostile Educational Environment (Ed. Code 48900.4)**

Intentionally harassed, threatened or intimidated a student or group of students to the extent of having the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading student rights by creating an intimidating or hostile educational environment.

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any district school or within any other school district, including but not limited to the following circumstances: (Ed. Code 48900)

1. While on school grounds.
2. While going to or coming from school.
3. During, or while going to or coming from, a school sponsored activity.

Alternatives to suspension or expulsion will be used with students who are truant, tardy, or otherwise absent from school activities.

All students in grades Kindergarten through 8 are also subject to the following Education Code sections:

#### **Exceptional and Non-Exceptional Needs Students (Ed. Code 48900.5)**

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any reason enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

#### **ADMINISTRATIVE SUSPENSION PROCEDURE REQUIRES:**

- (1) An informal conference with the student.
- (2) A reasonable effort shall be made to contact the pupil's parent or guardian in person or by telephone at the time of suspension; a written notice shall follow.
- (3) That parents or guardians respond to the school's request for a conference without delay, as per state law.
- (4) That parents be informed that suspensions may be reviewed by the Superintendent/Principal or her designee.
- (5) That suspended students may remain under parent supervision and are not to be on any school campus or attend school activities for the duration of the suspension.

#### **SUSPENSION BY TEACHER**

A teacher may suspend any pupil from his or her class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. (E.C. 48910) A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or designee for consideration of a suspension from the school.

#### **SUSPENSION BY THE SUPERINTENDENT/PRINCIPAL, OR PRINCIPAL'S DESIGNEE**

The Superintendent/Principal of the school, the Superintendent/Principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Ed Code Section 48900, and pursuant to Section 48900.5 for no more than five consecutive school days unless the suspension is extended pending expulsion. (Ed. Code 48911)

#### **MANDATORY CLASSROOM ATTENDANCE FOR PARENT/GUARDIAN**

The teacher of any classroom from which a pupil is suspended for reasons specified in subdivision (i) or (k) of Education Code Section 48900 may require the parent/guardian to attend a portion of a school day in his or her child's or ward's classroom. (Ed. Code 48900.1)

**EXPULSION** is the removal of a pupil from enrollment in a school or the district as ordered by the Board of Education. Pupils can be expelled only for those reasons for which they can also be suspended.

**Mandatory Recommendation:** State law requires that the Superintendent/Principal must recommend expulsion if the student has committed any of the following acts at school or at a school activity (Education Code 48915):

- (1) Possessing, selling, or otherwise furnishing a firearm.
- (2) Brandishing a knife at another person.
- (3) Unlawfully selling a specified controlled substance.
- (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- (5) Possession of an explosive.

**Discretionary Recommendation:** The Superintendent/Principal must recommend expulsion if the student has committed any of the following acts at school or at a school activity, UNLESS particular circumstances make expulsion inappropriate (Education Code 48915):

- (1) Causing serious physical injury to another person, except in self-defense.
- (2) Possession of any knife, explosive, or other dangerous object of no reasonable use to the student.
- (3) Unlawful possession of any specified controlled substance, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
- (4) Robbery or extortion.
- (5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.

State law provides for due process and rights to appeal any order of expulsion.

#### **REFERENCE ABBREVIATIONS:**

B. & P.C. =	Business & Professions Code	H. & S.C. =	Health & Safety Code
C.A.C. =	CA Admin. Code, Title 5	L.C. =	Labor Code
C.C. =	Civil Code	P.C. =	Penal Code
E.C. =	Education Code	V.C. =	Vehicle Code
G.C. =	Government Code		

#### **ADDITIONAL CAUSES FOR DISCIPLINARY ACTION**

##### **DISRUPTION OF CLASSWORK OR EXTRACURRICULAR ACTIVITIES/PUNISHMENT/EXEMPTIONS**

Any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts class work or extracurricular activities or involves substantial disorder is guilty of a misdemeanor which is punishable by a fine not exceeding one hundred dollars (\$100), by imprisonment in the county jail for a period of not more than 10 days, or both. This section does not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills. (Added by Stats. 1988, c. 762, § 2.) (Ed. Code 44811)

**BOMB THREATS**

False reports that a bomb or other explosive has been placed in school buildings or on school buildings or on school grounds will be referred to law enforcement agencies. Students involved are also subject to disciplinary action. (L.C. 3367; P.C. 148.1)

**FIRES, EXPLOSIVES OR THREAT THEREOF**

Students involved in setting fires or explosives, which threaten or cause damage to human life or property on campus or at school sponsored events are subject to disciplinary action. Parent or guardian is responsible for payment of damages. (H. & S.C. 12304-12306: P.C. 448a, 449a)

**FORGING**

Students forging notes, signatures or school documents are subject to disciplinary action. (C.A.C. 306; E.C. 48907)

**GROOMING & DRESS POLICIES**

All students are to maintain personal standard of dress and grooming appropriate to class and school activities. Footwear must be worn at all times for reasons of health and safety. A student who comes to school inappropriately dressed will be sent home to prepare properly for school before re-entering. Please refer to the Hope Elementary School Student/Parent Handbook for school dress code.

**KEYS**

Possession, unauthorized use or duplication of keys to school buildings or premises is subject to disciplinary action. (P.C. 469)

**LOITERING**

Persons on school premises unlawfully will be referred to law enforcement agencies. (P.C. 653g)

**PICKETING, SIT-INS, WALK-ONS, ETC.**

Violations of rules governing lawful assemblage on school grounds or at school events will be enforced. Students involved will be subject to disciplinary action. (P.C. 407, 409, 416, 602j, 602p, 626, 626.2, 626.4, 626.6, 626.8)

**SCHOOL/CLASSROOM DISRUPTION**

Every minor over sixteen (16) years of age, or any adult who is not a pupil of the school, who comes upon any school ground or into any schoolhouse and there willfully interferes with the discipline, good order, lawful conduct of administration of any school class or activity of the school with the intent to disrupt, obstruct or inflict damage to property or bodily injury upon any person, is guilty of a misdemeanor. (E.C. 44810)

**TRANSPORTATION**

Students transported in a school bus and under the authority of the driver are expected to follow Hope Elementary School District Bus Regulations. An infraction of these regulations is cause for disciplinary action. (C.A.C. Title V 14263)

**UNAUTHORIZED VISITORS**

Persons who come into any school building or onto any school ground or adjacent areas without lawful business thereon will be referred to law enforcement agencies. (E.C. 44810; P.C. 626.8, 647b, 653g)

**TRESPASSING/FORCED ENTRY**

Persons trespassing or forcing entry into school buildings or school events will be referred to law enforcement agencies. (E.C. 32210, 44810; P.C. 602p, 626.8)

**VANDALISM**

Disciplinary action will be taken against students whose acts endanger the life of students, employees, or visitors or result in damage to school buildings, school property or possessions of students, staff members or visitors; parent or guardian is responsible for payment of damages. (C.A.C. 305; C.C. 171.1; E.C. 19910, 44806, 44810, 48904, 48907, 48909; G.C. 6201, 53069.5, 53069.6; P.C. 448a, 449a, 594, 594.5, 602)

**TRUANCY**

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without valid excuse three full days in one school year or tardy or absent for more than any 30 minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is a truant and shall be reported to the attendance supervisor or to the Superintendent/Principal of the school district. (E.C. 48260 (a))

**NOTIFICATION OF TRUANCY**

Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or guardian, by first-class mail or other reasonable means, of the following:

- (a) That the pupil is truant.
- (b) That the parent or guardian is obligated to compel attendance of the pupil at school.
- (c) That parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290) of Chapter 2 of Part 27.
- (d) That the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.
- (e) That the pupil may be subject to prosecution under Section 48264.
- (f) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code.
- (g) That it is recommended that the parent or guardian accompany the pupil to school and attend classes with the pupil for one day. (E.C. 48260.5)

**ATTENDANCE SUPERVISION**

Once a pupil accumulates fifteen (15) days absences (excused or unexcused) during one (1) school year, they may be placed on Attendance Supervision, which imposes a requirement that additional absences must be verified by a licensed medical practitioner.



# Hope Elementary School District

## 2024-2025 Discipline Matrix

The Discipline Matrix serves as a conduct guideline for site administrators. When a student should be considered for suspension, the principal may use his/her discretion to impose alternative consequences that are comparable in magnitude. The number of violations occurring in one (1) year determines the consequences.

Definitions:

**SUSPENSION** – Suspension means removal of a pupil from ongoing instruction for adjustment purposes. Suspension also means the student is not to be on or about any school campus nor attend or participate in any school-sponsored activities for the duration of the suspension.

Abbreviations: ISS = In School Suspension and OCS = Off Campus Suspension.

**EXPULSION** – The maximum penalty for any disciplinary violation may be expulsion. A student who is expelled shall not attend any regular school or alternative instructional program within the Hope Elementary School District for the duration of the expulsion. The student must enroll with Tulare County Court and Community School.

**ASSAULT** – Assault is specifically defined as an unlawful attempt, coupled with present ability, to commit a violent injury to someone.

**BATTERY** – Battery is defined as willful and unlawful use of force or violence upon another.

**FIGHTING** – A physical confrontation between two or more students. Mutual fighting.

**OBSCENE** – A detestable act, offensive to current accepted standards of morality, modesty or decency.

\*\*ISS=In School Suspension

\*\*OCS=Off Campus Suspension

Offense	Definition	First Offense Minimum	First Offense Maximum	Second Offense Minimum	Second Offense Maximum
Abusive Slurs, (racial, ethnic, religious, handicapped, abusing)	To insult, revile, malign, or disparage in speech.	Work detail or detention Parent conference	2 day suspension. Parent conference	1 day suspension Parent conference	5 day suspension, referral to appropriate program. Parent conference
Arson	To purposely-set fire to another's real or personal property.	1 day OCS Parent conference Notify police	5 day OCS Recommend expulsion Parent conference Notify Police	5 day OCS Recommend expulsion Parent conference Notify Police	5 day OCS Recommend expulsion Parent conference Notify Police
Assault	An offer, coupled with an apparent present intent and ability, to inflict immediate injury to another (Mere words NEVER constitute assault).	1 day ISS/OCS Parent conference Notify police	5 day ISS/OCS Parent conference Notify police	5 day ISS/OCS Parent conference Notify police	5 day ISS/OCS Recommend expulsion Parent conference Notify police
Battery	The willful and unlawful use of force or violence upon another person.	1 day ISS/OCS Parent conference Notify police	5 day OCS Recommend expulsion Parent conference Notify police	5 day OCS Parent conference Notify police	5 day OCS Recommend expulsion Parent conference Notify Police

<i>Bikes/skates/skateboard s/ roller blades</i>	<i>Riding on school grounds.</i>	<i>Written Warning</i>	<i>Work detail or detention</i>	<i>Confiscation and parent conference</i>	<i>Confiscation for duration of semester. Parent conference</i>
<i>Bomb/Explosives</i>	<i>Possession of/threat to use explosives.</i>	<i>5 day OCS Recommend Expulsion Parent conference Notify police</i>	<i>5 day OCS Recommend Expulsion Parent conference Notify police</i>	<i>5 day OCS Recommend Expulsion Parent conference Notify police</i>	<i>5 day OCS Recommend Expulsion Parent conference Notify police</i>
<i>Breaking &amp; Entering</i>	<i>To forcibly enter secured school areas or vehicles.</i>	<i>3 day OCS Notify police Parent contact</i>	<i>5 day OCS Recommend expulsion Notify police</i>	<i>5 day OCS Notify police Parent conference</i>	<i>5 day OCS Recommend expulsion Notify police</i>
<i>Bullying</i>	<i>Activity of repeated aggressive behavior intended to hurt another person physically or verbally.</i>	<i>Warning and/or detention. Parent conference</i>	<i>1 day OCS Parent conference</i>	<i>3 day OCS Parent conference</i>	<i>5 day OCS Parent conference</i>
<i>Bus Referral</i>	<i>Misbehavior while on bus to or from school.</i>	<i>Warning and/or detention.</i>	<i>3 day bus suspension Parent notification</i>	<i>2 week bus suspension Parent conference</i>	<i>Up to 1 year bus suspension Parent conference</i>
<i>Cheating</i>	<i>Dishonesty while taking a test/completing an assignment. Using prohibited materials during a test.</i>	<i>Detention Zero grade on the assignment, test, or project. Parent conference</i>	<i>Zero grade on the assignment, test or project, and all related course work for the quarter. Parent conference</i>	<i>Same as first offense maximum.</i>	<i>1 day ISS Failing grade in the course.</i>
<i>Cutting</i>	<i>Leaving class without a valid pass/not attending class without a valid excuse.</i>	<i>Detention or work detail Parent contact</i>	<i>3 day ISS/OCS Parent conference Contact law enforcement</i>	<i>2 day ISS/OCS Parent conference</i>	<i>5 day OCS Parent conference Contact law enforcement</i>
<i>Dangerous Object</i>	<i>Using any item that is able or likely to inflict injury or harm to self or others.</i>	<i>1 day ISS/OCS Parent conference Notify Police</i>	<i>5 day ISS/OCS May recommend expulsion. Parent conference Notify police</i>	<i>5 day OCS Notify police Parent conference</i>	<i>5 day OCS Recommend expulsion Notify police</i>
<i>False Fire Alarm</i>	<i>Pulling, tampering, or causing fire alarm to sound needlessly.</i>	<i>3 day OCS Parent conference</i>	<i>5 day OCS Parent conference Notify Police</i>	<i>5 day OCS Recommend expulsion Parent conference</i>	<i>5 day OCS Recommend expulsion Parent conference</i>
<i>Fighting</i>	<i>Mutual combat with both parties involved in physical conflict.</i>	<i>1 day ISS/OCS Parent conference</i>	<i>5 day ISS/OCS Parent conference Notify Police</i>	<i>3 day ISS/OCS Parent conference</i>	<i>5 day OCS Parent conference Possible recommendation for expulsion.</i>
<i>Fire Threat and/or Incendiary Device</i>	<i>Possession of fireworks, lighters, matches or fire to cause alarm, injury, or damage.</i>	<i>1 day ISS/OCS Parent Conference Notify Police</i>	<i>5 day ISS/OCS Parent Conference May recommend expulsion. Notify police</i>	<i>5 day OCS Parent Conference Notify Police</i>	<i>5 day OCS May recommend expulsion. Notify Police</i>
<i>Forgery, false I.D., Altering legal document (i.e. grades)</i>	<i>To imitate/alter a signature or use an identification belonging to another.</i>	<i>Detention or work detail Parent conference</i>	<i>3 day ISS/OCS Parent conference</i>	<i>2 day ISS/OCS Parent conference</i>	<i>5 day OCS Parent conference</i>
<i>Gambling</i>	<i>To play a game of chance for money or other stakes.</i>	<i>Detention or work detail</i>	<i>2 day ISS/OCS Parent conference Notify police</i>	<i>1 day ISS/OCS Parent conference</i>	<i>3 day ISS/OCS Parent conference Notify police</i>
<i>Gang related activity</i>	<i>Displaying symbols, graffiti, hand signals associated with gangs, wearing apparel, colored accessory items associated with gangs.</i>	<i>Confiscation of materials. Parent conference</i>	<i>Contact Tulare County Gang Unit. 1-3 day ISS/OCS</i>	<i>Contact Tulare County Gang Unit. 1-3 day ISS/OCS</i>	<i>Contact Tulare County Gang Unit. 5 day OCS Recommend expulsion</i>
<i>Gang Violence</i>	<i>An act, or attempted act, motivated by hostility towards a victim's real or perceived gang affiliation.</i>	<i>1 day ISS/OCS Parent conference Contact Tulare County Gang Unit.</i>	<i>5 day OCS May recommend expulsion Parent conference Contact Tulare County Gang Unit.</i>	<i>5 day OCS Parent Conference Contact Tulare County Gang Unit.</i>	<i>5 day OCS Recommend expulsion Parent conference Contact Tulare County Gang Unit.</i>
<i>Harassment</i>	<i>Verbally or physically intimidating or threatening to cause harm to another person.</i>	<i>Detention Parent conference</i>	<i>2 day ISS/OCS Parent conference</i>	<i>1 day ISS Parent conference</i>	<i>5 day ISS/OCS Referral to appropriate program. Parent conference</i>

<i>Hate Violence</i>	<i>An act, or attempted act, motivated by hostility towards a victim's real or perceived ethnicity, national origin, immigrant status, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic.</i>	<i>1 day ISS/OCS Parent conference Notify police</i>	<i>5 day OCS Recommend expulsion Parent conference Notify police</i>	<i>5 day OCS Parent conference Notify police</i>	<i>5 day OCS Recommend expulsion Parent conference Notify police</i>
<i>Hats</i>	<i>Wearing of a hat in any classroom, office, or school building.</i>	<i>Written warning and/or detention</i>	<i>1 day ISS</i>	<i>ISS Parent conference.</i>	<i>Loss of hat Parent conference</i>
<i>Hazing</i>	<i>To engage in any act that causes bodily danger, physical harm or personal degradation or disgrace.</i>	<i>1 day ISS/OCS Parent conference</i>	<i>5 day ISS/OC Parent conference</i>	<i>3 day ISS/OCS Parent conference</i>	<i>5 day OCS Parent conference Possible recommendation for expulsion.</i>
<i>Insubordination</i>	<i>A contemptuous refusal to comply with reasonable request or open disregard expressed in words or action.</i>	<i>Work detail or detention Parent conference</i>	<i>3 day ISS Parent conference</i>	<i>1 day ISS Parent conference</i>	<i>5 day ISS Parent conference</i>
<i>Imitation Firearm</i>	<i>A replica of a firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.</i>	<i>1 day ISS/OCS Parent conference Notify police</i>	<i>5 day ISS/OCS May recommend expulsion. Notify police Parent conference</i>	<i>5 day OCS Notify police Parent conference</i>	<i>5 day OCS May recommend expulsion. Notify police Parent conference</i>
<i>Loitering in parking lots, in cars, or on or about school campus.</i>	<i>Waiting or loitering in or around cars, playing car radios, or eating in cars, or on any school campus.</i>	<i>Written Warning</i>	<i>1 day ISS/OCS</i>	<i>Parent conference</i>	<i>Parent conference</i>
<i>Missed formal detention</i>	<i>Failure to attend assigned formal detention.</i>	<i>Double detention assigned</i>	<i>Work detail</i>	<i>1 day ISS Parent conference</i>	<i>2 day ISS/OCS Parent conference</i>
<i>Obscene Acts</i>	<i>A detestable act, offensive to current accepted standards of morality, modesty or decency.</i>	<i>1 day ISS/OCS Parent conference</i>	<i>3 day ISS/OCS Parent conference</i>	<i>3 day ISS/OCS Parent conference</i>	<i>5 day OCS May recommend expulsion. Notify police Parent conference</i>
<i>Possession of stolen goods</i>	<i>To be in possession, knowingly or unknowingly, of items obtained by theft.</i>	<i>1 day ISS/OCS Parent conference</i>	<i>5 day ISS/OCS Parent conference Notify police</i>	<i>3 day ISS/OCS Parent conference Notify police</i>	<i>5 day ISS/OCS Parent conference Recommend expulsion</i>
<i>Possession or use of a controlled substance/paraphernalia (Ed. Code 48915.3a)</i>	<i>To be under the influence of or in possession, of drugs or alcohol (a substantiated offense).</i>	<i>3-5 day ISS/OCS May recommend expulsion. Notify police Parent conference Referral to appropriate agency.</i>	<i>5 day ISS/OCS May recommend expulsion. Notify police Parent conference Referral to appropriate agency.</i>	<i>5 day OCS May recommend expulsion. Notify police Parent conference Referral to appropriate agency.</i>	<i>5 day OCS May recommend expulsion. Notify police Parent conference Referral to appropriate agency.</i>
<i>Profanity/Obscene Gestures</i>	<i>Language or acts offensive to current accepted standards of morality, modesty, or decency.</i>	<i>1 day ISS/OCS Parent conference</i>	<i>3 day ISS/OCS Parent conference</i>	<i>3 day ISS/OCS Parent conference</i>	<i>5 day OCS May recommend expulsion. Notify police Parent conference</i>
<i>Public Display of Affection</i>	<i>Inappropriate groping, fondling, necking, and/or kissing.</i>	<i>Written Warning Conference with students and parents</i>	<i>Conference with students and parents Detention</i>	<i>Conference with students and parents Detention</i>	<i>1 day ISS/OCS Parent conference</i>
<i>Rape</i>	<i>To have forced sexual contact with another without their consent.</i>	<i>5 day OCS. Recommend expulsion Notify police Parent conference</i>	<i>5 day OCS. Recommend expulsion Notify police Parent conference</i>	<i>5 day OCS. Recommend expulsion Notify police Parent conference</i>	<i>5 day OCS. Recommend expulsion Notify police Parent conference</i>
<i>Robbery/Extortion</i>	<i>To take another's property from their desk, or their person in their immediate presence by the use of violence or intimidation.</i>	<i>1 day ISS/OCS Parent conference Notify police</i>	<i>5 day ISS/OCS Recommend expulsion Notify police Parent conference</i>	<i>5 day OCS Notify police Parent conference</i>	<i>5 day OCS Recommend expulsion Notify policy Parent conference</i>

<i>Sale or furnishing a controlled substance.</i>	<i>To sell or furnish drugs or alcohol (a substantiated offense).</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference Referral to appropriate agency.</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference Referral to appropriate agency.</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference Referral to appropriate agency.</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference Referral to appropriate agency.</i>
<i>Sexual Assault/Battery</i>	<i>Act of rape, unlawful sexual intercourse, sexual penetration, oral copulation, or sodomy, or lewd and lascivious acts.</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference Referral for sexual abuse counseling.</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference Referral for sexual abuse counseling.</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference Referral for sexual abuse counseling.</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference Referral for sexual abuse counseling.</i>
<i>Sexual Harassment</i>	<i>Sexual harassment includes, but is not limited to; unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of sexual nature.</i>	<i>1 day ISS/OCS Detention Parent conference</i>	<i>5 day ISS/OCS Detention Parent conference</i>	<i>3 day ISS/OCS Detention Parent conference</i>	<i>3 day ISS/OCS Detention Recommend expulsion. Parent conference</i>
<i>Smoking and/or possession of tobacco products</i>	<i>The possession or use of cigarettes, other forms of tobacco, or tobacco related items.</i>	<i>1 day ISS/OCS Parent conference</i>	<i>1 day ISS/OCS Parent conference</i>	<i>3 day ISS/OCS Parent conference</i>	<i>5 day OCS Parent conference</i>
<i>Theft</i>	<i>Taking property belonging to another.</i>	<i>2 day ISS/OCS Restitution Parent conference</i>	<i>4 day ISS/OCS Notify police Restitution Parent conference</i>	<i>4 day ISS/OCS Notify police Restitution Parent conference</i>	<i>5 day OCS Notify police Restitution Parent conference</i>
<i>Threatening, striking, menacing a staff member/attempted or actual physical assault on staff.</i>	<i>An offer, coupled with an apparent present intent and ability, to inflict immediate injury to staff member and/or the unlawful touching or striking of a staff member by a student or any substance put in motion by him and/or verbal threats or harassment of staff member by student.</i>	<i>3-5 ISS/OCS Possible expulsion Notify police Parent conference</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference</i>	<i>5 day OCS Recommend expulsion Notify police Parent conference</i>
<i>Vandalism/Destruction of School Property</i>	<i>The willful or malicious destruction of any real or personal property belonging to another or the school district.</i>	<i>1 day ISS/OCS Restitution Parent conference</i>	<i>5 day ISS/OCS Restitution Parent conference</i>	<i>3 day ISS/OCS Restitution Parent conference</i>	<i>5 day OCS Recommend expulsion Restitution Parent conference</i>
<i>Violation of standards of dress</i>	<i>Violating the established dress code.</i>	<i>Refer to office for change of attire. Parent notified</i>	<i>Change of attire. Parent conference</i>	<i>Change of attire. Parent conference</i>	<i>Change of attire. Parent conference 1 day ISS</i>
<i>Electronic devices and or Cell Phones</i>	<i>Possession of such items in use during school hours.</i>	<i>Temporary confiscation and turn into Principal with name.</i>	<i>Confiscation Parent conference</i>	<i>2 week confiscation Parent conference</i>	<i>1 day ISS Parent conference</i>
<i>Weapons</i>	<i>The possession of firearm, knife or any variety of other weapons deemed dangerous.</i>	<i>5 day ISS/OCS Notify police Recommend expulsion</i>	<i>5 day OCS Recommend expulsion Notify police</i>	<i>5 day OCS Recommend expulsion Notify police</i>	<i>5 day OCS Recommend expulsion Notify police</i>
<i>Willful Disobedience/disrupting school activities.</i>	<i>Open defiance, a contemptuous refusal to comply with reasonable requests and school rules, causing disorder.</i>	<i>1 day ISS/OCS. Parent conference.</i>	<i>5 day ISS/OCS. Parent conference.</i>	<i>3 day ISS/OCS. Parent conference.</i>	<i>5 day OCS. Parent conference. Possible recommendation for expulsion.</i>

# Hope Elementary School District

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## 2024-2025 Annual Notifications

### **ABSENCES**

#### **Excused Absences (Ed. Code §§ 46010.1, 48200, 48205, 48980)**

Except when attendance is excused, students between the ages of 6 and 18 years are required by law to attend school and parents must compel their students to do so. Students will be excused from school for the following reasons:

- (1) Illness of the student, including an absence for the benefit of the student's mental or behavioral health.
- (2) Quarantine under the direction of a county or city health officer.
- (3) Securing medical, dental, optometric, or chiropractic services.
- (4) Attendance of funeral services or grieving the death of a member of the student's immediate family or a person determined by the student's parent or guardian to be in such close association with the student as to be considered the student's immediate family, so long as the absence is not more than three days.
- (5) Seeking and assessing victim, grief, or other support services related to the death of an immediate family member or a person determined by the student's parent or guardian to be in such close association with the student as to be considered the student's immediate family, so long as such absence is not more than three days.
- (6) Jury duty.
- (7) Illness or medical appointment during school hours of a child of whom the student is the custodial parent, including absences to care for a sick child for which the school staff shall not require a note from a doctor.
- (8) For justifiable personal reasons, including, but not limited to, an attendance or appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the student's religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the student's absence is requested in writing by the parent and approved by the principal or a designated representative. Attendance at religious retreats cannot exceed one school day per semester.
- (9) Service as a member of a precinct board for an election.
- (10) Spending time with a member of the student's immediate family, who is an active duty member of the uniformed services, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone or combat support position; such absences will be granted for a period of time to be determined at the discretion of the Superintendent.
- (11) Attendance of the student's naturalization ceremony to become a United States citizen.

(12) For the purpose of participating in a cultural ceremony or event. “Cultural” means relating to the habits, practices, beliefs, and traditions of a certain group of people.

(13) Obtaining confidential medical services without parental consent.

(14) For the purpose of engaging in a civic or political event, provided that the student is in middle school or high school and notifies the school ahead of the absence. A student may be excused for only one schoolday-long absence per school year for this purpose, unless the school administrator permits additional excused absences.

A student may not have their grade reduced or lose academic credit for any excused absence(s) if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time.

#### Absences for Religious Purposes (Ed. Code § 46014)

With parent written consent, a student may be excused from school to attend religious exercises or classes away from school. Such absences may not exceed four days per month. An excused student must nevertheless maintain his or her attendance at the minimum level of school days required for his or her grade.

### **ATTENDANCE**

#### Attendance Options (Ed. Code §§ 35160.5, 46600 et seq., 48350 et seq., 48980)

California law requires all school boards to inform parents of all existing statutory attendance options and local attendance options available in the District. Students who attend schools other than those assigned by the District are referred to as “transfer students” throughout this Notice.

**Open Enrollment.** Whenever a student is attending a District school on the Open Enrollment List, as identified by the Superintendent of Public Instruction, he or she may apply to transfer to another school within or outside of the District, if the school to which he or she is transferring has a higher Academic Performance Index. Districts with a school on the Open Enrollment List must notify the parents at that school on or before the first day of the school year of their option to transfer to another public school. Information regarding the application process and applicable deadlines can be obtained from the District office. See Appendix for the District’s policy on Open Enrollment (BP 5118, AR 5118).

**Interdistrict Transfers.** California law allows two or more school districts to enter into an agreement for the transfer of one or more students for a period of up to five years. New agreements may be entered into for additional periods of up to five years each. The agreement must specify the terms and conditions under which transfers are permitted or denied. Districts of residence may not deny a transfer of a student whose parent is active duty military where the district of proposed enrollment approves the application. No district is required to provide transportation to a student who transfers into the district. If either district denies a transfer request, a parent may appeal that decision to the county board of education within 30 calendar days from the date of the final denial. There are specified timelines in the law for the county board of education to make a decision. See Appendix for the District’s policy on Interdistrict Transfers (BP 5117, AR 5117).

**Residency Requirements** (Ed. Code §§ 48200, 48204, 48204.3, 48204.4, 48206.3, 48207, 48208, 48853.5, 48980)

The District desires to admit all students who reside within the District boundaries or who fulfill the District residency requirements through other means as allowed by law. A student shall be deemed to have complied with the District's residency requirements if any of the following are met:

**Residency.** The student's parent or legal guardian resides within the District's boundaries.

**Children of Military Service Members.** The student's parent or legal guardian is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order. The District must accept applications by electronic means for enrollment, including enrollment in a specific school or program within the District, and for course registration. The parent must provide proof of residency in the District within 10 days after the published arrival date provided on official documentation.

**Licensed Children's Institution, Foster Home, or Family Home.** The student is placed within the District's boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to court order.

**Foster Children.** The student is a foster child who remains in his or her school of origin. When a student's foster student status is terminated by the juvenile court during the school year, former foster students in grades K through eighth must be allowed to finish the school year in his or her school of origin. Former foster students in grades ninth through twelfth must be allowed to continue attending their schools of origin through graduation.

**Interdistrict Attendance.** The student has been admitting through an interdistrict attendance option, such as an interdistrict attendance agreement, or Open Enrollment Act transfer

**Emancipated Minor.** The student resides within the District's boundaries and whose parent or legal guardian has been relieved of responsibility, control, and authority through emancipation.

**Caregiving Adult.** The student lives with a caregiving adult within the District's boundaries and the caregiving adult submits an affidavit to that effect.

**State Hospital.** The student resides in a state hospital located within the District's boundaries.

**Parent's Employment.** The student's parent or legal guardian resides outside of the District's boundaries but is employed within the District's boundaries and lives with the student at the place of employment for a minimum of three days during the school week.

**Students of Detained or Deported Parents.** The student's parent has departed California against his or her will, and the student can provide official documentation evidencing the departure; and the student moved outside of California as a result of his or her parent leaving the state against his or her will, and the student lived in California immediately before moving outside the state. The student must provide evidence of enrollment in a California public school immediately before moving outside the state. Deported parents may designate another adult to attend school meetings and to serve as an emergency contact. No charges or fees of any kind may be required for admission or attendance in these circumstances. This law applies to parents who were: (1) in the custody of a government agency and were transferred to another state; (2) subject to a lawful removal order and who were removed or were permitted to leave California voluntarily before being removed; and (3) subject to any additional circumstances consistent with these purposes, as determined by the District.

The District may deem a student to have met residency requirements for school attendance if at least one parent or legal guardian of the student is physically employed within the boundaries of that district for a minimum of 10 hours during the school week, subject to the right of the district of residence or the district of employment to prohibit the transfer on various grounds provided for in Education Code section 48204(b), paragraphs (2) to (6). The District is not required to admit the student to its school based on the employment of the parent, but it may not refuse to admit the student on the basis of race, ethnicity, sex, parental income, scholastic achievement, or any other arbitrary consideration. Once a student has been deemed to have residency and is enrolled in the

District on this basis, the student does not have to reapply in the next school year to attend a school within the District, and the governing board shall allow the student to attend school through the 12th grade in the District if the parent so chooses and if at least one parent continues to be physically employed in the District.

#### Temporary Disability (Ed. Code §§ 48206.3, 48207, 48207.3, 48208, 48980)

A student whose temporary disability makes school attendance impossible or inadvisable must receive individual instruction either at home provided by the school district in which the student resides or in a hospital or other residential health facility, excluding state hospitals, provided by the school district in which the hospital or residential facility is located. "Temporary disability" means a physical, mental or emotional disability incurred while a student is enrolled in regular day classes or an alternative education program to which the student can reasonably be expected to return. "Temporary disability" does not include a disability that would qualify a student as a "student with exceptional needs" under Education Code section 56026.

A student with a temporary disability, who is in a hospital or other residential health facility, excluding a state hospital, located outside of the district in which the student's parent resides, complies with the school district's residency requirements for school attendance in the school district in which the hospital is located. Once the parent has notified the district in which the hospital is located of the student's presence in the qualifying hospital, the district has five working days to notify the parent if individualized instruction shall be made available. If the determination is positive, individualized instruction will begin within five working days.

Students enrolled in individual instruction in a hospital or other residential health facility for a partial week, are entitled to attend school in his or her school district of residence, or to receive individual instruction provided by the school district of residence in the student's home, on days in which he or she is not receiving individual instruction in a hospital or other residential health facility, if he or she is well enough to do so.

When a student receiving individual instruction is well enough to return to school, he or she must be allowed to return to the school that he or she attended immediately before receiving individual instruction was initiated. Absences from the student's regular school program due to the student's temporary disability are excused until the student is able to return to the regular school program.

#### Students in Active Military Families - Residency Retention and Matriculation (Ed. Code §§ 48204.6, 48980)

A student living in the household of an active duty military service member must be allowed to continue attending the student's school of origin for the remainder of the school year if the family moves.

A student from an active duty military family who is transitioning between school grade levels must be allowed to continue in the school district of origin and in the same attendance area of his/her school of origin. If the student is transitioning to middle school or high school, and the school designated for matriculation is in another school district, the local educational agency must allow the student to continue to the school designated for matriculation in that school district. The new school must immediately enroll the student, even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended, or if the student is unable to produce clothing or records normally required for enrollment.

If the parent or legal guardian's military service ends during the school year, then the student is allowed to stay in his or her school of origin for the remainder of the school year if he or she is in grades 1-8, or through graduation if the student is in high school.

#### Migratory Children - Residency Retention and Matriculation (Ed. Code §§ 48204.7, 54441)



A currently migratory child is a child who has moved from one school district to another in order that the child, parent, or immediate family member might secure temporary or seasonal employment in an agricultural or fishing activity.

A currently migratory child must be allowed to continue attending the student's school of origin, regardless of any change of resident during that school year, for the duration of the student's status as a currently migratory child.

A currently migratory child who is transitioning between school grade levels must be allowed to continue in the school district of origin and in the same attendance area of his/her school of origin. If the student is transitioning to middle school or high school, and the school designated for matriculation is in another school district, the local educational agency must allow the student to continue to the school designated for matriculation in that school district. The new school must immediately enroll the student, even if the child has outstanding fees, fines, textbooks, or other items or moneys due to the school last attended, or if the student is unable to produce clothing or records normally required for enrollment.

If the student's status as a currently migratory child ends during the school year, then the student is allowed to stay in his or her school of origin for the remainder of the school year if he or she is in grades 1-8, or through graduation if the student is in high school.

Immigration Enforcement - "Know Your Rights" (Ed. Code § 234.7)

All students have the right to a free public education, regardless of immigration status or religious beliefs. For more information, please see the resources developed by the California Attorney General at <https://www.oag.ca.gov/immigrant/rights>.

Notice of Alternative Schools (Ed. Code § 58501)

California state law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school which is operated in a manner designed to:

- (1) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- (2) Recognize that the best learning takes place when the student learns because of his desire to learn.
- (3) Maintain a learning situation maximizing student self-motivation and encouraging the student in his own time to follow his own interests. These interests may be conceived by him totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.
- (4) Maximize the opportunity for teachers, parents and students to cooperatively develop the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- (5) Maximize the opportunity for the students, teachers, and parents to continuously react to the changing world, including but not limited to the community in which the school is located.

In the event any parent, student, or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of this district, and the principal's office in each attendance unit have copies of the law available for your information.

This law particularly authorizes interested persons to request the governing board of the district to establish alternative school programs in each district.

### **Transfer of Victims of Bullying (Ed. Code § 46600)**

School districts must approve the request of a bullying victim, as defined, to transfer to another school within the district. If the requested school is at capacity, the school district must accept a request for an alternate site. If the school district of residence has only one school available, the school district of residence must honor the student's interdistrict transfer request if the school district of proposed enrollment approves the transfer.

### **COMPLAINTS**

Uniform Complaint Procedures (Ed. Code §§ 262.3, 33315; 5 C.C.R. §§ 4610, 4622, 4632)

The District has established Uniform Complaint Procedures ("UCP") to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees, and the non-compliance of the District's Local Control and Accountability Plan. See Appendix for the District's UCP (BP 1312.3, AR 1312.3).

The UCP addresses all allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified in Education Code section 200 and 200, and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the District that is funded directly by, or that receives or benefits from any state financial assistance. The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training
- Career Technical Education
- Child Care and Development
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods Without Educational Content
- Economic Impact Aid
- Education of Students in Foster Care, Students Who Are Homeless, Former Juvenile Court Students Now Enrolled in a School District, and Children of Military Families
- Every Student Succeeds/No Child Left Behind
- Local Control Accountability Plans
- Migrant Education
- Physical Education Instructional Minutes

- Pupil Fees
- Reasonable Accommodations to a Lactating Student
- Regional Occupational Centers and Programs
- School Safety Plans
- State Preschool Health and Safety Issues
- Tobacco-Use Prevention Education
- Discrimination related to the refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction or any book or other resource in a school library on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code sections 51204.5 and 60040, unless the study of the role and contributions violates Education Code section 51501 or 60044.

The Superintendent shall receive and investigate complaints submitted under the District's UCP and ensure District compliance with the law. For more information concerning the filing of uniform complaints, copies of the Board Policies and Administrative Regulations pertaining to the District's UCP are available free of charge upon request at the school office.

Except for complaints submitted under the District's Williams Uniform Complaint Procedures, a complainant may appeal a decision made under the District's UCP to the California Department of Education by filing a written appeal within 15 days of receiving the decision. The appeal must be accompanied by a copy of the complaint filed with the District and a copy of the District's decision.

A complainant may pursue available civil law remedies outside of the District's UCP. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable.

**Uniform Complaint Procedures - Specific Complaints (Ed. Code §§ 48853, 48853.5, 49010, 49011, 49013, 49069.5, 51225.2, 52075; 5 C.C.R. § 4630)**

Complaints alleging non-compliance with specific state laws identified below may be submitted under the District's UCP. If a complainant is not satisfied with the District's decision, the complainant may appeal to the California Department of Education and will receive a written decision within 60 days.

**Pupil Fees.** A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. A pupil fee includes, but is not limited to, all of the following: (1) a fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit; (2) a security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment; and (3) a purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity. A complaint alleging the imposition of pupil fees for participation in educational activities may be filed with the school's principal under the UCP not later than one year from the date the alleged violation occurred. A complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

**Local Control Accountability Plan.** School districts, charter schools and county offices of education are required to adopt and annually update their Local Control Accountability Plans ("LCAPs"). A complaint alleging noncompliance with the LCAP may be filed under the District's UCP and may be filed anonymously. A complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

**Graduation and Coursework Requirements for Foster Youth, Homeless Students, Former Juvenile Court Students, Students Living in Active Duty Military Households, and Migratory and Newly Arrived Immigrant Students Participating in a “Newcomer Program.”** State law outlines the rights afforded to students in foster care, who are homeless, who are former juvenile court school students, students living in the household of a parent who is an active duty member of the military, and migratory and newly arrived immigrant students participating in a “Newcomer Program,” which is a program designed to meet the academic and transitional needs of newly arrived immigrant students including, but not limited to, rights regarding a student’s school of origin, enrollment, credits, graduation, college, discipline, records, and/or certain non-educational rights. A notice summarizing the rights of foster youth is available online through the California Department of Education at <http://www.cde.ca.gov/ls/pf/fy/documents/fosteryouthrights.pdf>

### **Special Education Program Complaints (5 C.C.R. §§ 3200-3205)**

Complaints regarding special education programs are no longer covered by the District’s Uniform Complaint Procedures. Please refer to the Notice of Procedural Safeguards, Special Education Rights or Parents and Children under the IDEA and the California Education Code, which is available from your child’s school or may be accessed here: <https://www.cde.ca.gov/sp/se/qa/pseng.asp>, for more information about filing a complaint. Complaints alleging that a student was discriminated against due to his or her disability still fall under the Uniform Complaint Procedures.

### **Child Nutrition Program Complaints (5 C.C.R. §§ 15580-15584)**

Complaints related to Child Nutrition Programs established pursuant to the National School Lunch Program, Summer Food Service Program, Child and Adult Care Food Program, Special Milk Program, School Breakfast Program, and Food Distribution Program are no longer processed through the LEA’s Uniform Complaint Procedures. Instead, complaints must be processed through the existing procedures outlined in the federal regulations and the new, related state regulations, California Code of Regulations, title 5, sections 15580-15584. A complaint must be submitted within one year of the date of the alleged violation, and may be filed by phone, e-mail, or letter. Please see California Code of Regulations, title 5, sections 15580-15584 for more information.

### **Williams Uniform Complaint Procedures (Ed. Code § 35186; 5 C.C.R. §§ 4680, 4681)**

The District’s Williams Uniform Complaint Procedures address the sufficiency of instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancies or misassignments. See Appendix for the District’s Williams Uniform Complaint Procedures (AR 1312.4). The School Principal, or the designee of the Superintendent, shall make all reasonable efforts to investigate complaints submitted under the District’s Williams Uniform Complaint Procedures

Nondiscrimination (Ed. Code § 200, 220, 234.1, 48985; 20 U.S.C. §§ 1681-1688, 6311-6312; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-d7, 12101-12213; 28 C.F.R. § 35.106; 34 C.F.R. §§ 104.8, 106.8, 106.9)

State and/or federal law prohibit discrimination in the basis of race, color, national origin, or sex in federally financed education programs or activities. District programs and activities shall be free from discrimination, including harassment, intimidation, and bullying, based on any of the following actual or perceived characteristics:

- Age
- Ancestry

- Color
- Ethnicity
- Ethnic group identification
- Gender, including a person's gender identity and gender expression, which is a person's gender-related appearance and behavior whether or not stereotypically associated with a person's assigned sex at birth
- Genetic information
- Immigration status
- Lack of English skills
- Marital, family, or parental status
  
- Nationality or national origin
  
- Physical or mental disability
  
- Race
  
- Religion or religious creed, including agnosticism, atheism, and all aspects of religious belief, observance, and practice
  
- Sex, including discrimination against a student based on pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery from pregnancy or childbirth-related conditions, or denial of lactation accommodations for lactating students
  
- Sexual orientation, including heterosexuality, homosexuality, and bisexuality

Harassment, intimidation, or bullying based upon a person's association with a person or group with one or more of these actual or perceived characteristics is also prohibited. The District's policy of nondiscrimination applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the District, and to all acts of the Governing Board and the Superintendent in enacting policies and procedures that govern the District. Any questions or concerns about noncompliance can be directed to Melanie Matta, Superintendent, 613 W. Teapot Dome Ave, Porterville, CA 93257, 559-784-1064. See Appendix for the District's policy on Nondiscrimination/Harassment (BP 5145.3).

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against qualified disabilities individuals in federally financed education programs or activities. The District does not discrimination in admission or access to its programs or activities. In the event of a complaint regarding discrimination based upon an actual or perceived mental or physical disability, please contact the District's Superintendent, Melanie Matta at 613 W. Teapot Dome Ave, Porterville, CA 93257, 559-784-1064.

Sexual Harassment Policy and Title IX Sexual Harassment Complaint Procedures (Ed. Code § 231.5, 48980; 5 C.C.R. § 4917)

See Appendix for the District's policy on sexual harassment and Title IX and Title IX Sexual Harassment Complaint Procedures (BP 5145.7).

## **DISCIPLINE**

Rules; School Discipline (Ed. Code §§ 35291, 48980)

The District's Governing Board has adopted rules and regulations pertaining to student discipline, including Board Policy 5144 and 5144.1, and Administrative Regulations 5144, 5144.1 and 5144.2. Parents may request a copy of such rules and regulations.

### **Required Parental Attendance (Ed. Code §§ 48900.1, 48914)**

Parents may be required to attend their student's class if he or she is suspended for unruly or disruptive conduct.

### **FACILITIES AND SAFETY**

#### **Management Plan for Asbestos-Containing Material (40 C.F.R. §§ 763.84, 763.93)**

The District has, available upon request, a complete and updated management plan for asbestos-containing material.

#### **Use of Pesticide Products (Ed. Code §§ 48980.3, 17611.5, 17612)**

All schools are required to provide parents with annual notice of expected pesticide use at schools. See Appendix for a List of Pesticide Products, including name of each pesticide product, active ingredient(s) and the Internet address for further information. Please contact the Superintendent at the District Office at 559-686-1675 if you wish to receive written notification at least 72 hours prior to the application of an individual pesticide at your school. Each school will maintain a list of parents who want to be notified before individual pesticide applications are made. Prior to the application of any pesticide, the District will post a warning sign at the area to be treated at least 24 hours prior to the pesticide application and such sign will remain posted for at least 72 hours after the application. In the event of an emergency condition, advance notification and prior sign posting may not be feasible, but a warning sign will be posted immediately upon application of the pesticide.

For additional information regarding pesticides and pesticide use, please visit the Department of Pesticide Regulation's website at [www.cdpr.ca.gov](http://www.cdpr.ca.gov).

#### **Firearm Safety and Safe Storage of Firearms Information (Ed. Code §§ 48986, 49391, 49392)**

Beginning with the 2023-2024 school year, school districts are required to include information in their Annual Notices related to the safe storage of firearms and California's child access prevention laws, which establish liability for parents and guardians who should have known that their child could gain access to a firearm at home. The information included in the Annual Notice must be informed by model content developed by the California Department of Education (CDE), which will be updated annually. Please see the attachment for this notice. The CDE has until July 1, 2023 to develop model content.

### **HEALTH & IMMUNIZATIONS**

#### **Administration of Prescribed Medication (Ed. Code §§ 48980, 49423, 49480)**

Any student who is required to take, during the regular school day, medication prescribed for him or her by a physician and surgeon or ordered for him or her by a physician assistant, may be assisted by the school nurse or other designated school personnel if the District receives the following: (1) a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and (2) a written statement from the student's parent, indicating the desire that the District assist the student in the matters set forth in the statement of the physician and surgeon or physician assistant. These written statements must be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.

Any student who is required to take, during the regular school day, medication prescribed for him or her by a physician and surgeon or ordered for him or her by a physician assistant, may carry and self-administer prescription auto-injectable epinephrine if the District receives the following: (1) a written statement from the physician and surgeon or physician assistant detailing the name of the medication, method, amount, and time schedules by which the medication is to be taken, and

confirming that the student is able to self-administer auto-injectable epinephrine, and (2) parent written consent to the self-administration, a release for the school nurse or other designated school personnel to consult with the health care provider of the student regarding any questions that may arise with regard to the medication, and an agreement to release the District and school personnel from civil liability if the self-administering student suffers an adverse reaction as a result of self-administering medication. These written statements must be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. Students may be subject to disciplinary action pursuant to Education Code section 48900 for using auto-injectable epinephrine in a manner other than as prescribed.

Parents of any student on continuing medication for a non-episodic condition must inform the school nurse or other designated certificated school employee of the medication being taken, the current dosage and the name of the supervising physician. With parent consent, the school nurse may communicate with the student's physician and may counsel school personnel regarding the possible effects of the drug, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

#### **Inhaled Asthma Medication (Ed. Code § 49423.1)**

Any student who is required to take, during the regular school day, medication prescribed for him or her by a physician or surgeon, may be assisted by the school nurse or other designated personnel if the District receives the following: (1) a written statement from the physician or surgeon detailing the medication name, method, amount, and time schedules by which the medication is to be taken, and (2) a written statement from the student's parent requesting that the District assist the student in the administration of medication set forth in the physician or surgeon's written statement. These written statements must be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes.

Any student who is required to take, during the regular school day, medication prescribed for her or her by a physician or surgeon, may carry and self-administer inhaled asthma medication if the District receives the following: (1) a physician or surgeon's written statement confirming that the child is able to self-administer the medication and detailing the name of the medication, the method, amount and time schedules for administration, and (2) parent written consent to the self-administration, a release for the school nurse or other designated school personnel allowing them to consult with the student's physician, and an agreement to release the District and school personnel from civil liability in the event of an adverse reaction as a result of self-administering medication. These written statements must be provided to the school at least annually or more frequently if the medication, dosage, frequency of, or reason for, the administration changes. Students may be subject to disciplinary action pursuant to Education Code section 48900 for using inhaled asthma medication in a non-prescribed manner.

#### **Physical Examination Exemptions (Ed. Code §§ 48980, 49451)**

Parents may exempt their student from physical examinations at school by annually filing a written statement with the school principal refusing such an exam. However, when there is a good reason to believe that a student exempted from physical examination is suffering from a recognized contagious or infectious disease, he or she will be sent home and will not be permitted to return to school until school authorities are satisfied that any contagious or infectious disease does not exist.

#### **Medical & Hospital Services for Students (Ed. Code § 49472)**

The District does not provide or make available medical and/or hospital services for students injured on school grounds, or while being transported to or from any school activity or event.

#### **Mental Health Services for Students (Ed. Code § 49428)**

Student mental health services are available through the Tulare Youth Services Bureau by contacting: TYSB at 559-688-2043 or Tulare County Psychiatric Emergency Team (after hours crisis intervention) at 559-730-9922.

Immunizations and Control of Communicable Disease (Ed. Code §§ 49403, 48216, 48980; H. & S. Code §§ 120335, 120370, 120372)

The District cooperates with the local health officer in the control and prevention of communicable diseases in school-age children. If a parent consents in writing, the District may permit any person licensed as a physician and surgeon, or a health care practitioner (including a physician assistant, nurse practitioner, registered nurse, licensed vocational nurse, or nursing student who is acting under the supervision of a registered nurse as provided by law) who is acting under the direction of a supervising physician and surgeon, to administer an immunizing agent to his/her student.

Students must be immunized against certain diseases before being admitted to school, unless exempted for medical reasons. Students who had a signed waiver based on religious or personal beliefs on file by January 1, 2016 are exempt from the immunizations requirement until they complete the "grade span" they were in as of January 1, 2016. Grade spans are: (1) birth through preschool, (2) Kindergarten through 6th grade, and (3) 7th through 12th grade. Students entering the District for the first time or advancing to 7th grade after January 1, 2016 are no longer exempt from immunizations based on their religious or personal beliefs. Students who had a medical exemption issued before January 1, 2021 will be allowed continued enrollment until they enroll in the next grade span. The District must exclude from school any student who does not supply evidence of inoculation (for any of the diseases listed in Health & Safety Code section 120335), and will notify the parent that he/she has two weeks to supply evidence that the student is immunized.

Students who have a medical exemption issued before December 31, 2020 will be allowed continued enrollment until they enroll in the next grade span. As of January 1, 2021, the District will only accept medical exemptions that are submitted on the California Department of Public Health's standardized, statewide medical exemption certification form.

#### **Cancer Prevention Act/Human Papillomavirus Immunization (Ed. Code § 48980.4; H. & S. Code § 120336)**

HPV, or human papillomavirus, is a common virus that can cause cancers later in life. California law requires that students be advised to adhere to current immunization guidelines, as recommended by the Advisory Committee on Immunization Practices of the federal Centers for Disease Control and Prevention (CDC), the American Academy of Pediatrics, and the American Academy of Family Physicians, regarding full HPV immunization before admission or advancement to the eighth grade level of any private or public elementary or secondary school.

Per the CDC, children ages 11-12 years should get two doses of HPV vaccine, given 6 to 12 months apart. HPV vaccines can be given starting at age 9. Children who get the first dose before their 15th birthday only need two doses. Teens who get the first dose on or after their 15th birthday need three doses. The HPV vaccine series is most effective when given before a person is exposed to the virus. More information may be found on the CDC's webpage:

<https://www.cdc.gov/hpv/parents/vaccine-for-hpv.html>. HPV vaccination can prevent over 90 percent of cancers caused by HPV. HPV vaccines are very safe, and scientific research shows that the benefits of HPV vaccination far outweigh the potential risks.

#### **INSTRUCTION**

#### **Minimum and Staff Development Days (Ed. Code § 48980)**



See Calendar for the District's pupil-free staff development day and minimum day schedule. A student's parent will be notified during the school year of any additional minimum days or pupil-free staff development days no later than one month before the actual date.

#### **Career Counseling and Course Selection (Ed. Code § 221.5)**

Counselors, teachers, instructors, administrators, and aides may not, on the basis of a student's sex, offer vocational or school program guidance to the student that is different from that offered to a student of the opposite sex in counseling, nor may a counselor differentiate career, vocational, or higher education opportunities on the basis of the sex of the student counseled. Any District personnel acting in a career counseling or course selection capacity shall affirmatively explore with the student the possibility of careers or courses leading to careers that are nontraditional for that student's sex.

#### **Right to Refrain From the Harmful or Destructive Use of Animals (Ed. Code § 32255 et seq.)**

Any student with a moral objection to dissecting, harming, or destroying animals shall notify his/her teacher regarding this objection. An alternative education project may be arranged if the teacher believes the alternative education project can provide the course of study in question. The alternative requires a comparable amount of time and effort, but must not be more arduous than the original project. The District requires a signed note from a parent indicating their child's objection.

#### **Special Education (Ed. Code § 56000 et seq.; 20 U.S.C. § 1412; 35 C.F.R. § 300.111)**

Students with exceptional needs have a right to a free appropriate public education in the least restrictive environment. The District wants to locate, identify, and assess all children with disabilities whether homeless, wards of the state or enrolled in public or private schools. Parents should inform school officials if they have reason to believe their child has a disability requiring special services or accommodations. The child will be evaluated to determine whether he/she is eligible for free special instruction or services.

#### **Excuse from Health Instruction Based on Religious and Moral Grounds (Ed. Code § 51240)**

Upon written request of a parent, a student shall be excused from any part of health instruction that conflicts with his/her religious training and beliefs (including personal moral convictions).

#### **Comprehensive Sexual Health Education and HIV/AIDS Prevention (Ed. Code §§ 51938, 51939, 48980)**

A parent has the right to excuse his or her child from all or part of comprehensive sexual health education, HIV/AIDS prevention education, and assessments related to that education, as follows:

A parent may request in writing that his/her student be excused from participating in HIV/AIDS prevention or comprehensive sexual health education. Students so excused by their parent shall be given an alternative educational activity.

Parents may inspect the written and audio visual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education. Parents have a right to request that the District provide them a copy of Education Code sections 51930-51939.

Every student's parent will be notified prior to the commencement of any comprehensive sexual health education and HIV/AIDS prevention education instruction as to the date of such instruction and whether the instruction will be taught by District personnel or by outside consultants. If outside consultants are used, the name of the organization of each guest speaker will be identified. Parents have a right to request that the District provide them a copy of Education Code sections 51933, 51934, and 51938.

Anonymous, voluntary and confidential research and evaluation tools to measure students' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the students' attitudes concerning or practices relating to sex may be administered to pupils in grades 7-12. Parents will be notified in writing and given the opportunity to review such tests, questionnaires and surveys and be informed that in order to excuse their student, they must state their request in writing. If a school receives a written request from a parent excusing a student from this activity, the student may not be subject to disciplinary action, academic penalty or other sanction and an alternative educational activity must be made available to the student.

**Student Surveys, Tests, and Questionnaires Regarding Beliefs and Practices (Ed. Code §§ 51513, 60614; 20 U.S.C. § 1232h)**

No test, questionnaire, survey, or examination which has questions about a student's or his/her parents' beliefs and practices in sex, family life, morality, religion, political affiliations or beliefs, illegal, anti-social, self-incriminating, or demeaning behavior, mental or psychological problems, legally recognized privileged relationships (such as lawyer, physician, or minister), critical appraisals of individuals with whom you have close family relationships, or income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under such program) shall be administered without prior notification and written permission of the parent. Parents may inspect all instructional materials, including teacher's manuals, films, tapes or other supplementary material to be used in connection with any survey, analysis or evaluation.

**California Assessment of Student Performance & Progress (CAASPP) (Ed. Code §§ 60604, 60615, 60640; 5 C.C.R. § 852.)**

Each year, parents will be notified regarding their student's participation in the CAASPP assessment system. Parents wanting to excuse their students from any or all parts of the CAASPP must submit a written request. Such written requests must be submitted to the school on an annual basis.

**Notification of Potential Failing Grade (Ed. Code §§ 49063, 49067)**

Parents will be notified when a teacher has determined that your student is in danger of failing a course.

**Teacher and Paraprofessional Qualifications (20 U.S.C. § 6312)**

Upon request, parents have a right to request information regarding the professional qualifications of the classroom teachers who instruct their student. Federal law allows parents to request the following information: (1) If the student's teacher has met the state credential or license criteria for grade level and subject matter taught; (2) If the student's teacher is teaching under an emergency or other provisional status because of special circumstances; (3) If the teacher is teaching in the field of discipline of the certification of the teacher; and (4) If the student is receiving services from paraprofessional and, if so, their qualifications.

**RECORDS**

**Student Records Policy (Ed. Code §§ 49063, 49064; 5 C.C.R. § 432)**

The District maintains mandatory permanent (kept indefinitely) and interim (may be destroyed after a stipulated length of time) student records. Mandatory permanent student records include the student's legal name; date of birth; method of verification of birth date; sex of student; name and address of parent of minor student; entering and leaving date of each school year and for any summer session or other extra session; subjects taken during each year, half-year, summer session, or quarter; if marks or credit are given, the mark or number of credits toward graduation allows for work taken; verification of or exemption from required immunizations; and date of high school graduation or equivalent. Mandatory interim student records include a log or record identifying those persons (except authorized school personnel) or organizations requesting or receiving information from the record; health information, including Child Health Developmental Disabilities Prevention Program verification

or waiver; participation in special education programs including required tests, case studies, authorizations, and actions necessary to establish eligibility for admission or discharge; language training records; progress slips and/or notices; parental restrictions regarding access to directory information or related stipulations; parent or adult student rejoinders to challenged records and to disciplinary action; parental authorizations or prohibitions of student participation in specific programs; and results of standardized tests administered within the preceding three years. In addition, permitted student records (may be destroyed when no longer useful) are kept. Permitted student records include objective counselor and/or teacher ratings, standardized test results older than three years, routine discipline data, verified reports of relevant behavioral patterns, all disciplinary notices, and attendance records. The following position is responsible for maintaining all student records:

### **Custodian of Records**

An access log or record of who has requested or received information from a student's records is kept in the student's cumulative folder in the office. The Education Code and the District's Administrative Regulation 5125 set forth the criteria under which school officials and employees may access, change, or delete information in a student's records.

### **Parent Access to Records (Ed. Code §§ 49063, 49065, 49069, 49070, 56504; 34 C.F.R. § 99.7)**

Parents of currently enrolled or former students have an absolute right of access to any and all student records related to their children that are maintained by the District. Parents have the right to inspect and review their children's student records during regular school hours within five business days of a request. The District may charge parents a reasonable fee not to exceed the actual copying cost for reproducing copies of student records.

Parents may challenge the content of a student record if there is an inaccuracy, an unsubstantiated personal conclusion or inference, a conclusion or inference outside of the observer's area of competence, a comment not based on the personal observation of a named person with the time and place of the observation noted, or if the student record includes misleading information or violates the student's privacy or other rights. The Superintendent or designee will meet with the parent and the certificated employee who recorded the information in question, if any, and presently employed by the District, within 30 days. The Superintendent will determine whether to sustain or deny the allegations. If the challenge is sustained, the changes will be made. If the challenge is denied, the parent may appeal the decision in writing to the District's governing board within 30 days of the refusal. The District's governing board will determine whether to sustain or deny the allegations within 30 days of receipt of an appeal. The decision of the District's governing board is final. The Superintendent and the District's governing board cannot order a student's grade to be changed unless the teacher who determined the grade is given an opportunity to state the reasons for which the grade was given and is included in all discussions relating to changing the grade.

### **Curriculum Review (Ed. Code §§ 49063, 49091.14)**

A prospectus of curriculum, including titles, descriptions, and instructions aims of every course offered, is available at the school site for parent review upon request. Copies are available for a reasonable fee not to exceed the actual copying cost.

### **Student Records Review (Ed. Code §§ 49063, 49064, 49076; 34 C.F.R. §§ 99.7, 99.31)**

The District may share student records with school officials and employees who have a legitimate educational interest. "School officials and employees" and "legitimate educational interest" are defined in the attached Administrative Regulation 5125.

### **Parental Consent to Release Student Information; No Parental Consent to Release Directory Information (Ed. Code §§ 49061(c), 49063, 49073, 49076, 49077; 10 U.S.C. § 503; 20 U.S.C. §§ 1232g, 7908; 34 C.F.R. § 99.37)**

Federal and state law require that the District obtain parent written consent prior to the disclosure of personally identifiable information contained in a student's records, except to the extent disclosure without consent is permitted by law (e.g. subpoena or court order). However, the District may disclose directory information without parental consent to certain entities. Directory information released to law enforcement agencies, employers and prospective employers, news media may include student's name, address, telephone number, date of birth, email address, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent educational agency or institution attended. Upon request by a military recruiter or an institution of higher education, the District must give the requester the names, addresses, and telephone numbers of its secondary students.

If you do not want the District to disclose directory information from your student's education records without your prior written consent, you must notify the District in writing by 10 days from this notice using the attached Directory Information Opt-Out Form.

The District will not release directory information pertaining to a homeless student, unless a parent or student accorded parental rights has provided written consent that the directory information may be released.

**Transfer of Student Records (Ed. Code § 49068; 34 C.F.R. §§ 99.7, 99.34)**

The District will forward student records, including transcripts, immunization records, and, when applicable, suspension notices, expulsion records, and individualized education programs, to other school districts that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

**Student Records Complaints (Ed. Code § 49063; 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.7, 99.63)**

Parents have the right to file a complaint with the U.S. Department of Education concerning an alleged failure by the District to comply with the requirements of the General Education Provisions Act or FERPA. The name and address of the office that administers FERPA are:

Student Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

## APPENDIX

### Open Enrollment Act Transfers

#### BP 5118

The Board of Trustees desires to offer enrollment options in order to provide children with opportunities for academic achievement that meet their diverse needs. Such options shall also be provided to children who reside within another district's boundaries in accordance with law, Board policy, and administrative regulation.

Whenever the district school is identified by the Superintendent of Public Instruction as a school on the Open Enrollment List, a student may transfer to another school as long as the school to which he/she is transferring has a higher Academic Performance Index. (Education Code 48354, 48356)

In order to ensure that priorities for enrollment in the district school are implemented in accordance with law, the Board hereby waives the January 1 deadline in Education Code 48354 for all applications for transfer from nonresident parents/guardians of children attending a school on the Open Enrollment List in another district. Transfer applications shall be submitted between January 1 and March 1 of the preceding school year for which the transfer is requested.

(cf. 5111.1 - District Residency)

(cf. 5111.12 - Residency Based on Parent/Guardian Employment)

#### Standards for Rejection of Transfer Applications

Pursuant to Education Code 48356, the Board has adopted the following standards for acceptance and rejection of transfer applications submitted by a parent/guardian of a student attending a school in another district on the Open Enrollment List. The Superintendent/Principal or designee shall apply these standards in accordance with Board policy and administrative regulation and shall ensure that the standards are applied uniformly and consistently.

As applicable, the Superintendent/Principal or designee may deny a transfer application under any of the following circumstances:

1. Upon a determination that approval of the transfer application would negatively impact the capacity of a program, class, or grade level, including:

a. The school, classroom, or program exceeding the maximum student-teacher ratio specified in the district's collective bargaining agreement

b. The school or classroom exceeding the physical capacity of the facility pursuant to the district's facilities master plan or other facility planning document

(cf. 6151 - Class Size)

(cf. 7110 - Facilities Master Plan)

2. Upon a determination that approval of the transfer application would have an adverse financial impact on the district, including:

a. The hiring of additional certificated or classified staff

b. The operation of additional classrooms or instructional facilities

c. Expenses incurred by the district that would not be covered by the apportionment of funds received from the state resulting in a reduction of the resources available to resident students

#### Appeal Process for Denials of Transfer Applications

A parent/guardian may appeal the district's denial of a transfer application to the Board by filing a written request of appeal with the Superintendent/Principal or designee within 10 days of the receipt of the written notification of denial. In addition, a parent/guardian who believes he/she has been subject to discrimination may file an appeal using the district's Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The Board shall schedule an appeal hearing as soon as practicable at a regular or special meeting of the Board. At the hearing, the parent/guardian shall have the right to present oral or written evidence, rebut district evidence, and question any district witnesses. Unless the parent/guardian requests that the hearing be held in open session, the hearing shall be held in closed session in order to protect the privacy of students in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall make its decision by the next regularly scheduled meeting and shall send its decision to all concerned parties. The Board's decision shall be final.

#### Program Evaluation

The Superintendent/Principal or designee shall collect data regarding the number of students who transfer out of the district pursuant to the Open Enrollment Act. He/she also shall collect data regarding the number of students who apply to transfer into the district, and the number of requests granted, denied, or withdrawn.

The Superintendent/Principal or designee shall regularly report to the Board regarding the implementation of this program.

#### Open Enrollment Act Transfers

##### AR 5118

District of enrollment means the district, other than the district in which the student's parent/guardian resides, in which the parent/guardian intends to enroll his/her child. (Education Code 48352)

District of residence means the district in which the parent/guardian of a student resides and in which the student would otherwise be required to enroll pursuant to Education Code 48200. (Education Code 48352)

(cf. 5111.1 - District Residency)

Open enrollment school means a "low-achieving" school identified by the Superintendent of Public Instruction (SPI) pursuant to Education Code 48352 and 5 CCR 4701. (Education Code 48352; 5 CCR 4701)

#### Transfer Applications into the District School

Enrollment priority shall be available to students who reside within this district. No student who resides within the district or who is currently enrolled in the district school shall be displaced by a student who is transferring pursuant Education Code 48350-48361 or 5 CCR 4700-4703. (Education Code 48354, 48356)

Applications shall be submitted within the deadlines established by Board policy.

However, the application deadline shall not apply to an application requesting a transfer if the parent/guardian with whom the student resides is enlisted in the military and was relocated by the military within 90 days prior to submitting the application. (Education Code 48354)

(cf. 6173.2 - Education of Children of Military Families)

The Superintendent/Principal or designee shall not consider the student's previous academic achievement, athletic performance, physical condition, English language proficiency, family income, or any of the prohibited bases for discrimination listed in Education Code 200. (Education Code 48354, 48356)

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

(cf. 6172 - Gifted and Talented Student Program)

Students applying for open enrollment transfers shall be assigned priority for approval as follows: (Education Code 48356)

1. First priority for the siblings of students who already attend the district school
2. Second priority for students transferring from a program improvement school ranked in decile 1 on the Academic Performance Index (API)

If the number of students who request the district school exceeds the number of spaces available at the school, the Superintendent/Principal or designee shall conduct a lottery, in the group priority order identified in items #1 and #2 above, to select students at random until all of the available spaces are filled. (Education Code 48356)

Within 60 days of receiving the application, the Superintendent/Principal or designee shall provide written notification to the parent/guardian and the student's district of residence as to whether the application has been accepted or rejected. If the application has been rejected, the notice shall state the reasons for the rejection. If the application has been approved, the notification shall specify the school's address. (Education Code 48357; 5 CCR 4702)

#### Terms of Approval

The Superintendent/Principal or designee shall ensure that the district school has a higher API than the school in which the student was previously enrolled. (Education Code 48356)

The parent/guardian shall enroll his/her child on or before the first day of instruction or within 14 calendar days of receipt of the district's notice of approval of the application, whichever is later. If the parent/guardian fails to enroll his/her child within this timeframe, the district may decline to enroll the student. (5 CCR 4703)

Upon enrollment, the district shall grant the student any credits toward graduation that he/she received from his/her district of residence. The student shall be eligible for graduation from the district school upon completion of state and district graduation requirements. (Education Code 48358)

(cf. 6143 - Courses of Study)

(cf. 6146.1 - High School Graduation Requirements)

(cf. 6146.5 - Elementary/Middle School Graduation Requirements)

(cf. 6162.52 - High School Exit Examination)

A student admitted to the district school through this process shall be deemed to have fulfilled district residency requirements pursuant to Education Code 48204 and shall not be required to reapply for

enrollment, regardless of whether his/her school of residence remains on the Open Enrollment List. (Education Code 48356; 5 CCR 4702)

Parents/guardians are responsible for transporting their children to school.

#### Transfers out of the District School

Upon identification by the California Department of Education (CDE) that the district school is on the Open Enrollment List, the Superintendent/Principal or designee shall notify the parents/guardians of each student of the option to transfer. This notice shall be provided by the first day of instruction. However, if the CDE has not notified the district whether the school is on the list by the first day of instruction, the notification shall be provided no later than 14 calendar days after the Open Enrollment List is posted on the CDE's web site. (Education Code 48354; 5 CCR 4702)

(cf. 0520.2 - Title I Program Improvement Schools)

(cf. 5145.6 - Parental Notifications)

#### BP 5117

The Board of Trustees recognizes that parents/guardians of students who reside within the geographic boundaries of one district may, for a variety of reasons, desire to enroll their children in a school in another district.

(cf. 5111.1 - District Residency)

(cf. 5116.1 - Intradistrict Open Enrollment)

The Board may enter into an agreement with any other school district, for a term not to exceed five school years, for the interdistrict attendance of students who are residents of the districts. (Education Code 46600)

The agreement shall specify the terms and conditions under which interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a permit for transfer into the district that has been approved by the student's district of residence, or upon receiving a written request from the parent/guardian of a district student who wishes to enroll in another district, the Superintendent/Principal or designee shall review the request and may approve or deny the permit subject to the terms and conditions of the interdistrict attendance agreement.

#### Transportation

The district shall not provide transportation beyond any school attendance area. Upon request of a student's parent/guardian, the Superintendent/Principal or designee may authorize transportation for an interdistrict transfer student to and from designated bus stops within the attendance area of the school that the student attends if space is available.

#### Interdistrict Attendance

#### AR 5117

#### Interdistrict Attendance Agreements and Permits

In accordance with an agreement between the Board of Trustees and the board of another district, a permit authorizing a student of either district to enroll in the other district may be issued upon approval of both districts, insofar as facilities permit.



The district shall post on its web site the procedures and timelines for requesting an interdistrict transfer permit, including a link to BP/AR 5117 - Interdistrict Attendance. The posted information shall include, but is not limited to: (Education Code 46600.1, 46600.2)

1. The date upon which the district will begin accepting and processing interdistrict transfer requests for the following school year
2. The reasons for which the district may approve or deny a request, and any information or documents that must be submitted as supporting evidence
3. If applicable, the process and timelines by which a denial of a request may be appealed within the district before the district renders a final decision
4. A statement that failure of a parent/guardian to meet any timelines established by the district shall be deemed an abandonment of the request
5. Applicable timelines for processing a request, including the following statements:
  - a. For an interdistrict transfer request received by the district 15 or fewer calendar days before the commencement of instruction in the school year for which the transfer is sought, the district will notify the parent/guardian of its final decision within 30 calendar days from the date the request was received.
  - b. For an interdistrict transfer request received by the district more than 15 days before the commencement of instruction in the school year for which the interdistrict transfer is sought, the district will notify the parent/guardian of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which transfer is sought.
6. The conditions under which an existing interdistrict transfer permit may be revoked or rescinded.

#### Case-by-Case Basis

The Hope Elementary School District will consider each interdistrict permit request on a case-by-case basis. The Hope Elementary School District shall review every request for interdistrict attendance, whether the student is transferring into or out of the district.

#### Selection Process

Hope will allow interdistrict transfers into the district to meet the enrollment needs of each grade level. Priority will be given to children or grandchildren of Hope School staff and board members, students with siblings that meet enrollment needs at more than one grade level. All things being equal, students will be allowed into the district on a first come-first serve basis providing that they meet all the requirements for interdistrict enrollment and have completed the initial requirements for consideration as specified by the Board and the Superintendent/Principal. In addition, the Board of Trustees always reserves the right to make special exceptions to the interdistrict selection procedure.

At the request of the parent, a student who has been determined by staff of either the district of residence or district of proposed enrollment to be a victim of an act of bullying, as defined in Education Code section 489000(r) committed by a student of the district of residence, shall be given priority for interdistrict attendance. (Education Code 46600).

#### Interdistrict Permit Approval

The Superintendent/Principal or designee may approve an interdistrict attendance permit for a student for any of the following reasons when stipulated in the agreement:

- a. Parent/guardian in district: When child care needs of the student are met by a parent/guardian, relative or sitter in the receiving district.
- b. Sibling attending school in district: When the student has a sibling attending school in a receiving district, to avoid splitting the family attendance.
- c. Moved during school year: To complete a school year when the parents/guardians have moved out of the district during the year, as long as the student attended Hope Elementary School District for one year (180 consecutive school days) prior to the move.
- d. Remain with class: To allow students to remain with a class that is graduating that year from the Hope Elementary School District
- e. Personal and social adjustment: To provide a change in school environment for reasons of personal and social adjustment.
- f. Educational Program: When a valid interest is a particular educational program not offered in the district of residence.

#### Behavioral Performance and Attendance

The Superintendent/Principal or designee, prior to approving an interdistrict attendance request to transfer into the district, may contact the student's district of residence to determine whether the child meets the Hope Elementary School District standards of behavioral performance and attendance. If a child is determined to be experiencing difficulties in these areas, the Superintendent/Principal or designee may recommend to the Board that the interdistrict attendance request be denied.

1. District right to deny agreement: The Hope Elementary School District reserves the right to deny any interdistrict attendance agreement request before the child is enrolled in this district for the following reasons:

- a. Behavioral standards: The student is failing to maintain behavioral standards established by his/her district of residence.
- b. Attendance: The student has experienced difficulty in regularly attending and/or arriving on time for his/her district of residence.
- c. Classes overcrowded: Classes in this district are determined to be overcrowded and space is needed to permit the enrollment of additional students who reside in this district.
- d. Class size limit: The Hope Elementary School District may invoke a class size limit for individual grades at any time during the school year.
- e. Academic standards: The Hope Elementary School District may not accept any student that is not working up to the student's individual ability level.
- f. Interdistrict contract: All parents of interdistrict students will be required to sign a contract outlining the requirements for being granted an interdistrict permit. Any violation of the contract may result in the interdistrict being revoked and/or the interdistrict agreement not being granted in subsequent years.

2. District right to revoke agreement: The Hope Elementary School District reserves the right to revoke any interdistrict attendance permit at any time during the school year for the following reasons:

- a. Failure to maintain behavioral standards: The student is failing to maintain behavioral standards established by the district.
- b. Attendance/tardy problems: The student has been tardy or truant without valid excuse in excess of 10% of the instructional days that a student is enrolled.
- c. Academic achievement: If the district feels that the student is not working up to his/her potential, including if the student is not completing the assigned work in the classroom to the satisfaction of the classroom teacher.

3. Transportation: The Hope Elementary School District shall not provide transportation for student on an interdistrict permit.

4. Timely Notice: The parent/guardian of a student who is denied a transfer permit pursuant to Education Code 46600-46611 shall receive notice from the district in accordance with the law, of the district's final decision. (Education Code 4660.2 (a)(5).

If a student's interdistrict transfer request is denied, the Superintendent/Principal or designee shall, in writing, notify the parents/guardians of their right to appeal to the County Board of Education within 30 calendar days from the date of the final decision. (Education Code 46600.2 (b))

(cf. 5145.6 - Parental Notifications)

All notices to parents/guardians regarding the district's decision on any request for interdistrict transfer shall conform to the translation requirements of Education Code 48985, and may be provided by regular mail, electronic format if the parent/guardian provides an email address, or by any other method normally used to communicate with parents/guardians in writing. (Education Code 46600.2)

Pending a decision by the two districts or by the County Board on appeal, the Superintendent/Principal or designee may provisionally admit a student who resides in another district for a period not to exceed two school months, (Education Code 44603). If the decision has not been rendered by the conclusion of two school months and the districts or County Board is still operating within the prescribed timelines, the student shall not be allowed to continue attending the district school to which the student was provisionally admitted. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials or rescissions while expulsion proceedings are pending or during the term of the expulsion. (Education Code 46601)

(cf. 5119 - Students Expelled from Other Districts)

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

Once a student is admitted to the district school on the basis of an interdistrict attendance permit, the student shall be required to reapply for an interdistrict transfer every year. (Education Code 46600)

### **Williams Uniform Complaint Procedures**

BP 1312.3

#### **Community Relations**

The 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, 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 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 homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)

(cf. 6173 - Education for Homeless Children)

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

(cf. 6142.7 - Physical Education and Activity)

11. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

12. Any other complaint as specified in a district policy

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR 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. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint if different from the complainant, 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/Principal 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/Principal 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, or 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)

### **Uniform Complaint Procedures**

AR 1312.3

#### **Community Relations**

Except as the 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/Principal**

613 W. Teapot Dome Ave.

Porterville, CA 93257

(559) 784-1064

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 include 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 at the school site and in all district and school offices, including staff lounges and student government meeting rooms.  
(Education Code 234.1)

In addition, the Superintendent/Principal 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.

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 5 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.

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, shall be sent the district's final written decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

#### 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](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.

#### Corrective Actions

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

6. Denial of participation in extracurricular or co-curricular 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 school, 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

#### Williams Uniform Complaint Procedures

#### AR 1312.4

#### Community Relations

#### 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 Language 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/Principal 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)

The Superintendent/Principal or designee shall post in each K-8 classroom in each school a notice containing the components specified in Education Code 35186. (Education Code 8235.5, 35186)



## Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the Superintendent/Principal or designee. Complaints may be filed anonymously. (Education Code 8235.5, 35186; 5 CCR 4680)

## Investigation and Response

The Superintendent/Principal or a designee shall make all reasonable efforts to investigate any problem within his/her 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)

He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 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 Superintendent/Principal or a designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the Superintendent/Principal 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 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

Superintendent/Principal 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/Principal or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent/Principal 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)

## Nondiscrimination/Harassment

### BP 5145.3

The Board of Trustees desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support

programs, services, and activities. The Board prohibits, at any district or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression or association with a person or group with one or more of these actual or perceived characteristics.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.7 – Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

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

This policy shall apply to all acts related to school activity or to school attendance occurring within the district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent/Principal or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent/Principal or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 – Dismissal/Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

#### Record-Keeping

The Superintendent/Principal or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in the district school.

(cf. 3580 - District Records)

#### Sexual Harassment

##### BP 5145.7

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the Superintendent/Principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Superintendent/Principal or a district compliance officer. Once notified, the Superintendent/Principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

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

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

The Superintendent/Principal or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

#### Instruction/Information

The Superintendent/Principal or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

#### Complaint Process And Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. The principal is responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For

students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

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

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

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

#### Record-Keeping

The Superintendent/Principal or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the district school.

(cf. 3580 - District Records)

#### Discipline

##### BP 5144

The Board of Trustees is committed to providing a safe, supportive, and positive school environment which is conducive to student learning and to preparing students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, use of effective school and classroom management strategies, provision of appropriate intervention and support, and parent involvement can minimize the need for disciplinary measures that exclude students from instruction as a means for correcting student misbehavior.

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 6020 - Parent Involvement)

The Superintendent/Principal or designee shall develop effective, age-appropriate strategies for maintaining a positive school climate and correcting student misbehavior at the school. The strategies shall focus on providing students with needed supports; communicating clear, appropriate, and consistent expectations and consequences for student conduct; and ensuring equity and continuous improvement in the implementation of district discipline policies and practices.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

In addition, the Superintendent/Principal or designee's strategies for correcting student misconduct shall reflect the Board's preference for the use of positive interventions and alternative disciplinary measures over exclusionary discipline measures.

Disciplinary measures that may result in loss of instructional time or cause students to be disengaged from school, such as detention, suspension, and expulsion, shall be imposed only when required or permitted by law or when other means of correction have been documented to have failed.

(Education Code 48900.5)

(cf. 5020 - Parent Rights and Responsibilities)

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

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

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

(cf. 6164.5 - Student Success Teams)

School personnel and volunteers shall not allow any disciplinary action taken against a student to result in the denial or delay of a school meal. (Education Code 49557.5)

(cf. 3550 - Food Service/Child Nutrition Program)

(cf. 3551 - Food Service Operations/Cafeteria Fund)

(cf. 3553 - Free and Reduced Price Meals)

The Superintendent/Principal or designee shall create a model discipline matrix that lists violations and the consequences for each as allowed by law.

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. When choosing between different disciplinary strategies, staff shall consider the effect of each option on the student's health, well-being, and opportunity to learn.

Staff shall enforce disciplinary rules fairly, consistently, and in accordance with the district's nondiscrimination policies.

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

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

The Superintendent/Principal or designee shall provide professional development as necessary to assist staff in developing the skills needed to effectively implement the disciplinary strategies adopted for the district school, including, but not limited to, consistent school and classroom management skills, effective accountability and positive intervention techniques, and development of strong, cooperative relationships with parents/guardians.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

District goals for improving school climate, based on suspension and expulsion rates, surveys of students, staff, and parents/guardians regarding their sense of school safety, and other local measures, shall be included in the district's local control and accountability plan, as required by law.

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

At the beginning of each school year, the Superintendent/Principal or designee shall report to the Board regarding disciplinary strategies used in the district school in the immediately preceding school year and their effect on student learning.

## Discipline

AR 5144

### Site-Level Rules

Site-level rules shall be consistent with district policies and administrative regulations. In developing site-level disciplinary rules, the Superintendent/Principal or designee shall solicit the participation, views, and advice of one representative selected by each of the following groups: (Education Code 35291.5)

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any  
(cf. 3515.3 - District Police/Security Department)
5. For junior high students enrolled in the school

Annually, discipline rules shall be reviewed and, if necessary, updated to align with any changes in district discipline policies or goals for school safety and climate as specified in the district's local control and accountability plan. A copy of the rules shall be filed with the Superintendent/Principal or designee for inclusion in the comprehensive safety plan.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 0460 - Local Control and Accountability Plan)

School rules shall be communicated to students clearly and in an age-appropriate manner.

It shall be the duty of each employee of the school to enforce the school rules on student discipline.  
(Education Code 35291)

### Disciplinary Strategies

To the extent possible, staff shall use disciplinary strategies that keep students in school and participating in the instructional program. Except when a student's presence causes a danger to himself/herself or others or he/she commits a single act of a grave nature or an offense for which suspension or expulsion is required by law, suspension or expulsion shall be used only when other means of correction have failed to bring about proper conduct. Disciplinary strategies may include, but are not limited to:

1. Discussion or conference between school staff and the student and his/her parents/guardians

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 6020 - Parent Involvement)

2. Referral of the student to the school psychologist or other school support service personnel for case management and counseling

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6164.2 - Guidance/Counseling Services)

3. Convening of a study team, guidance team, resource panel, or other intervention-related team to assess the behavior and develop and implement an individual plan to address the behavior in partnership with the student and his/her parents/guardians

(cf. 6164.5 - Student Success Teams)

4. When applicable, referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program or a Section 504 plan

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education under Section 504)

5. Enrollment in a program for teaching prosocial behavior or anger management

6. Participation in a restorative justice program

7. A positive behavior support approach with tiered interventions that occur during the school day on campus

8. Participation in a social and emotional learning program that teaches students the ability to understand and manage emotions, develop caring and concern for others, make responsible decisions, establish positive relationships, and handle challenging situations capably

9. Participation in a program that is sensitive to the traumas experienced by students, focuses on students' behavioral health needs, and addresses those needs in a proactive manner

10. Recess restriction as provided in the section below entitled "Recess Restriction"

11. Lunch Detention as provided in the section below entitled "Detention"

12. Community service as provided in the section below entitled "Community Service"

13. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities

(cf. 6145 - Extracurricular/Cocurricular Activities)

14. Reassignment to an alternative educational environment

(cf. 6158 - Independent Study)

(cf. 6181 - Alternative Schools/Programs of Choice)

(cf. 6184 - Continuation Education)

(cf. 6185 - Community Day School)

15. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

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

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



When, by law or district policy, other means of correction are required to be implemented before a student could be suspended or expelled, any other means of correction implemented shall be documented and retained in the student's records. (Education Code 48900.5)

(cf. 5125 - Student Records)

#### Recess Restriction

A teacher may restrict a student's recess time only when he/she believes that this action is the most effective way to bring about improved behavior. When recess restriction may involve the withholding of physical activity from a student, the teacher shall try other disciplinary measures before imposing the restriction. Recess restriction shall be subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the Superintendent/Principal or designee of any recess restrictions they impose.

(cf. 5030 - Student Wellness)

(cf. 6142.7 - Physical Education and Activity)

#### Detention

Students may be detained for disciplinary reasons during lunch recess. (5 CCR 353)

#### Community Service

As part of or instead of disciplinary action, the Board, Superintendent/Principal or designee may, at his/her discretion, require a student to perform community service during nonschool hours on school grounds or, with written permission of the student's parent/guardian, off school grounds. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer, or youth assistance programs. (Education Code 48900.6)

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then the student may be required to perform community service for the resulting suspension. (Education Code 48900.6)

#### Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent/Principal or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291, 48980)

(cf. 5145.6 - Parental Notifications)

The Superintendent/Principal or designee shall also provide written notice of disciplinary rules to transfer students at the time of their enrollment in the district.

#### Suspension And Expulsion/Due Process

BP 5144.1

The Board of Trustees desires to provide district students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board shall develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

(cf. 5131 - Conduct)

(cf. 5131.1 - Bus Conduct)

(cf. 5131.2 - Bullying)

The grounds for suspension and expulsion and the procedures for considering, recommending, and/or implementing suspension and expulsion shall be only those specified in law, in this policy, and in the accompanying administrative regulation.

Except when otherwise permitted by law, a student may be suspended or expelled only when his/her behavior is related to a school activity or school attendance occurring at the district school, regardless of when it occurs, including, but not limited to, the following: (Education Code 48900(s))

1. While on school grounds
2. While going to or coming from school
3. During the lunch period

(cf. 5112.5 - Open/Closed Campus)

4. During, going to, or coming from a school-sponsored activity

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.

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

#### Appropriate Use of Suspension Authority

Except when a student's act violates Education Code 48900(a)-(e), as listed in items #1-5 under "Grounds for Suspension and Expulsion: Grades K-8" of the accompanying administrative regulation, or when his/her presence causes a danger to others, suspension shall be used only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5, 48900.6)

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 5144 - Discipline)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6164.2 - Guidance/Counseling Services)

(cf. 6164.5 - Student Success Teams)

A student's parents/guardians shall be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to on-campus or off-campus suspension.

No student in grades K-3 may be suspended for disruption or willful defiance, except by a teacher pursuant to Education Code 48910. (Education Code 48900)

Students shall not be suspended or expelled for truancy, tardiness, or absenteeism from assigned school activities.

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Chronic Absence and Truancy)

#### On-Campus Suspension

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent/Principal or designee shall establish a supervised suspension classroom program which meets the requirements of law.

Except where a supervised suspension is permitted by law for a student's first offense, supervised suspension shall be imposed only when other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

#### Authority to Expel

A student may be expelled only by the Board. (Education Code 48918(j))

As required by law, the Superintendent/Principal shall recommend expulsion and the Board shall expel any student found to have committed any of the following "mandatory recommendation and mandatory expulsion" acts at school or at a school activity off school grounds: (Education Code 48915)

1. Possessing a firearm which is not an imitation firearm, as verified by a certificated employee, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence  
(cf. 5131.7 - Weapons and Dangerous Instruments)
2. Selling or otherwise furnishing a firearm
3. Brandishing a knife at another person
4. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
5. Committing or attempting to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committing a sexual battery as defined in Penal Code 243.4
6. Possessing an explosive as defined in 18 USC 921

For all other violations listed in the accompanying administrative regulation under "Grounds for Suspension and Expulsion: Grades K-8" and "Additional Grounds for Suspension and Expulsion: Grades 4-8," the Superintendent/Principal shall have the discretion to recommend expulsion of a student. If expulsion is recommended, the Board shall order the student expelled only if it makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others

A vote to expel a student shall be taken in an open session of a Board meeting.

The Board may vote to suspend the enforcement of the expulsion order pursuant to the requirements of law and the accompanying administrative regulation. (Education Code 48917)

No student shall be expelled for disruption or willful defiance. (Education Code 48900)

#### Due Process

The Board shall provide for the fair and equitable treatment of students facing suspension and/or expulsion by affording them their due process rights under the law. The Superintendent/Principal or designee shall comply with procedures for notices, hearings, and appeals as specified in law and administrative regulation. (Education Code 48911, 48915, 48915.5, 48918)

(cf. 5119 - Students Expelled from Other Districts)

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

#### Maintenance and Monitoring of Outcome Data

The Superintendent/Principal or designee shall maintain outcome data related to student suspensions and expulsions in accordance with Education Code 48900.8 and 48916.1, including, but not limited to, the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period. For any expulsion that involves the possession of a firearm, such data shall include the name of the school and the type of firearm involved, as required pursuant to 20 USC 7961. Suspension and expulsion data shall be reported to the Board annually and to the California Department of Education when so required.

In presenting the report to the Board, the Superintendent/Principal or designee shall disaggregate data on suspensions and expulsions by the school's numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, students with disabilities, foster youth, and homeless students. Based on the data, the Board shall address any identified disparities in the imposition of student discipline and shall determine whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.

(cf. 0460 - Local Control and Accountability Plan)

#### Suspension And Expulsion/Due Process

##### AR 5144.1

Suspension means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following: (Education Code 48925)

1. Reassignment to another education program or class at the school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level
2. Referral to a certificated employee designated by the Superintendent/Principal to advise students
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the Superintendent/Principal or designee as provided in Education Code 48910

Expulsion means removal of a student from the immediate supervision and control or the general supervision of school personnel. (Education Code 48925)

#### Notice of Regulations

At the beginning of each school year, the Superintendent/Principal of the school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, including suspension and expulsion. (Education Code 35291, 48900.1, 48980)

(cf. 5144 - Discipline)

(cf. 5145.6 - Parental Notifications)

Grounds for Suspension and Expulsion: Grades K-8

Acts for which a student, including a student with disabilities, may be suspended or expelled shall be only those specified as follows:

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

1. Caused, attempted to cause, or threatened to cause physical injury to another person; willfully used force or violence upon another person, except in self-defense; or committed as an aider or abettor, as adjudged by a juvenile court, a crime of physical violence in which the victim suffered great or serious bodily injury (Education Code 48900(a) and (t))

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object, unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))

(cf. 5131 - Conduct)

(cf. 5131.7 - Weapons and Dangerous Instruments)

3. Unlawfully possessed, used, sold, otherwise furnished, or was under the influence of any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 5131.6 - Alcohol and Other Drugs)

4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as such controlled substance, alcoholic beverage, or intoxicant (Education Code 48900(d))

5. Committed or attempted to commit robbery or extortion (Education Code 48900(e))

6. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))

7. Stole or attempted to steal school property or private property (Education Code 48900(g))

8. Possessed or used tobacco or products containing tobacco or nicotine products, including, but not limited to, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel, except that this restriction shall not prohibit a student from using or possessing his/her own prescription products (Education Code 48900(h))

(cf. 5131.62 - Tobacco)

9. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

10. Unlawfully possessed, offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))

11. Knowingly received stolen school property or private property (Education Code 48900(l))

12. Possessed an imitation firearm (Education Code 48900(m))

Imitation firearm means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

13. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))

14. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))

15. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma (Education Code 48900(p))

16. Engaged in, or attempted to engage in, hazing (Education Code 48900(q))

Hazing means a method of initiation or pre-initiation into a student organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. Hazing does not include athletic events or school-sanctioned events. (Education Code 48900(q))

17. Engaged in an act of bullying (Education Code 48900(r))

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by the school. (Education Code 48900(r))

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation, as defined in Education Code 48900.2, 48900.3, or 48900.4 and below in items #1-3 of "Additional Grounds for Suspension and Expulsion: Grades 4-8," that has any of the effects described above on a reasonable student.

Bullying also includes an act of cyber sexual bullying by a student through the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording that depicts a nude, semi-nude, or sexually explicit photograph or other visual recording of an identifiable minor, when such dissemination is to another student or to school personnel by means of an electronic act and has or can be reasonably predicted to have one or more of the effects of bullying described above. Cyber sexual bullying does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

Electronic act means the creation or transmission originated on or off the school site by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication including, but not limited to: (Education Code 48900(r))

a. A message, text, sound, video, or image

b. A post on a social network Internet web site, including, but not limited to, posting to or creating a burn page or creating a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability. (Education Code 48900(r))

(cf. 1114 - District-Sponsored Social Media)

(cf. 5131.2 - Bullying)

(cf. 6163.4 - Student Use of Technology)

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

(cf. 6164.6 - Identification and Education under Section 504)

18. Aided or abetted the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31 (Education Code 48900(t))

19. Made terrorist threats against school officials and/or school property (Education Code 48900.7)

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out. (Education Code 48900.7)

#### Additional Grounds for Suspension and Expulsion: Grades 4-8

Any student in grades 4-8 may be suspended, but not expelled, for disrupting school activities or otherwise willfully defying the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties. (Education Code 48900(k))

(cf. 5131.4 - Student Disturbances)

A student in grades 4-8 shall be subject to suspension or recommendation for expulsion when it is determined that he/she:

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)

Sexual harassment means conduct which, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 212.5, 48900.2)

(cf. 5145.7 - Sexual Harassment)

2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating a victim, interfering with the exercise of a victim's civil rights, or damaging a victim's property because of the victim's race, ethnicity, religion, nationality, disability, gender, gender identity, gender expression, or sexual orientation; a perception of the presence of any of those characteristics in the victim; or the victim's association with a person or group with one or more of those actual or perceived characteristics. (Education Code 233; Penal Code 422.55)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Intentionally engaged in harassment, threats, or intimidation against district personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4)

(cf. 5145.3 - Nondiscrimination/Harassment)

#### Suspension from Class by a Teacher

A teacher may suspend a student, including a grade K-3 student, from class for the remainder of the day and the following day for disruption, willful defiance, or any of the other acts specified in Education Code 48900 and listed as items #1-18 under "Grounds for Suspension and Expulsion: Grades K-8" above. (Education Code 48910)

When suspending a student from class, the teacher shall immediately report this action to the Superintendent/Principal or designee and send the student to the Superintendent/Principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been suspended. (Education Code 48910)

As soon as possible after the teacher decides to suspend the student, he/she shall ask the student's parent/guardian to attend a parent-teacher conference regarding the suspension. A psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests. (Education Code 48910)

A student suspended from class shall not be returned to class during the period of the suspension without the approval of the teacher of the class and the Superintendent/Principal or designee. (Education Code 48910)

A student suspended from class shall not be placed in another regular class during the period of suspension. However, a student assigned to more than one class per day may continue to attend other regular classes except those held at the same time as the class from which he/she was suspended. (Education Code 48910)

The teacher of any class from which a student is suspended may require the student to complete any assignments and tests missed during the removal. (Education Code 48913)

#### Suspension by Superintendent/Principal or Designee

To implement disciplinary procedures at the school site, the Superintendent/Principal may, in writing, designate the designee or a certificated employee.

The Superintendent/Principal or designee shall immediately suspend any student found at school or at a school activity to have committed any of the acts listed in the Board policy under "Authority to Expel" and for which he/she is required to recommend expulsion. (Education Code 48915(c))

The Superintendent/Principal or designee may impose a suspension for a first offense if he/she determines that the student violated any of items #1-5 listed under "Grounds for Suspension and Expulsion: Grades K-8" above or if the student's presence causes a danger to persons. (Education Code 48900.5)

For all other offenses, a student may be suspended only when the Superintendent/Principal or designee has determined that other means of correction have failed to bring about proper conduct. (Education Code 48900.5)

When other means of correction are implemented prior to imposing suspension or supervised suspension upon a student, the Superintendent/Principal or designee shall document the other means of correction used and retain the documentation in the student's record. (Education Code 48900.5)

(cf. 5125 - Student Records)

#### Length of Suspension



The Superintendent/Principal or designee may suspend a student from school for not more than five consecutive school days. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year. However, if a student enrolls in or is transferred to another school district, an opportunity school, or continuation school or class for the purpose of adjustment, he/she may be suspended for not more than 30 school days in a school year. The district may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year. (Education Code 48903, 48911, 48912)

(cf. 6184 - Continuation Education)

These restrictions on the number of days of suspension shall not apply when the suspension is extended pending an expulsion. (Education Code 48911)

#### Due Process Procedures for Suspension

Suspensions shall be imposed in accordance with the following procedures:

1. Informal Conference: Suspension shall be preceded by an informal conference conducted by the Superintendent/Principal or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the Superintendent/Principal. At the conference, the student shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension as required pursuant to Education Code 48900.5, and the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911)

This conference may be omitted if the Superintendent/Principal or designee determines that an emergency situation exists involving a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference and the conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such a case, the conference shall be held as soon as the student is physically able to return to school. (Education Code 48911)

2. Administrative Actions: All requests for student suspension are to be processed by the Superintendent/Principal or designee. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent/Principal or designee. (Education Code 48911)

3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall also be notified in writing of the suspension. (Education Code 48911)

This notice shall state the specific offense committed by the student. (Education Code 48900.8)

In addition, the notice may state the date and time when the student may return to school.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may request a meeting with the parent/guardian to discuss the cause(s) and duration of the suspension, the school policy involved, and any other pertinent matter. (Education Code 48914)

If school officials request to meet with the parent/guardian, the notice may state that the law requires the parent/guardian to respond to such requests without delay. However, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The

student may not be denied reinstatement solely because the parent/guardian failed to attend the conference. (Education Code 48911)

5. Extension of Suspension: If the Board is considering the expulsion of a suspended student from the school, the Superintendent/Principal or designee may, in writing, extend the suspension until such time as the Board has made a decision, provided the following requirements are followed: (Education Code 48911)

a. The extension of the original period of suspension is preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension.

b. The Superintendent/Principal or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

c. If the student involved is a foster youth, the Superintendent/Principal or designee shall notify the district liaison for foster youth of the need to invite the student's attorney and a representative of the appropriate county child welfare agency to attend the meeting. (Education Code 48853.5, 48911, 48918.1)

(cf. 6173.1 - Education for Foster Youth)

d. If the student involved is a homeless child or youth, the Superintendent/Principal or designee shall notify the district liaison for homeless students. (Education Code 48918.1)

(cf. 6173 - Education for Homeless Children)

In lieu of or in addition to suspending a student, the Superintendent/Principal or designee may provide services or require the student to participate in an alternative disciplinary program designed to correct his/her behavior and keep him/her in school.

#### Suspension by the Board

The Board may suspend a student for any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-8" and "Additional Grounds for Suspension and Expulsion: Grades 4-8" above and within the limits specified under "Suspension by Superintendent/Principal or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a class for a period not longer than the remainder of the semester. The suspension shall meet the requirements of Education Code 48915. (Education Code 48912.5)

When the Board is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold a closed session if a public hearing would lead to disclosure of information that would violate a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board's notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session. (Education Code 35146, 48912)

## On-Campus Suspension

A student for whom an expulsion action has not been initiated and who poses no imminent danger or threat to the school, students, or staff may be assigned to on-campus suspension in a separate classroom or building for the entire period of suspension. The following conditions shall apply: (Education Code 48911.1)

1. The on-campus suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The on-campus suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. The student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to an on-campus suspension classroom, the Superintendent/Principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification may be made in writing. (Education Code 48911.1)

## Superintendent/Principal's Authority to Recommend Expulsion

Unless the Superintendent/Principal determines that expulsion should not be recommended under the circumstances or that an alternative means of correction would address the conduct, he/she shall recommend a student's expulsion for any of the following acts: (Education Code 48915)

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance as listed in Health and Safety Code 11053-11058, except for (a) the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis, or (b) the student's possession of over-the-counter medication for his/her use or other medication prescribed for him/her by a physician
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

In determining whether or not to recommend the expulsion of a student, the Superintendent/Principal or designee shall act as quickly as possible to ensure that the student does not lose instructional time. (Education Code 48915)

## Student's Right to Expulsion Hearing

Any student recommended for expulsion shall be entitled to a hearing to determine whether he/she should be expelled. The hearing shall be held within 30 school days after the Superintendent/Principal or designee determines that the student has committed the act(s) that form the basis for the expulsion recommendation. (Education Code 48918(a))

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board's discretion. (Education Code 48918(a))

If the Board finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent/Principal or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held. (Education Code 48918(a))

If the Board finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year. (Education Code 48918(a))

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay. (Education Code 48918(a))

#### Stipulated Expulsion

After a determination that a student has committed an expellable offense, the Superintendent/Principal, or designee shall offer the student and his/her parent/guardian the option to waive a hearing and stipulate to the expulsion or to a suspension of the expulsion under certain conditions. The offer shall be made only after the student or his/her parent/guardian has been given written notice of the expulsion hearing pursuant to Education Code 48918.

The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian. The stipulation agreement shall include notice of all the rights that the student is waiving, including the waiving of his/her right to have a full hearing, to appeal the expulsion to the County Board of Education, and to consult legal counsel.

A stipulated expulsion agreed to by the student and his/her parent/guardian shall be effective upon approval by the Board.

#### Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness. (Education Code 48918.5)

Whenever the Superintendent/Principal or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the district's suspension and expulsion policy and regulation and shall advise the witness of his/her right to: (Education Code 48918.5)

1. Receive five days' notice of his/her scheduled testimony at the hearing
2. Have up to two adult support persons of his/her choosing present at the hearing at the time he/she testifies
3. Have a closed hearing during the time he/she testifies

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent/Principal or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending. (Education Code 48918.5)

#### Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include: (Education Code 48900.8, 48918(b))

1. The date and place of the hearing
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based
3. A copy of district disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the district to any other district in which the student seeks enrollment

This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).

(cf. 5119 - Students Expelled from Other Districts)

5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a non attorney adviser

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney adviser means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing
7. The opportunity to confront and question all witnesses who testify at the hearing
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

#### Additional Notice of Expulsion Hearing for Foster Youth and Homeless Students

If the student facing expulsion is a foster student, the Superintendent/Principal or designee shall also send notice of the hearing to the student's attorney and a representative of an appropriate child welfare agency at least 10 days prior to the hearing. (Education Code 48918.1)

If the student facing expulsion is a homeless student, the Superintendent/Principal or designee shall also send notice of the hearing to the district liaison for homeless students at least 10 days prior to the hearing. (Education Code 48918.1)

Any notice for these purposes may be provided by the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

#### Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such a request is made, the meeting shall be public to the extent that privacy rights of other students are not violated. (Education Code 48918)

Whether the expulsion hearing is held in closed or public session, the Board may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student also shall be allowed to attend the closed session. (Education Code 48918(c))

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, a videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television. (Education Code 48918(c))

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))

3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent/Principal or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent/Principal or designee to the issuance of subpoenas may be considered by the Board in closed session, or in open session if so requested by the student, before the meeting. The Board's decision in response to such an objection shall be final and binding. (Education Code 48918(i))

If the Board determines, or if the hearing officer or administrative panel finds and submits to the Board, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below. (Education Code 48918(i))

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion: Grades K-8" and "Additional Grounds for Suspension and Expulsion: Grades 4-8" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. Although no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm. (Education Code 48918(f))

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when a hearing involves allegations of sexual assault or sexual battery by a student: (Education Code 48918, 48918.5)

a. Any complaining witness shall be given five days' notice before being called to testify.

- b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
- c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
- d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
- e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
- f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
- g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the district shall provide a nonthreatening environment.
  - (1) The district shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
  - (2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
  - (3) The person conducting the hearing may:
    - (a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness
    - (b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours
    - (c) Permit one of the support persons to accompany the complaining witness to the witness stand

6. Decision: The Board's decision as to whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. (Education Code 48918)

A hearing conducted by the hearing officer shall conform to the same procedures applicable to a hearing conducted by the Board as specified above in "Conduct of Expulsion Hearing," including the requirement to issue a decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(a) and (d))

The hearing officer shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated and permitted to return to the classroom instructional program from which the referral was made, unless another placement is requested in writing by the student's parent/guardian. Before the student's placement decision is made by his/her parent/guardian, the Superintendent/Principal or designee shall consult with the parent/guardian and district staff, including the student's teachers, regarding other placement options for the student in addition to the option to return to the classroom instructional program from which the student's expulsion referral was made. The decision to not recommend expulsion shall be final. (Education Code 48918(e))

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board may order. (Education Code 48918(f))

In accordance with Board policy, the hearing officer may recommend that the Board suspend the enforcement of the expulsion. If the hearing officer or administrative panel recommends that the Board expel a student but suspend the enforcement of the expulsion, the student shall not be reinstated and permitted to return to the classroom instructional program from which the referral was made until the Board has ruled on the recommendation. (Education Code 48917, 48918)

#### Final Action by the Board

Whether the expulsion hearing is conducted in closed or open session by the Board, or a hearing officer, or is waived through the signing of a stipulated expulsion agreement, the final action to expel shall be taken by the Board in public. (Education Code 48918(j))

(cf. 9321.1 - Closed Session Actions and Reports)

The Board's decision is final. If the decision is to not expel, the student shall be reinstated immediately. If the decision is to suspend the enforcement of the expulsion, the student shall be reinstated under the conditions of the suspended expulsion.

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the district. For a student expelled for any "mandatory recommendation and mandatory expulsion" act listed in the section "Authority to Expel" in the accompanying Board policy, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during summer session or the intersession period of a year-round program, the Board shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred. (Education Code 48916)

At the time of the expulsion order, the Board shall recommend a plan for the student's rehabilitation, which may include: (Education Code 48916)

1. Periodic review, as well as assessment at the time of review, for readmission
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs



With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school. (Education Code 48916.5)

#### Written Notice to Expel

The Superintendent/Principal or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above under "Grounds for Suspension and Expulsion: Grades K-8" or "Additional Grounds for Suspension and Expulsion: Grades 4-8" (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

#### Decision to Suspend Expulsion Order

In accordance with Board policy, when deciding whether to suspend the enforcement of an expulsion order, the Board shall take into account the following criteria:

1. The student's pattern of behavior
2. The seriousness of the misconduct
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board may, as a condition of the suspension of enforcement, assign the student to a class or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board's determination as to whether the student has satisfactorily completed the rehabilitation program. (Education Code 48917)
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status. (Education Code 48917)
3. The suspension of the enforcement of an expulsion order may be revoked by the Board if the student commits any of the acts listed under "Grounds for Suspension and Expulsion: Grades K-8" or "Additional Grounds for Suspension and Expulsion: Grades 4-8" above or violates any of the district's rules and regulations governing student conduct. (Education Code 48917)
4. When the suspension of enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order. (Education Code 48917)

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in the district school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings. (Education Code 48917)

6. The Superintendent/Principal or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall inform the parent/guardian of the right to appeal the expulsion to the County Board, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b). (Education Code 48918(j))

7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board. (Education Code 48917)

#### Appeal

The student or parent/guardian is entitled to file an appeal of the Board's decision with the County Board. The appeal must be filed within 30 days of the Board's decision to expel, even if the expulsion order is suspended and the student is placed on probation. (Education Code 48919)

If the student submits a written request for a copy of the written transcripts and supporting documents from the district simultaneously with the filing of the notice of appeal with the County Board, the district shall provide the student with these documents within 10 school days following the student's written request. (Education Code 48919)

#### Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the Superintendent/Principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902)

The Superintendent/Principal or designee shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance, or of any student acts involving the possession, sale, or furnishing of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

Within one school day after a student's suspension or expulsion, the Superintendent/Principal or designee shall notify appropriate county or district law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind. (Education Code 48902)

#### Placement During Expulsion

The Board shall refer expelled students to a program of study that is: (Education Code 48915, 48915.01)

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle/junior, high school or at any elementary school
3. Not housed at the school site attended by the student at the time of suspension

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

When the placement described above is not available and when the County Superintendent so certifies, students expelled for only acts described in items #6-12 under "Grounds for Suspension and Expulsion: Grades K-8" and items #1-3 under "Additional Grounds for Suspension and Expulsion: Grades 4-8" above may be referred to a program of study that is provided at another comprehensive middle/junior, high school or at an elementary school. (Education Code 48915)

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-8. (Education Code 48916.1)

#### Readmission After Expulsion

Prior to the date set by the Board for the student's readmission:

1. The Superintendent/Principal or designee shall hold a conference with the parent/guardian and the student. At the conference, the student's rehabilitation plan shall be reviewed and the Superintendent/Principal or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
2. The Superintendent/Principal or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session. If a written request for open session is received from the parent/guardian or adult student, it shall be honored to the extent that privacy rights of other students are not violated.
3. If the readmission is granted, the Superintendent/Principal or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
4. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees. (Education Code 48916)
5. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
6. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district. (Education Code 48916)

No student shall be denied readmission into the district based solely on the student's arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other such contact with the juvenile justice system. (Education Code 48645.5)

#### Maintenance of Records

The district shall maintain a record of each suspension and expulsion, including its specific cause(s). (Education Code 48900.8)

Expulsion records of any student shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon written request by that school. (Education Code 48918(k))

Note: Education Code 48915.1 requires that, when an expelled student asks to enroll in another district, the receiving district must hold a hearing to determine whether the student poses a danger to its students or staff. The receiving district then may either deny or permit the enrollment. Upon request from another district, the expelling district must provide information about the expulsion within five days.

The Superintendent/Principal or designee shall, within five working days, honor any other district's request for information about an expulsion from this district. (Education Code 48915.1)

(cf. 5119 - Students Expelled from Other Districts)

Suspension And Expulsion/Due Process (Students With Disabilities)

AR 5144.2

A student identified as an individual with a disability pursuant to the Individuals with Disabilities Education Act (IDEA), 20 USC 1400-1482, is subject to the same grounds and procedures for suspension and expulsion which apply to students without disabilities, except as otherwise specified in this administrative regulation.

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

Suspension

The Superintendent/Principal or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536. (Education Code 48903; 34 CFR 300.530)

The Superintendent/Principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

(cf. 6159 - Individualized Education Program)

The Superintendent/Principal or designee shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under either of the following circumstances: (34 CFR 300.536)

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.
  - c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If a student's removal is determined to be a change of placement as specified in items #1-2 above, or the student is suspended for more than 10 school days in the same school year, the student's IEP team shall determine the appropriate educational services. Such services shall be designed to enable the student to continue to participate in the general education curriculum in another setting, to

progress toward meeting the goals set out in his/her IEP, and to address the student's behavior violation so that it does not recur. (20 USC 1412(a)(1)(A); 34 CFR 300.530)

If the IEP of a student with a disability requires the district to provide the student with transportation, the district shall provide the student with an alternative form of transportation at no cost to him/her or to his/her parent/guardian when he/she is to be excluded from school bus transportation. (Education Code 48915.5)

(cf. 3541.2 - Transportation for Students with Disabilities)

#### Interim Alternative Educational Placement Due to Dangerous Behavior

The district may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, or at a school-related function: (20 USC 1415(k)(1)(G); 34 CFR 300.530)

1. Carries or possesses a weapon, as defined in 18 USC 930
2. Knowingly possesses or uses illegal drugs
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365

The student's interim alternative educational setting shall be determined by his/her IEP team. (20 USC 1415(k)(1)(G); 34 CFR 300.531)

On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

A student who has been removed from his/her current placement because of dangerous behavior shall receive services, although in another setting, to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

#### Manifestation Determination

The following procedural safeguards shall apply when a student with a disability is suspended for more than 10 consecutive school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the district's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the student's parent/guardian shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504. (20 USC 1415(k)(1)(H); 34 CFR 300.530)

(cf. 5145.6 - Parental Notifications)

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

2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

At the manifestation determination review, the district, the student's parent/guardian, and relevant members of the IEP team (as determined by the district and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following: (20 USC 1415(k)(1)(E); 34 CFR 300.530)

- a. Caused by or had a direct and substantial relationship to the student's disability
- b. A direct result of the district's failure to implement the student's IEP, in which case the district shall take immediate steps to remedy those deficiencies

If the manifestation review team determines that either of the above conditions applies, the student's conduct shall then be determined to be a manifestation of his/her disability. (20 USC 1415(k)(1)(E); 34 CFR 300.530)

3. Determination that Behavior is a Manifestation of the Student's Disability: When the student's conduct has been determined to be a manifestation of his/her disability, the IEP team shall conduct a functional behavioral assessment, unless one had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavioral intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and Superintendent/Principal or designee agree to a change of placement as part of the modification of the behavioral intervention plan. (20 USC 1415(k)(1)(F); 34 CFR 300.530)

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

4. Determination that Behavior is Not a Manifestation of the Student's Disability: When it has been determined that the student's conduct was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities. However, the student's IEP team shall determine services necessary to enable him/her to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

As appropriate, the student also shall receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur. (20 USC 1415(k)(1)(D); 34 CFR 300.530)

(cf. 6158 - Independent Study)

(cf. 6185 - Community Day School)

#### Due Process Appeals

If the parent/guardian disagrees with any district decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The district may request a hearing if the district believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a due process hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b). (20 USC 1415(k)(3); 34 CFR 300.532)

Whenever a hearing is requested as specified above, the parent/guardian or the district shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the district has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (20 USC 1415(k)(4); 34 CFR 300.533)

#### Readmission

Readmission procedures for students with disabilities shall be the same as those adopted for students without disabilities. Upon readmission of a student with disabilities, an IEP team meeting shall be convened to review and, as necessary, modify the student's IEP.

#### Decision Not to Enforce Expulsion Order

The Board of Trustees' criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students. (Education Code 48917)

#### Notification to Law Enforcement Authorities

Law enforcement notification requirements involving students with disabilities shall be the same as those specified for all students in AR 5144.1 - Suspension and Expulsion/Due Process.

When giving any required notification concerning a student with disabilities to any law enforcement official, the Superintendent/Principal or designee shall require the law enforcement official to certify in writing that he/she will not disclose the student's information or records to any other person without the prior written consent of the student's parent/guardian. (Education Code 49076)

(cf. 5131.7 - Weapons and Dangerous Instruments)

#### Report to County Superintendent of Schools

The Superintendent/Principal or designee shall report to the County Superintendent of Schools when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action. (Education Code 48203)

#### Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been determined to be eligible for special education and related services and who has violated the district's code of student conduct may nevertheless assert any of the protections under IDEA, if the district had knowledge of the student's disability. (20 USC 1415(k)(5); 34 CFR 300.534)

Knowledge means that, before the occurrence of the behavior that precipitated the disciplinary action, one of the following occurred: (20 USC 1415(k)(5); 34 CFR 300.534)

1. The parent/guardian, in writing, has expressed concern to district supervisory or administrative personnel, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 20 USC 1414(a)(1)(B) or 34 CFR 300.300-300.311.

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

3. The teacher of the student or other district personnel has expressed specific concerns directly to the district's director of special education or other supervisory district personnel about a pattern of behavior demonstrated by the student.

However, the district shall not be deemed to have knowledge of a student's disability if the student's parent/guardian has not allowed him/her to be evaluated for special education services or has refused services or, after evaluating the student pursuant to 34 CFR 300.300-300.311, the district determined that he/she was not an individual with a disability.

When the district is deemed to not have knowledge of a student's disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior. (20 USC 1415(k)(5); 34 CFR 300.534)

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities. (20 USC 1415(k)(5); 34 CFR 300.534)

## Student Records

### AR 5125

Student means any individual who is or has been in attendance at the district and regarding whom the district maintains student records. (34 CFR 99.3)

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program. (34 CFR 99.3)

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the district that are directly related to an identifiable student and maintained by the district, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the district. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record. (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

Student records do not include: (Education Code 49061, 49062; 5 CCR 430; 34 CFR 99.3)

1. Directory information  
(cf. 5125.1 - Release of Directory Information)
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute employee
3. Records of the law enforcement unit of the district, subject to 34 CFR 99.8  
(cf. 3515 - Campus Security)  
(cf. 3515.3 - District Police/Security Department)
4. Records created or received by the district after an individual is no longer a student and that are not directly related to the individual's attendance as a student
5. Grades on peer-graded papers before they are collected and recorded by a teacher

Mandatory permanent student records are those records which are maintained in perpetuity and which the school has been directed to compile by state law, regulation, or administrative directive. (5 CCR 430)



Mandatory interim student records are those records which the school is directed to compile and maintain for specified periods of time and are then destroyed in accordance with state law, regulation, or administrative directive. (5 CCR 430)

Permitted student records are those records having clear importance only to the current educational process of the student. (5 CCR 430)

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in student records to any party, except the party that provided or created the record, by any means including oral, written, or electronic. (34 CFR 99.3)

Access means a personal inspection and review of a record or an accurate copy of a record, or receipt of an accurate copy of a record or an oral description or communication of a record, and a request to release a copy of any record. (Education Code 49061)

Personally identifiable information includes, but is not limited to: (34 CFR 99.3)

1. The student's name
2. The name of the student's parent/guardian or other family members
3. The address of the student or student's family
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting)
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the student record relates

Adult student is a person who is or was enrolled in school and who is at least 18 years of age. (5 CCR 430)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent. (Education Code 49061, 56050, 56055)

Legitimate educational interest is an interest held by any school official, employee, contractor, or consultant whose duties, responsibilities, or contractual obligations to the district, whether routine or as a result of special circumstances, require him/her to have access to student records.

School officials and employees are officials or employees whose duties and responsibilities to the district, whether routine or as a result of special circumstances, require that they have access to student records.

Contractor or consultant is anyone with a formal written agreement or contract with the district regarding the provision of services or functions outsourced to him/her by the district. Contractor or consultant shall not include a volunteer or other party. (Education Code 49076)

Custodian of records is the employee responsible for the security of student records maintained by the district and for devising procedures for assuring that access to such records is limited to authorized persons. (5 CCR 433)

County placing agency means the county social service department or county probation department. (Education Code 49061)

#### Persons Granted Absolute Access

In accordance with law, absolute access to any student records shall be granted to:

1. Parents/guardians of students younger than age 18 years, including the parent who is not the student's custodial parent (Education Code 49069; Family Code 3025)
2. An adult student, or a student under the age of 18 years who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records (34 CFR 99.3, 99.5)
3. Parents/guardians of an adult student with disabilities who is age 18 years or older and has been declared incompetent under state law (Education Code 56041.5)

(cf. 6159 - Individualized Education Program)

#### Access for Limited Purpose/Legitimate Educational Interest

The following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest or other legally authorized purpose:

1. Parents/guardians of a student age 18 or older who is a dependent child as defined under 26 USC 152 (Education Code 49076; 34 CFR 99.31)
2. Students who are age 16 or older or who have completed the 10th grade (Education Code 49076; 34 CFR 99.31)
3. School officials and employees, consistent with the definition provided in the section "Definitions" above (Education Code 49076; 34 CFR 99.31)
4. Members of a school attendance review board (SARB) who are authorized representatives of the district and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student (Education Code 49076)

(cf. 5113.1 - Chronic Absence and Truancy)

(cf. 5113.12 - District School Attendance Review Board)

5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer (Education Code 49076; 34 CFR 99.31)

Unless the annual parent/guardian notification issued pursuant to Education Code 48980 includes a statement that the district may disclose students' personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent/Principal or designee shall, when such a disclosure is made, make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record. (34 CFR 99.34)

6. Federal, state, and local officials, as needed for an audit, evaluation, or compliance activity related to a state or federally funded education program and in accordance with a written agreement developed pursuant to 34 CFR 99.35 (Education Code 49076; 34 CFR 99.3, 99.31, 99.35)

7. Any county placing agency acting as an authorized representative of a state or local educational agency which is required to audit or evaluate a state or federally supported education program pursuant to item #6 above (Education Code 49076)
8. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

Unless otherwise instructed by the court, the Superintendent/Principal or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order. (Education Code 49077; 5 CCR 435; 34 CFR 99.31)

9. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition (Education Code 49076)
10. A district attorney's office for consideration against a parent/guardian for failure to comply with compulsory education laws (Education Code 49076)
11. Any probation officer, district attorney, or counsel of record for a minor student for the purposes of conducting a criminal investigation or an investigation in regards to declaring the minor student a ward of the court or involving a violation of a condition of probation, subject to evidentiary rules specified in Welfare and Institutions Code 701 (Education Code 49076)

When disclosing records for these purposes, the Superintendent/Principal or designee shall obtain written certification from the recipient of the records that the information will not be disclosed to another party without prior written consent of the student's parent/guardian or the holder of the student's educational rights, unless specifically authorized by state or federal law. (Education Code 49076)

12. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681 (Education Code 49076)

In such cases, the judge or probation officer shall certify in writing to the Superintendent/Principal or designee that the information will be used only for truancy purposes. Upon releasing student information to a judge or probation officer, the Superintendent/Principal or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours. (Education Code 49076)

13. A foster family agency with jurisdiction over a currently enrolled or former student; short-term residential treatment program staff responsible for the education or case management of a student; or a caregiver who has direct responsibility for the care of a student, including a certified or licensed foster parent, an approved relative or non related extended family member, or a resource family, as defined (Education Code 49076)

Such individuals shall have access to the student's current or most recent records of grades, transcripts, attendance, discipline, online communication on platforms established by schools for students and parents/guardians, and any individualized education program or Section 504 plan developed and maintained by the district (Education Code 49069.3)

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

(cf. 6173.1 - Education for Foster Youth)

14. A student age 14 years or older who is both a homeless student and an unaccompanied minor as defined in 42 USC 11434a (Education Code 49076)

(cf. 6173 - Education for Homeless Children)

15. An individual who completes items 1-4 of the caregiver's authorization affidavit pursuant to Family Code 6552 and signs the affidavit for the purpose of enrolling a minor in school (Education Code 49076)

16. A caseworker or other representative of a state or local child welfare agency or tribal organization that has legal responsibility for the care and protection of a student, provided that the information is directly related to providing assistance to address the student's educational needs (Education Code 49076; 20 USC 1232(g))

17. Appropriate law enforcement authorities, in circumstances where Education Code 48902 requires that the district provide special education and disciplinary records of a student with disabilities who is suspended or expelled for committing an act violating Penal Code 245 (Education Code 48902, 49076)

When disclosing such records, the Superintendent/Principal or designee shall obtain written certification by the recipient of the records as described in item #11 above. (Education Code 49076)

18. Designated peace officers or law enforcement agencies in cases where the district is authorized by law to assist law enforcement in investigations of suspected criminal conduct or kidnapping and a written parental consent, lawfully issued subpoena, or court order is submitted to the district, or information is provided to it indicating that an emergency exists in which the student's information is necessary to protect the health or safety of the student or other individuals (Education Code 49076.5; 34 CFR 99.1-99.67)

In such cases, the Superintendent/Principal or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. (Education Code 49076.5)

When disclosing records for the above purposes, the Superintendent/Principal or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

Any person, agency, or organization granted access is prohibited from releasing information to another person, agency, or organization without written permission from the parent/guardian or adult student unless specifically allowed by state law or the federal Family Educational Rights and Privacy Act. (Education Code 49076)

In addition, the parent/guardian or adult student may provide written consent for access to be granted to persons, agencies, or organizations not afforded access rights by law. The written consent shall specify the records to be released and the party or parties to whom they may be released. (Education Code 49075)

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent/guardian may grant consent if both parents/guardians notify the district, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

#### Discretionary Access

At his/her discretion, the Superintendent/Principal or designee may release information from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency if the health and safety of the student or other persons are at stake (Education Code 49076; 34 CFR 99.31, 99.32, 99.36)

When releasing information to any such appropriate person, the Superintendent/Principal or designee shall record information about the threat to the health or safety of the student or any other person that formed the basis for the disclosure and the person(s) to whom the disclosure was made. (Education Code 49076; 34 CFR 99.32)

Unless it would further endanger the health or safety of the student or other persons, the Superintendent/Principal or designee shall inform the parent/guardian within one week of the disclosure that the disclosure was made, of the articulable and significant threat to the health or safety of the student or other individuals that formed the basis for the disclosure, and of the parties to whom the disclosure was made.

2. Accrediting associations (Education Code 49076; 34 CFR 99.31)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that: (Education Code 49076; 34 CFR 99.31)

a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.

b. The information is destroyed when no longer needed for the purposes for which the study is conducted.

c. The district enters into a written agreement with the organization that complies with 34 CFR 99.31.

4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the rights of parents/guardians as provided in Education Code 49068 and in compliance with 34 CFR 99.34 (Education Code 49076; 34 CFR 99.31, 99.34)

5. Local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health, unless the parent/guardian has requested that no disclosures of this type be made (Health and Safety Code 120440)

6. Contractors and consultants having a legitimate educational interest based on services or functions which have been outsourced to them through a formal written agreement or contract by the district, excluding volunteers or other parties (Education Code 49076)

(cf. 3600 - Consultants)

When disclosing records for the above purposes, the Superintendent/Principal or designee shall obtain the necessary documentation to verify that the person, agency, or organization is a person, agency, or organization that is permitted to receive such records.

#### De-identification of Records

When authorized by law for any program audit, educational research, or other purposes, the Superintendent/Principal or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information. Prior to releasing such information, the Superintendent/Principal or designee shall make a reasonable determination that the student's identity is not personally identifiable, whether through

single or multiple releases and taking into account other reasonably available information. (Education Code 49074, 49076; 34 CFR 99.31)

#### Process for Providing Access to Records

Student records shall be maintained in the central file at the school attended by the student. Parents/guardians shall be notified of the location of student records if not centrally located. (Education Code 49069; 5 CCR 433)

The custodian of records shall be responsible for the security of student records and shall ensure that access is limited to authorized persons. (5 CCR 433)

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests. (34 CFR 99.31)

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. Prior to granting the request, the custodian of records shall authenticate the individual's identity. For any individual granted access based on a legitimate educational interest, the request shall specify the interest involved.

When required by law, the parent/guardian shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian refuses to provide written consent for the release of student information, the Superintendent/Principal or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours. (Education Code 49069)

Qualified certificated personnel shall be available to interpret records when requested. (Education Code 49069)

The custodian of records or the Superintendent/Principal or designee shall prevent the alteration, damage, or loss of records during inspection. (5 CCR 435)

#### Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester. (Education Code 49064)

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection. (5 CCR 435)

The log shall include requests for access to records by:

1. Parents/guardians or adult students
2. Parties obtaining district-approved directory information

3. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075
4. School officials and employees who have a legitimate educational interest
5. Law enforcement personnel seeking to enforce immigration laws

The log shall be accessible only to the parent/guardian, custodian of records, and certain state or federal officials. (Education Code 49064; 5 CCR 432)

#### Duplication of Student Records

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of providing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

(cf. 3260 - Fees and Charges)

#### Changes to Student Records

Only a parent/guardian having legal custody of a student or an adult student may challenge the content of a record or offer a written response to a record. (Education Code 49061)

(cf. 5125.3 - Challenging Student Records)

No additions except routine updating shall be made to a student's record after permanent departure without prior consent of the parent/guardian or adult student. (5 CCR 437)

A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf. 5145.3 - Nondiscrimination/Harassment)

#### Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data. (5 CCR 431)

The following mandatory permanent student records shall be kept indefinitely: (5 CCR 432, 437)

1. Legal name of student
  2. Date and place of birth and method of verifying birth date
- (cf. 5111 - Admission)
3. Sex of student
  4. Name and address of parent/guardian of minor student
    - a. Address of minor student if different from the above
    - b. Annual verification of parent/guardian's name and address and student's residence
- (cf. 5111.1 - District Residency)
- (cf. 5111.12 - Residency Based on Parent/Guardian Employment)
5. Entrance and departure dates of each school year and for any summer session or other extra session
  6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits

given

(cf. 5121 - Grades/Evaluation of Student Achievement)

7. Verification of or exemption from required immunizations

(cf. 5141.31 - Immunizations)

8. Date of high school graduation or equivalent

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year after the school year in which they originated, following a determination that their usefulness has ceased or the student has left the district. These records include: (Education Code 48918, 51747; 5 CCR 432, 437, 16027)

1. Expulsion orders and the causes therefor

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

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

2. A log identifying persons or agencies who request or receive information from the student record

3. Health information, including verification or waiver of the health screening for school entry

(cf. 5141.32 - Health Screening for School Entry)

4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge

(cf. 6159 - Individualized Education Program)

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

5. Language training records

(cf. 6174 - Education for English Language Learners)

6. Progress slips/notices required by Education Code 49066 and 49067

7. Parental restrictions/stipulations regarding access to directory information

8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action

9. Parent/guardian authorization or denial of student participation in specific programs

10. Results of standardized tests administered within the past three years

(cf. 6162.51 - State Academic Achievement Tests)

11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study

(cf. 6158 - Independent Study)

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including: (5 CCR 432, 437)

1. Objective counselor and/or teacher ratings

2. Standardized test results older than three years

3. Routine disciplinary data

(cf. 5144 - Discipline)

4. Verified reports of relevant behavioral patterns

5. All disciplinary notices

6. Supplementary attendance records

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction. (5 CCR 437)



## Transfer of Student Records

When a student transfers into the district from any other school district or a private school, the Superintendent/Principal or designee shall inform the student's parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records. (Education Code 49068; 5 CCR 438)

When a student transfers into the district from another district, the Superintendent/Principal or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion. (Education Code 48201)

(cf. 4158/4258/4358 - Employee Security)

(cf. 5119 - Students Expelled From Other Districts)

When a student transfers from the district to another school district or to a private school, the Superintendent/Principal or designee shall forward a copy of the student's mandatory permanent record within 10 school days of the district's receipt of the request for the student's records. The original record or a copy shall be retained permanently by the district. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school. (Education Code 48918, 49068; 5 CCR 438)

Upon receiving a request from a county placing agency to transfer a student in foster care out of a district school, the Superintendent/Principal or designee shall transfer the student's records to the next educational placement within two business days. (Education Code 49069.5)

All student records shall be updated before they are transferred. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian. (5 CCR 438)

If the district is withholding grades, diploma, or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

## Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent/Principal or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. If 15 percent or more of the students enrolled in the district speak a single primary language other than English, then the district shall provide these notices in that language. Otherwise, the district shall provide these notices in the student's home language insofar as practicable. The district shall effectively notify parents/guardians or eligible students with disabilities. (Education Code 49063, 48985; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

The notice shall include: (Education Code 49063; 34 CFR 99.7, 99.34)

1. The types of student records kept by the district and the information contained therein
2. The title(s) of the official(s) responsible for maintaining each type of record
3. The location of the log identifying those who request information from the records

4. District criteria for defining school officials and employees and for determining legitimate educational interest
5. District policies for reviewing and expunging student records
6. The right to inspect and review student records and the procedures for doing so
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights
8. The cost, if any, charged for duplicating copies of records
9. The categories of information defined as directory information pursuant to Education Code 49073
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law
11. Availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school (cf. 5020 - Parent Rights and Responsibilities)
12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the U.S. Department of Education concerning an alleged failure by the district to comply with 20 USC 1232g
13. A statement that the district forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment

In addition, the annual parental notification shall include a statement that a student's citizenship status, immigration status, place of birth, or any other information indicating national origin will not be released without parental consent or a court order.

#### Curriculum Review (**Ed. Code §§ 49063, 49091.14**)

A prospectus of curriculum, including titles, descriptions, and instructions aims of every course offered, is available at the school site for parent review upon request. Copies are available for a reasonable fee not to exceed the actual copying cost.

#### Student Records Review (**Ed. Code §§ 49063, 49064, 49076; 34 C.F.R. §§ 99.7, 99.31**)

The District may share student records with school officials and employees who have a legitimate educational interest. "School officials and employees" and "legitimate educational interest" are defined in the attached Administrative Regulation 5125.

#### Parental Consent to Release Student Information; No Parental Consent to Release Directory Information (**Ed. Code §§ 49061(c), 49063, 49073, 49076, 49077; 10 U.S.C. § 503; 20 U.S.C. §§ 1232g, 7908; 34 C.F.R. § 99.37**)

Federal and state law require that the District obtain parent written consent prior to the disclosure of personally identifiable information contained in a student's records, except to the extent disclosure without consent is permitted by law (e.g. subpoena or court order). However, the District may disclose directory information without parental consent to certain entities. Directory information released to law enforcement agencies may include student's name, address, telephone number, date of birth, email address, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, most recent educational agency or institution attended.

If you do not want the District to disclose directory information from your student's education records without your prior written consent, you must notify the District in writing by August 30, 2023 using the attached Directory Information Opt-Out Form.

The District will not release directory information pertaining to a homeless student, unless a parent or student accorded parental rights has provided written consent that the directory information may be released.

**Student Records Complaints (Ed. Code § 49063; 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.7, 99.63)**

Parents have the right to file a complaint with the U.S. Department of Education concerning an alleged failure by the District to comply with the requirements of the General Education Provisions Act or FERPA. The name and address of the office that administers FERPA are:

Student Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

**Use of Pesticide Products**

Hope Elementary School District Use of Pesticides – The Healthy Schools Act of 2000 requires all California school districts to notify parents and guardians of pesticide use at their child's school. Hope Elementary School District uses a professional pest control company, with every attempt made to apply pesticides on Friday afternoons or during major holiday breaks. The following pesticides are intended to be used at the school sites this year:

Demon Max – Cypermethrin  
Demand CS – Lambda Cyhalothrin  
Termidor – Fipronil  
Cykick – Cyfluthrin  
P.T. 565 – Pyrethrins  
D-Force H.P.X.> - Deltamethrin  
Maxforce ant killer bait gel – Fipronil  
Maxforce magnum roach bait gel – Fipronel  
Maxforce impact roach gel bait - Clothianidin  
Suspend Polyzone-Deltamethrin  
Suspend CS – Deltamethrin  
Gentrol Aerosol-Hydroprene  
Gentrol-Hydroprene  
Arilon-Indoxacarb  
Wisdom TC-Bifenthrin  
Niban granular bait – orthoboric acid  
Nyguard plus – pyriproxyfen  
Cynoff EC – cypermethrin  
Wasp-Freeze – d-trans allethrin, Phenothrin  
Maxforce complete granular insect bait – Hydramethylnon

Phantom - Chlorfenapyr

Non pesticides:

Glueboards for mice/rats

Lo-line – insect monitor stations

More information regarding these pesticides and pesticide use reduction is available at the Department of Pesticide Regulation's Web site: <http://www.cdpr.ca.gov> or [www.rescompestcontrol.com](http://www.rescompestcontrol.com)

Warning signs are posted at the school site, where pesticides will be applied, at least 72 hours prior to the application and 72 hours after the application. To receive written notification, please submit a request in writing to your child's school asking for written notification of individual pesticide application at the school facility.