

MORGAN HILL UNIFIED SCHOOL DISTRICT RIGHTS AND RESPONSIBILITIES HANDBOOK FOR PARENTS & STUDENTS 2014-2015



Morgan Hill Unified Mission Statement:

The Morgan Hill Unified School District's central purpose is to educate students. In partnership with parents and the community, we create learning environments where all students learn and are empowered to achieve their unique potential. We model and nurture civility, respect, compassion, personal responsibility, curiosity and integrity in an environment of diversity, equity, and service.

Introduction

Dear parents and guardians:

Welcome to a new school year! The information contained in this booklet is important for the success of your student in school. Some of the information will be important for you to know right now. Other policies and laws in this publication could have more meaning for you at a later date.

This booklet is provided to you and your child. Please read it together and impress upon your student the importance of being familiar with school rules and responsibilities. It would be a good idea to begin by glancing through the *Table of Contents*. Make notes of sections that you'd like to explore in more depth at a later time. Skim read the Handbook in its entirety. Read for detail any sections that you feel might have some immediate impact on your child. Discuss these sections with your son or daughter.

A safe, secure learning environment for all of our students and staff is a priority for us. School rules and behavior standards are important for maintaining a school environment that is safe and conducive to learning. Your support and expectations for your student to have regular attendance and to be aware of and follow school rules can go a long way to ensuring his/her academic success. I strongly encourage you to pay particular attention to pages 103-105 regarding attendance policies, and pages 51-76 regarding student discipline / suspension and expulsion.

The following form (on Page 128) must be signed and returned to your student's school as part of the registration process:

1) Receipt of *Rights and Responsibilities Handbook* (required)

Optional forms for your signature can be found on Pages 124-127:

- 2) Withhold Authorization to Film/Photograph Minors for Publication
- 3) No Child Left Behind Act (NCLB) Parents' Right to Know Professional Qualifications of Classroom Teachers/Paraprofessionals
- 4) Animals in the Classroom
- 5) Parent/Guardian Notice Release of Directory Information

This publication is a valuable tool and resource for you and your student(s). Please save it for future reference.

We look forward to working with you during this school year.



Steve Betando
Superintendent

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NONDISCRIMINATION IN DISTRICT PROGRAMS AND ACTIVITIES

The Governing Board is committed to equal opportunity for all individuals in education. District programs, activities, and practices shall be free from discrimination based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, or genetic information; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Pursuant to 34 CFR 104.8 and 34 CFR 106.9, the Superintendent or designee shall notify students, parents/guardians, employees, employee organizations, applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination and related complaint procedures. Such notification shall be included in each announcement, bulletin, catalog, application form, or other recruitment materials distributed to these groups.

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand and, when required by law, in a language other than English.

Access for Individuals with Disabilities

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act and any implementing standards and/or regulations.

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

Individuals with disabilities shall notify the Superintendent or principal if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school-sponsored function, program, or meeting.

Policy
adopted: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students

BP 5020

PARENT RIGHTS AND RESPONSIBILITIES

The Governing Board recognizes that parents/guardians of district students have certain rights as well as responsibilities related to the education of their children.

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The Board believes that the education of the district's students is a shared responsibility. The Superintendent or designee shall work with parents/guardians, including parents/guardians of English learners, to determine appropriate roles and responsibilities of parents/guardians, school staff and students for continuing the intellectual, physical, emotional and social development and well-being of students at each school site, including the means by which the schools and parents/guardians can help students achieve academic and other standards of the school.

Within this framework, the school's primary responsibility shall be to provide a high-quality curriculum and instructional program in a supportive and effective learning environment that enables all students to meet the academic expectations of the school.

Parents/guardians shall have the opportunity to work with schools in a mutually supportive and respectful partnership and to help their children succeed in school. (Education Code 51100)

The Superintendent or designee shall ensure that district staff understand the rights of parents/guardians afforded by law and Board policy and follow acceptable practices that respect those rights.

The Superintendent or designee shall ensure that parents/guardians receive notification regarding their rights in accordance with law.

The Superintendent or designee shall take all reasonable steps to ensure that all parents/guardians who speak a language other than English are properly notified in English, and in their home language of the rights and opportunities available to them pursuant to Education Code 48985. (Education Code 51101.1)

Policy
adopted: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students

AR 5020

PARENT RIGHTS AND RESPONSIBILITIES

Parent/Guardian Rights

The rights of parents/guardians of district students include, but are not limited to, the following:

1. To observe, within a reasonable period of time after making the request, the classroom(s) in which their child is enrolled or for the purpose of selecting the school in which their child will be enrolled (Education Code 51101)

Parents/guardians may observe instructional and other school activities that involve their child in accordance with Board policy and administrative regulations adopted to ensure the safety of students and staff, prevent undue interference with instruction or harassment of school staff, and provide reasonable accommodation to parents/guardians. Upon written request by a parent/guardian, the Superintendent or designee shall arrange for parental observation of a class or activity in a reasonable time frame and in accordance with Board policy and administrative regulations. (Education Code 49091.10)

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2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal (Education Code 51101)
3. Under the supervision of district employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (Education Code 51101)
4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)
5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101)
6. For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. (Education Code 51101.1)
6. To request a particular school for their child and to receive a response from the district (Education Code 51101)
7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)
8. To examine the curriculum materials of the class(es) in which their child is enrolled (Education Code 51101; 20 USC 1232i)
Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, tapes and software. (Education Code 49091.10)
Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. (Education Code 49091.14)
The school may charge an amount not to exceed the cost of duplication. (Education Code 49091.14)
9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)
10. For parents/guardians of English learners, to support their child's advancement toward literacy (Education Code 51101.1)
The Superintendent or designee may make available, to the extent possible, surplus or undistructed instructional materials to parents/guardians pursuant to Education Code 60510. (Education Code 51101.1)
11. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts (Education Code 51101.1)

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12. To have access to the school records of their child (Education Code 51101)
13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish (Education Code 51101)
14. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes and procedures for visiting the school (Education Code 51101)
15. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision (Education Code 51101)
16. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (Education Code 51101)
17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan and to inspect any survey collecting personal information (Education Code 49091.18; 20 USC 1232h)
18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations (Education Code 51101)
For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulations. (Education Code 51101.1)
19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school (Education Code 51101)
20. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (Education Code 49091.12)

Parent Responsibilities

Parents/guardians may support the learning environment of their child by: (Education Code 51101)

1. Monitoring attendance of their child
2. Ensuring that homework is completed and turned in on time
3. Encouraging their child to participate in extracurricular and cocurricular activities
4. Monitoring and regulating the television viewed by their child
5. Working with their child at home in learning activities that extend the classroom learning

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6. Volunteering in their child's classroom(s) or for other school activities
7. Participating in decisions related to the education of their own child or the total school program as appropriate

Regulation
approved: November 13, 2012

MORGAN HILL UNITED SCHOOL DISTRICT
Morgan Hill, California

Notice of Rights of Parents and Children Regarding Special Education

Overview:

Parents have several protections under Procedural Safeguards. The notice of Parental Rights and Procedural Safeguards will be given to parents upon: 1) initial referral for evaluation of their child for special education services, 2) each notification of an IEP meeting, 3) reevaluation of their child, and 4) registration of a complaint or request for a due process hearing. This document will be provided upon the initial referral, upon the registration of a complaint or a request for a due process hearing, and at any time a parent requests one. Parents can obtain assistance in understanding their rights and procedural safeguards from the Special Education Director of their child's district of attendance, the SELPA Director at 408-453-6566, or the California Department of Education in Sacramento.

Local education agencies (LEA) and other public agencies have an obligation to seek out children with disabilities between birth and age 21. A child with a disability is one who has been identified by an individualized education program (IEP) team as having one of thirteen disabling conditions which are defined in federal regulation, who because of the disability needs special education and related services to benefit from education and who meets state eligibility criteria. A child with a disability has a right to participate in a free, appropriate public education. Children with disabilities are offered programs that provide for maximum interaction with children who are not disabled in a manner that is appropriate to the needs of both. When a child no longer requires special education services to benefit from education, an assessment and IEP team meeting will be conducted prior to discontinuing special education services.

No child is required to participate in special education and related services unless the parent is first informed in writing of the facts making participation necessary or desirable and of the contents of the individualized education program (IEP) and gives written approval for all or part of the IEP.

Parent Consent:

Written parental consent is required before the child is assessed, placed in a special education program, and for the implementation of all or part of the individualized education program (IEP). A LEA may not require parental consent as a condition of any benefit to the parent or child except for the service or activity for which consent is required. The LEA can file for a due process hearing to override a parent's refusal to consent to the assessment or placement of their child for special education and related service.

Individualized Education Program (IEP):

The public education agency initiates and conducts meetings for the purpose of developing, reviewing, and revising the individualized education program of each child with a disability. The IEP documents the child's eligibility for special education services and parents receive a copy of each IEP for their child. These meetings are conducted by the Individualized Education Program (IEP) team.

Disciplinary Action:

The parents have the right to be notified on the day that the decision to take disciplinary action is made of that disciplinary action if it involves a change of placement for more than ten (10) days. The school district ensures that special education and disciplinary records of the child are transmitted to the person(s) making the final decision about the disciplinary action. The school district will report any crime committed by a child with a disability to the appropriate authorities and transmit copies of special education and disciplinary records to such authorities.

Suspension:

Children with disabilities may be suspended or placed in other alternative interim settings or other settings to the same extent these options would be used for children without disabilities. A child with a disability can be suspended for not more than ten (10) consecutive days for violation of school conduct codes using the same procedures as a child without a disability. For a suspension of ten (10) days or under, educational services do not need to be provided. If the suspension is for more than ten (10) days in a school year, certain procedural safeguards must be followed. They include a meeting of the IEP team not later than ten (10) days after deciding to take disciplinary action to review the child's behavior intervention plan; if there is none, complete a functional assessment and develop a behavioral intervention plan; determine if the misconduct is a manifestation of the disability; determine appropriate action based on the outcome of the manifestation determination. For suspensions over ten (10) days, the setting can be appropriate interim educational setting or another setting.

Expulsion:

A child with a disability can be expelled for violation of school conduct codes only when certain procedural safeguards are followed. Within ten (10) days of the school's decision to propose a specific disciplinary action that includes a change in placement of more than ten (10) days, the IEP team must meet to review the behavior intervention plan if there is one; determine if the misconduct is a manifestation of the disability; determine an appropriate interim alternative setting for the child's educational placement; develop a functional behavioral assessment plan if no behavioral intervention plan exists; consider a need for change, by the end of the planned placement in alternative educational setting, from the placement the child was in at the time of the misconduct. If the parents disagree with the IEP team's findings that the expulsion process can precede because the behavior subject to the disciplinary action was not a manifestation of the child's disability, they can file for a due process hearing. Even if the district can and does expel the child, they must provide a free, appropriate public education during the time of expulsion. Additionally, the pupil is entitled to a hearing by the school board. If the school board agrees with the decision to expel the pupil, the pupil or parent or guardian may file an appeal with the county board of education.

Payment for Education of Children Enrolled in Private Schools Without Consent or Referral by the School District:

1. Students enrolled in private school where a free, appropriate public education (FAPE) is not at issue:

School districts have the responsibility to offer a free, appropriate public education to students with disabilities whose parents have chosen to enroll them in private schools, but that responsibility is significantly limited. Federal law limits the amount that school districts may spend for these services to a proportionate share of federal Individuals With Disability Education Act (IDEA) funds. The school district must seek input from representatives of private school students, but the school district determines which services will be provided.

A child with a disability enrolled in a private school does not have an individual right to receive some or all of the special education and related services that he/she would receive if enrolled in a public school.

Due process procedures are unavailable to private school parents for resolving concerns about services provided. Parents may, however, file a complaint.

2. Students enrolled in private school where the provision of FAPE is at issue:

Parents may be entitled to reimbursement for costs associated with having unilaterally withdrawn their child from the public school and placed them in a private school only if a court or hearing officer determines that the public agency had not made a free, appropriate public education (FAPE) available to the child.

Parents seeking reimbursement for unilaterally placed private school students based on the allegation that the public school failed to provide free, appropriate public education may have those reimbursements reduced or denied if they do not provide the school district at the most recent IEP meeting with information describing the nature of their concerns relating to the public placement and a proposed resolution to the problem; their intent to reject the public school placement and enroll their child in a private school at public expense. Parents must be written notice to the school district containing the above information at least the (10) business days prior to the child's removal from public school placement; they must make their child available if the LEA notifies of their intent to evaluate the student. Reimbursement for private school placement by a parent may also be denied or reduced if a judge finds the parent's actions unreasonable.

Exceptions to this are: 1) parent cannot write English; 2) compliance is likely to result in physical or serious emotional harm to the child; 3) the school district prevented the parent from providing such notice; and 4) the parents did not receive the notice informing them of the required contents of the parent's notice to the school district; namely, the name and residence of the child, the name of the school the child is attending, a description of the nature of the problem relating to the proposed initiation or change, including facts relating to such problems, and the proposed resolution of the problem to the extent known and available to the parents at the time.

Award of Attorney Fees:

If either party to a due process hearing intends to be represented by an attorney, a notice of that intent shall be given to the other party at least 10 days prior to the hearing. Failure to notify the other party may delay the start of the hearing until the agency can obtain an attorney.

Attorney fees are not allowed to parents if they are related to an IEP meeting unless the meeting is convened as a result of any administrative hearing, or judicial action, or at the discretion of the State Attorney fees may be reduced if the parent's attorney fails to give the district notice of the nature of the problem and proposed solutions.

In any action or proceeding brought under Part B of the Individuals with Disabilities Education Act, the court may award reasonable attorney fees to the parents or guardians of a child with disabilities who is the prevailing party.

No attorney fees may be awarded and related costs may not be reimbursed subsequent to the time of a written offer of settlement is made to a parent if offer is made more than ten (10) days prior to start of the

proceedings; if the offer is not accepted within ten (10) days; and if the court hearing officer finds that relief obtained by parents is not more favorable than the offer. Attorney fees and related costs may be awarded to parents who prevail and substantially justified in rejecting settlement offer.

Attorney fees will be reduced if the parent unreasonably protracted final resolution during the course of the action or proceeding; if fees unreasonable exceed prevailing hourly rate in the community; the time spent and legal services were excessive; and the parent's attorney did not provide the school district the appropriate information (name and address of the child, name of the school the child attends, a description of the nature of the problem, including facts related to the problem, and a proposed resolution of the problem to the extent known and available to the parents at the time). Attorney fees will not be reduced if the state or local educational agency unreasonably protracted the resolution or proceeding or violated due process procedures.

Complaints:

Any individual, LEA, or organization may file a written complaint with the superintendent of a local education agency or with the State Superintendent of Public Instruction alleging a violation of federal, or state law, or regulation governing special education, or related services for an individual student.

To file a state complaint, contact the California Department of Education, Special Education Division, Procedural Safeguards Referral Service, 515 L Street, Suite 270, Sacramento, CA 95814.

An immediate decision upon receipt will be made by the state superintendent of Public Instruction whether the state or the local agency has jurisdiction over the complaint.

If the state has jurisdiction, an investigation and written decision will be completed within sixty (60) calendar days of the receipt of the complaint and both parties will receive a copy of the decision shortly thereafter.

If the local educational agency has jurisdiction, the superintendent of that agency shall: (1) Investigate the complaint and prepare a written report. (2) Provide the complainant with a copy of the report.

Parents may appeal the local decision to the State Superintendent with fifteen (15) calendar days of the receipt of the local decision; while waiting for the State Department reconsideration, the local decision remains in effect.

The State Superintendent of Public Instruction/designee will review and write reasoned findings of any state decision appealed by the parent or LEA within thirty (30) calendar days. Both parties will receive copies of the review shortly thereafter.

To obtain more information about dispute resolution, including how to file a complaint, contact your director of special education, your district superintendent of schools, the California State Department of Public Instruction, or the California Department of Education - Special Education Division Procedural Safeguards Referral Service (800-926-0648) or FAX 916-327-3704 or contact the department's web site at <http://www/cde.ca.gov/spbranch/sectd>.

Community Relations

BP 1312.3

UNIFORM COMPLAINT PROCEDURES

The Governing Board recognizes the district's that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The

district shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race or ethnicity color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.35, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs.

The Board prohibits any form of retaliation against any complainant in the complaint process. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant.

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

The district's Williams uniform complaint procedures, A/R 1312.4, shall be used to investigate and resolve any complaint related to the following:

1. Sufficiency of textbooks or instructional materials
2. Emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff
3. Teacher vacancies and misassignments
4. Deficiency in the district's provision of instruction and/or services to any student who, by the completion of grade 12, has not passed one or both parts of the high school exit examination

Policy
adopted: April 11, 2006
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

reviewed: May 8, 2007
reviewed: March 6, 2012
revised: November 13, 2012
revised: April 16, 2013

Community Relations

A/R 1312.3

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

Except as the Governing Board may otherwise specifically provide in other policies, the uniform complaint procedures shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board policy.

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. 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 uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

Compliance Officers

The following compliance officer(s) shall receive and investigate complaints and shall ensure district compliance with law:

Assistant Superintendent Human Resources
15600 Concord Circle
Morgan Hill, CA 95037
408-201-6001

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

Notifications

The Superintendent or designee shall annually provide written notification of the district's uniform complaint procedures to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013; 5 CCR 4622)

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints

2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies
4. Include statements that:
 - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
 - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
 - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
 - d. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
 - e. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
 - f. Copies of the district's uniform complaint procedures are available free of charge.

Procedures

All complaints shall be investigated and resolved within 60 days of the district's receipt of the complaint. (5 CCR 4631)

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of the district's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 days. (5 CCR 4630)

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013)

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.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

Within three days business days of receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her 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. (5 CCR 4631)

Step 3: Investigation of Complaint

Within 10 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

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. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and/or 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)

Step 4: Response

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, which were applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4631)

The complainant shall file his/her appeal within 15 calendar days of receiving the district's decision and the appeal shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

1. A copy of the original complaint
2. A copy of the 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 uniform complaint procedures
7. Other relevant information requested by the CDE.

The CDE may directly intervene in a complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including when the district has not taken action within 60 calendar days of the date the complaint was filed with the district. (5 CCR 4650)

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

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|-----------------------------|--|
| Regulation | MORGAN HILL UNIFIED SCHOOL DISTRICT |
| approved: January 10, 2000 | Morgan Hill, California |
| revised: April 11, 2006 | |
| revised: March 6, 2012 | |
| reviewed: November 13, 2012 | |
| revised: April 16, 2013 | |



MORGAN HILL UNIFIED SCHOOL DISTRICT
15500 Concord Circle
Morgan Hill, CA 95037
(408) 201-6023

UNIFORM COMPLAINT FORM

Form to be used regarding complaints of discrimination and/or failure to comply with state or federal law regarding adult education, consolidated categorical programs, migrant education, vocational education, child care and development programs, child nutrition programs and special education programs.)

Today's Date: _____

Check Type(s) of Discrimination Alleged: Age _____, Physical or mental Disability _____,

National Origin _____, Race/Ethnicity _____, Religion _____, Gender Identity _____,

Sexual (actual or perceived) _____, Sexual Orientation (actual or perceived) _____.

Name of person filing complaint: _____

Address: _____

Phone Number/Cell Number: _____

Email Address: _____

Person(s) Against Whom Complaint is filed: _____

Date and Time of Incident (if applicable): _____

Description of Complaint: (Please use back side of form if necessary.)

Proposed Resolution(s): _____

For Office Use Only

Date Received: _____ Date of Employee Conference: _____

Date of Response to Complainant: _____

Revised: 05/07/07 (Renumbered replacing 1502A - English)

NOTICE OF PARENT AND STUDENT RIGHTS UNDER SECTION 504, THE REHABILITATION ACT OF 1973

General Rights:

- Eligibility
- The right to be informed of all rights under Section 504. (This notice will serve to advise all interested parties concerning these rights.)
- The right to an appropriate education designed to meet the student's educational needs as adequately as the needs of non-disabled students are met.
- The right to placement in the least restrictive environment.
- The right to be notified in writing of all District decisions concerning identification, evaluation, or educational placement.
- The right for the parent, guardian or a qualified handicapped student to review relevant records at the school site or at the District Office.
- For students who are served in special education programs in the school district, their procedural rights fall within the Individuals with Disabilities Education Act (IDEA). As such, the Section 504 rights do not apply to those students served under IDEA.

Appeal and Due Process Rights:

- If parents are dissatisfied with the district's written response to their complaint, within 30 days they may request in writing a hearing on the matter.
- The right for the district to select an impartial hearing officer within 15 days of their request for a hearing.
- The right to a hearing within 20 days of receipt of a complaint and waiving of informal resolution.
- The right for the district to conduct the hearing within 45 days by the hearing officer.
- The right to have the appeal heard by an impartial hearing officer.
- The right to be accompanied and advised by counsel and by individuals with special knowledge or training relating to the problems of students who are qualified with the meaning of Section 504.
- The right to present evidence, documentation and testimony.
- The right to question and cross-examine witnesses.
- The right to written findings of fact, conclusions of law and decisions prepared by the hearing officer 40 calendar days after the hearing.

- The right to continued appeal through a court of competent jurisdiction.

Definition of Section 504 of the Rehabilitation Act of 1973: Any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

If you have any questions or wish to file an appeal, contact the Director of Student Services, 15600 Concord Circle, Morgan Hill, CA 95037.

Students BP 5145.7

SEXUAL HARASSMENT

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in district complaint processes.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and 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
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable

Complaint Process

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 (e.g., by a visiting athletic or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For

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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.

Confidentiality and Record-Keeping

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

The Superintendent 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 schools.

Policy **MORGAN HILL UNITED SCHOOL DISTRICT**
adopted: November 13, 2012 Morgan Hill, California

Students AR 5145.7

SEXUAL HARASSMENT

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Molesting, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way

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9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

School-Level Complaint Process/Grievance Procedure

Complaints of sexual harassment, or any behavior prohibited by the district's Nondiscrimination/Harassment policy - BP 51.45.3, shall be handled in accordance with the following procedure:

1. **Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. **Initiation of Investigation:** The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The district shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.

3. **Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the district's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.

4. **Investigation Process:** The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 496.64)

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment,

anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

5. **Interim Measures:** The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

6. **Optional Mediation:** In cases of student-on-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

7. **Factors in Reaching a Determination:** In reaching a decision about the complaint, the Coordinator/Principal may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of any past instances of harassment by the alleged harasser
- e. Evidence of any past harassment complaints that were found to be untrue

To judge the severity of the harassment, the Coordinator/Principal may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them
- d. The number of persons engaged in the harassing conduct and at whom the harassment 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 students

8. **Written Report on Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community
5. Taking appropriate disciplinary action

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Regulation
approved: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

NONDISCRIMINATION/HARASSMENT

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and 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.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students.

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

Grievance Procedures

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies:

Assistant Superintendent of Human Resources
15600 Concord Circle
Morgan Hill, CA 95037
408-201-6001

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

Within 30 days of receiving the district's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The district's policy shall also be posted on the district web site or any other location that is easily accessible to students.

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

Policy adopted: November 13, 2012 **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Morgan Hill, California

Students

AR 5145.3

NONDISCRIMINATION/HARASSMENT

Sexual Orientation/Gender Identity Harassment

The Morgan Hill Unified School District is committed to maintaining a safe and supportive school environment in which all members of the school community are treated with dignity and respect. It is the policy of this district that harassment and discrimination based on sexual orientation and gender identity, including perceptions of a person's identity, appearance or behavior is expressly prohibited.

The Governing Board considers harassment and discrimination based on sexual orientation and gender identity to be a major offense. The district shall investigate all complaints of discrimination and harassment, and take appropriate action against any student or employee who is found to have violated this policy.

Harassment of a student by another student in violation of this policy constitutes cause for disciplinary action. Students shall be advised that harassment and discrimination based on sexual orientation and

gender identity are unacceptable conduct and will not be tolerated. Students shall be informed that they should contact the school principal or designee if they experience such harassment or discrimination.

Harassment by an employee in violation of this policy constitutes cause for disciplinary action, up to and including dismissal.

The Superintendent shall adopt, and may periodically revise, administrative regulations necessary to implement and enforce this policy. The regulations shall provide an adequate description of this policy to parents/guardians, students and employees, provide appropriate complaint and resolution procedures, and establish due process for persons accused of harassment or discrimination based on sexual orientation and gender identity. The Superintendent shall ensure that students receive age-appropriate information and education related to sexual orientation and gender identity. In addition, the Superintendent shall designate qualified individuals to provide appropriate training and educational programs on the issue of harassment and discrimination based on sexual orientation and gender identity.

This policy is intended to supplement, and not replace, state and federal laws prohibiting sexual harassment. Complaints under those laws shall be processed through the procedures established by appropriate state and/or federal agencies.

The Morgan Hill Unified School District is committed to maintaining a safe and supportive school environment in which all members of the school community are treated with dignity and respect. It is the policy of this district that harassment and discrimination based on sexual orientation and gender identity, including perceptions of a person's identity, appearance or behavior is expressly prohibited.

The Board considers harassment and discrimination based on sexual orientation and gender identity to be a major offense. The district shall investigate all complaints of discrimination and harassment, and take appropriate action against any student or employee who is found to have violated this policy.

Definitions

Sexual orientation describes whether a person is attracted to members of the same sex (gay or lesbian), to members of the opposite sex (heterosexuals), or to members of both sexes (bisexual).

Gender: is defined as "a person's sex or perceived sex and includes a person's perceived identity, appearance or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with a person's sex at birth." 5 CCR 4910(f).

Gender characteristics include traits such as facial hair or vocal pitch. Gender expression refers to the way in which a person expresses his or her gender, through gestures, movement, dress, and grooming. Gender nonconformity refers to gender characteristics or identity that does not conform to others' expectations.

Gender identity means a person's identity, expression, or physical characteristics, whether or not traditionally associated with one's biological sex or one's sex assigned at birth.

Transgendered describes people whose gender identity, characteristics, or expression do not conform to the identity, characteristics, or expression traditionally associated with their sex at birth, and includes transsexuals, cross-dressers, intersex people and other gender nonconforming individuals.

Harassment means verbal or physical conduct based on the student's actual or perceived sexual orientation or gender identity, or on the basis of association with others identified by these categories, that (1)

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substantially interferes with or will substantially interfere with a student's educational benefits, opportunities, or performance; or a student's physical or psychological well-being; or (2) creates an intimidating or hostile environment.

Examples

Examples of Sexual Orientation/Gender Identity Harassment may include, but are not limited to, the following:

1. Slurs, epithets, threats, verbal abuse, or derogatory comments based on sexual orientation or gender identity.
2. Jokes, stories, obscene letters, drawings, pictures or gestures based on sexual orientation or gender identity.
3. Spreading rumors regarding another's sexual orientation or gender identity.
4. Inappropriate touching or physical assault of another known or perceived to be gay, lesbian, bisexual or transgender.
5. Limiting a student's access to educational tools based on the student's actual or perceived sexual orientation or gender identity.

The district takes seriously the importance of ending harassment based upon sexual orientation or gender identity, and acknowledges the importance of addressing the underlying biases that result in violence.

Notifications

A copy of the district's Policy on Sexual Orientation and Gender Identity shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year and given to new students/parents/guardians and employees upon entering the district.
2. Be displayed in a prominent location along with the name of the site Compliance Coordinator.
3. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures and standards of conduct.
4. Be provided to employees and employee organizations.

The Superintendent or designee shall take appropriate actions to reinforce the district's Policy on Sexual Orientation and Gender Identity. As needed, these actions may include, but are not limited to, the following:

1. Removal of vulgar or offending graffiti.
2. Providing staff in-service and student instruction or counseling.
3. Notifying appropriate agency, i.e., child protective services, social services, law enforcement.
4. Notifying parents/guardians.
5. Taking appropriate disciplinary action.

Compliance Coordinators

Each district school shall have at least one designated Compliance Coordinator, who will be familiar with;

1. How to investigate and handle allegations of sexual orientation discrimination or harassment;
2. How to track, record, and report such incidents or complaints;
3. How to advise or work with other staff concerning incidents or harassment or discrimination.

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The Compliance Coordinator will have ultimate responsibility at each school site for the receipt and investigation of complaints of sexual orientation/gender identity-based harassment or discrimination and for taking corrective action where necessary. The Compliance Coordinator will notify the site administrator or designee upon receipt of a complaint. The Compliance Coordinator will independently investigate and respond to all complaints of such harassment to determine whether school rules or district policies were violated, regardless of whether police are also conducting an investigation and regardless of the outcome of any such police investigation. Upon receipt of a written request by a police agency that is conducting its own investigation of an incident, the Compliance Coordinator may delay the school's investigation of and response to the incident until the police agency has completed its investigation.

The existence, role, and identity of the Compliance Coordinators shall be posted in at least one prominent location accessible to both students and staff in each district school.

The district web site and all school web sites shall describe the existence and role of the Compliance Coordinators and shall instruct students and parents that they should consult with principals or other administrators at their schools to learn the identity of site-specific Compliance Coordinators.

Disciplinary Action

Students who act in violation of this policy or the law are subject to discipline up to and including suspension or expulsion. Such disciplinary action shall be in accordance with district policy and, where appropriate, federal and state law.

Employees who act in violation of this policy and/or the law are subject to discipline up to and including dismissal. Such disciplinary action shall be in accordance with applicable policies, laws, and/or collective bargaining agreements.

Complaint Procedures

The Compliance Coordinator shall investigate all complaints of sexual orientation or gender identity discrimination or harassment in accordance with Board Policy and regulation. The Compliance Coordinator shall document all investigations and shall inform the complainant, as well as the alleged violator, of the decision regarding any complaint. Confidentiality shall be maintained to the highest degree possible.

Before a formal complaint is filed, an aggrieved student may discuss with the Compliance Coordinator whether the alleged conduct might constitute a violation of the district's policy and what options, besides filing a formal complaint, are available to the aggrieved individual. The Compliance Coordinator will assist the aggrieved student, or refer the student to another appropriate resource, to determine what action should be taken. Documentation of this meeting will be maintained by the Compliance Coordinator.

While complaints are encouraged to be in writing, any complaint received, whether or not anonymous or whether or not in writing, shall be accepted and investigated to the extent possible and appropriate.

An aggrieved student need not be someone who has been the specific target of harassment or discrimination. It might be any student who has been a target of retaliation as a result of a complaint or someone who has observed a violation or retaliation.

If the Compliance Coordinator is not of the same gender of the aggrieved student, the Compliance Coordinator shall inform the complainant that a Compliance Coordinator of the same gender may assist in

taking the complaint, and shall assist the complainant in contacting a Compliance Coordinator of the same gender.

If the Compliance Coordinator is the alleged violator, the aggrieved student may report the alleged violation to any teacher or other staff member or file the complaint with another Compliance Coordinator or with the Assistant Superintendent for Human Resources.

In the event a student informs a teacher or other district employee about conduct which could constitute a violation of this policy, the teacher or other district employee is responsible for bringing the issue to the appropriate administrator. Documentation of this incident will be maintained by the Compliance Coordinator. Retaliation against a teacher or staff member who takes such action is strictly prohibited.

Retaliation for raising a complaint or for participating in the investigation of a complaint is strictly prohibited. If it is determined that retaliation has occurred, appropriate disciplinary action will be taken in accordance with the guidelines below.

Persons found to have knowingly made false allegations under the Policy on Sexual Orientation and Gender Identity shall be subject to disciplinary action. Persons submitting an unsubstantiated good faith complaint or report under the policy shall not be subject to disciplinary action.

Investigation

1. Review and Disclosure of Complaint

The Compliance Coordinator shall review the complaint and notify the Superintendent's office or designee of the complaint. As soon as reasonably possible after receipt of the complaint, the student, employee, or other person who is accused of a policy violation shall be informed of the complaint. To the extent possible, and when appropriate, the identity of the complainant will not be revealed. The Compliance Coordinator shall confer with the parties within five working days of receipt of the complaint.

2. Complaints Against Students

Upon completion of the investigation of a complaint filed against a student, the Compliance Coordinator shall determine whether a policy violation has occurred and, if so, the appropriate corrective action. Corrective action may include counseling, warning, or the initiation of other disciplinary procedures against the student.

3. Complaints Against Employees

Upon completion of the investigation of a complaint filed against an employee, the Compliance Coordinator shall determine whether a policy violation has occurred and, if so, the appropriate corrective action. Corrective action may include counseling, warning, or the initiation of other disciplinary procedures against the employee in accordance with the relevant collective bargaining agreement and/or applicable state and/or federal law.

4. Safety

The Compliance Coordinator shall also be responsible for taking any appropriate actions, when indicated, to ensure the safety of all parties during the investigation process. The assessment and determination of such actions shall include, but not be limited to physical safety concerns, protection of confidentiality, and any other potential retaliation.

5.

Incident Report

The Compliance Coordinator shall prepare a written record (hereafter referred to as an "Incident Report") of the following verbal or written complaints of harassment or discrimination against students on the basis of actual or perceived sexual orientation or gender identity: (a) each and every complaint of physical harassment reported by a student or by another person who witnessed or learned of such harassment; (b) each and every complaint of verbal harassment or discrimination reported by a student complainant; (c) two or more incidents of verbal harassment or discrimination reported by witnesses or persons who learned of such harassment at second hand. Each Incident Report shall include:

- a. The name of the person making the allegation and, if different, the name of the alleged victim;
- b. The nature of the allegation and the date of the alleged incident;
- c. The names of all persons alleged to have committed violations, if known;
- d. The names of all persons believed to have relevant information about the alleged incident;
- e. The statements of the complainant, the victim (if different from the complainant), the alleged perpetrator (if known), and any witnesses;
- f. The outcome of the investigation;
- g. Any action taken by Morgan Hill Unified School District;
- h. Attached copies of any documents supplied to the district or created during the investigation or complaint process.

The Compliance Coordinator shall complete the Incident Report no later than 15 school days after the date upon which the complaint is first made.

Confidentiality

The district will respect the confidentiality of the complainant and the individual(s) against whom the complaint is made as much as possible, consistent with the district's legal obligations and the need to investigate allegation of sexual orientation/gender identity harassment and take remedial and corrective action when the conduct has occurred.

Appeal and Disciplinary Procedures

All decisions made under this procedure may be appealed by the aggrieved student to the Superintendent or designee and thereafter, to the Board.

If the complaint is against a student, the complainant, before appealing to the Superintendent, should appeal to the Assistant Superintendent for Human Resources.

If the complaint is against an employee, the complainant, before appealing to the Superintendent, should appeal to the Assistant Superintendent for Human Resources. If the employee is a site employee and the Compliance Coordinator of the site has not heard the complaint, the complainant should appeal to the Compliance Coordinator before appealing to the Assistant Superintendent for Human Resources.

Established statutory and district procedures shall be used in the event the administrative review results in a decision that disciplinary action is necessary.

Since established personnel disciplinary procedures provide for Board-level review or decision-making, the Board will take no action on any complaint until it has been acted upon in accordance with this policy. In this way, employees shall be assured of their due process rights.

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Within 15 school days of receiving the complaint, the district shall prepare and send to the complainant a written report summarizing the findings and disposition of the complaint, including corrective actions, if any, the rationale for such disposition, notice of the complainant's right to appeal such decision to the Morgan Hill Unified School District Board within 15 school days. The report will also include the requirement that an appeal to the State Department of Education must be made within 15 school days of the receipt of the final report.

If the complainant is dissatisfied with the district's written response, he/she may file within 15 school days of receipt of the written report his/her complaint with the Board in writing. The Board will consider the matter at its next regularly scheduled Board meeting or at a special meeting convened as soon thereafter as possible but no later than 45 calendar days after receipt of the complaint. If the Board decides not to hear the complaint, the district's decision shall be final. If the Board hears the complaint, the Assistant Superintendent for Human Resources shall send the Board's decision to the complainant within seven calendar days of the Board meeting, unless the complainant agrees in writing to extend the seven calendar day deadline.

If a complainant is dissatisfied with the resolution of his/her complaint by the Board, he/she may appeal to the State Department of Education within 15 school days of complainant's receipt of the district's final written report.

Time Limits

A complaint shall be submitted as soon as reasonably possible after the conduct in question has arisen. All complaints shall be promptly and thoroughly investigated in a manner as confidential as possible, given the specific circumstances surrounding the complaint. The investigation shall be completed within 15 school days. A written report summarizing the findings and disposition of the complaint will be provided to the complainant within 15 school days from receipt of the complaint. If it is not possible to provide a written report within the required time limits, the Compliance Coordinator shall provide a written indication of this fact to the complainant. In the event that school is not in session, causing a delay in meeting the time limits established in the regulation, the Compliance Coordinator shall notify the complainant of this fact.

Record Keeping

The Superintendent or Assistant Superintendent for Human Resources shall assure a record of any complaint and investigation of discrimination or harassment as well as the disposition of the complaint and any disciplinary or remedial action taken is maintained by the district in a confidential file. The investigator shall create and maintain a written record, including copies of interview notes and all written submissions by the parties and witnesses.

The Compliance Coordinator shall assure that the complainant is notified whether allegations of discrimination or harassment were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result.

Policy

adopted: December 20, 2004
revised: October 26, 2005
reviewed: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

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**MORGAN HILL UNIFIED SCHOOL DISTRICT
SEXUAL ORIENTATION/GENDER IDENTITY HARASSMENT
INCIDENT REPORT FORM**
(To be completed by Compliance Coordinator within 15 days of oral or written complaint)

The Morgan Hill Unified School District is committed to providing a workplace and educational environment free of sexual orientation/gender identity harassment. It is the policy of the District that sexual orientation/gender identity harassment by or of any employee, student, applicant, or other individual is unacceptable conduct and will not be tolerated. District policy and applicable law prohibits retaliation against any employee, student or other person for reporting an incident of sexual orientation/gender identity harassment, filing a sexual orientation/gender identity harassment complaint or participating in an investigation, hearing, or other legal proceeding. The District will use the information provided below to investigate allegations, determine what occurred and, if warranted, take steps intended to end any unlawful sexual orientation harassment and prevent similar future conduct. The information provided herein, and all subsequent information obtained by the District, shall be kept confidential to the greatest extent possible during the investigation process.

Name of Complainant: _____

Relationship to the District (Circle one): Employee Student Volunteer Other (Specify): _____

If Student: Grade: _____ Age: _____ Parent's Names: _____

Department/School: _____

Home Address: _____

Home Phone: _____ Work Phone: _____

Date(s) of alleged incident(s): _____ Location(s) of alleged incident(s): _____

Nature of the allegation: _____

Name(s) of the person(s) who were harassed (if different from complainant): _____

Name(s) of the person(s) alleged to have harassed the victim: _____

Relationship of harasser to the District (Circle one): Employee Student Volunteer Other (Specify): _____

Provide the names or physical description of any witnesses and/or other individuals who were present at the scene(s) of the incident(s). (Attach additional pages if necessary): _____

Statement: Using the space provided or additional pages, the Compliance Coordinator is to provide a detailed narrative of the incident(s). Describe the incident(s) as completely as possible, including information such as: (1) any verbal statements (i.e., threats, requests, demands, etc.); (2) any conduct or physical contact (3) victim's response to the harasser's statements or conduct; (4) any documents regarding the harassment (notes, letters, etc. from harasser); (5) any other individuals who have knowledge of the alleged harassment; (6) all the facts regarding who, what, when, where, how, and why; and (7) victim's statement of proposed resolution to the complaint (What would resolve this complaint to the victim's satisfaction?).

Statement of Complainant:

I hereby certify that the information I have provided in this report and any attachments is true, correct, and complete to the best of my knowledge and belief.

Complainant's Name and Signature _____ Date _____

Statement of alleged perpetrator (if known):

I hereby certify that the information I have provided in this report and any attachments is true, correct, and complete to the best of my knowledge and belief.

Alleged perpetrator Name and Signature _____ Date _____

Witness statement(s):

I hereby certify that the information I have provided in this report and any attachments is true, correct, and complete to the best of my knowledge and belief.

Witness Name and Signature _____ Date _____

Complaint Received By [Name & Title or Position] _____ Date _____

Outcome of investigation:

Signature of Compliance Coordinator _____ Date _____

Action taken by Morgan Hill Unified School District:

Compliance Coordinator's Initials: _____
Attach copies of any documents supplied to the district or created during the investigation or complaint process.

CONDUCT

The Governing Board believes that all students have the right to be educated in a positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using district transportation.

The Superintendent or designee shall ensure that each school develops standards of conduct and discipline consistent with Board policies and administrative regulations. Students and parents/guardians shall be notified of district and school rules related to conduct.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption
3. Conduct that disrupts the orderly classroom or school environment
4. Willful defiance of staff's authority
5. Damage to or theft of property belonging to students, staff, or the district
6. The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.
7. Obscene acts or use of profane, vulgar, or abusive language
8. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs (Penal Code 417.27)
9. Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.
10. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time
11. Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.
12. 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 is limited to purposes related to the student's health. (Education Code 48901.5)
13. Plagiarism or dishonesty on school work or tests
14. Inappropriate attire
15. Tardiness or unexcused absence from school
16. Failure to remain on school premises in accordance with school rules

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for

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assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.

When a school official suspects that a search of a student or his/her belongings will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with B/P/AR 5145.12 - Search and Seizure.

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a district employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time.

Students who violate district or school rules and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, referral to a student success team or counseling services, or denial of participation in extracurricular or co-curricular activities or other privileges in accordance with Board policy and administrative regulation. The Superintendent or designee shall notify local law enforcement as appropriate.

Students also may be subject to discipline, in accordance with law, Board policy, or administrative regulation, for any off-campus conduct during nonschool hours which poses a threat or danger to the safety of students, staff, or district property, or substantially disrupts school activities.

Policy
adopted: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Bus Conduct BP 5131.1

In order to help ensure the safety and well-being of students, bus drivers, and others, the Governing Board expects students to exhibit appropriate and orderly conduct at all times when using school transportation, including while preparing to ride, riding, or leaving the bus.

The Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. He/she shall make these rules available to parents/guardians, students, and other interested parties. (5 CCR 14103)

Students found to be in violation of the district's bus conduct rules shall be subject to discipline in accordance with Board policy and administrative regulation.

The Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver. (5 CCR 14103)

Bus Surveillance Systems

The Board believes that the use of surveillance systems on school buses will help to deter misconduct and improve discipline, ensure the safety of students and bus drivers, and prevent vandalism. Therefore, surveillance systems may be installed and used on school buses to monitor student behavior while traveling to and from school and school activities.

The Superintendent or designee shall notify students, parents/guardians, and staff that surveillance may occur on any school bus and that the contents of a recording may be a student record and, as such, may be used in student disciplinary proceedings or referred to local law enforcement, as appropriate. In addition, a prominent notice shall be placed in each bus stating that the bus is equipped with a surveillance monitoring system.

Policy
adopted: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Bus Conduct AR 5131.1

Bus Rider Rules

The following rules apply at all times when students are riding a school bus, including when on school activity trips:

1. Riders shall follow the instructions and directions of the bus driver at all times.
2. Riders should arrive at their designated bus stop prior to departure time and stand in a safe place at least 12 feet in front of where the bus stops and wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall sit down and fasten any passenger restraint systems. Riders shall remain seated while the bus is in motion.
5. Riders shall not block the aisle or emergency exit with their body or personal belongings. Riders may bring large or bulky items, such as class projects or musical instruments, on the bus only if the item does not displace any other rider or obstruct the driver's vision.
6. Riders should be courteous and respectful to the driver and to fellow passengers. Vulgarly, rude, or abusive behavior is prohibited.
7. Any noise or behavior that could distract the driver, such as loud talking, scuffling or fighting, throwing objects, or standing or changing seats, is prohibited and may lead to suspension of riding privileges.
8. Riders shall not use tobacco products, eat, or drink while riding the bus.
9. Riders may bring electronic devices onto the bus only if such devices are permitted at school. If the use of cellular telephones or similar devices disrupts the safe operation of the school bus, the bus driver may direct the student to no longer use the device on the bus.
10. Riders shall not put any part of the body out of the window nor throw any item from the bus.
11. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.

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12. Service animals are permitted on school transportation services; all other animals are prohibited. (Education Code 39839; 13 CCR 1216)

13. Upon reaching their destination, riders shall remain seated until the bus comes to a complete stop and unfasten any restraint system, enter the aisle, and go directly to the exit.

14. Riders should be alert for traffic when leaving the bus and shall follow the district's transportation safety plan when exiting the bus and crossing the road.

The driver or any passenger shall report any violation of the district's bus rules to the principal or designee. The principal or designee shall notify the student's parent/guardian of the misbehavior, determine the severity of the misconduct, and take action accordingly. In instances of a severe violation or repeated offenses, the rider may be denied transportation for a period of time determined appropriate by the principal or designee.

Bus Surveillance Systems

The Superintendent or designee shall monitor the use and maintenance of the district's bus surveillance system. Students are prohibited from tampering with the bus surveillance system. Any student found tampering with the system shall be subject to discipline and shall be responsible for the costs of any necessary repairs or replacement.

Regulation
approved: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Bullying BP 5131.2

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Cyberbullying includes the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

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Bullying Prevention

To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying.

The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, cafeterias.

Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

When a student is reported to be engaging in bullying off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

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If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with district policies and regulations.

Policy
adopted: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Student Disturbances

BP 5131.4

The Governing Board desires to provide orderly campuses that create a positive school environment and are conducive to learning. When students initiate or are involved in a campus disturbance that has the potential to threaten the safety of students or staff, the Superintendent or designee may request law enforcement assistance.

The Superintendent or designee and the principal of each school shall establish a school disturbance response plan that is intended to curb disruptions which may lead to riots, violence, or vandalism at school or at school-sponsored events. In developing each school's plan, the Superintendent or designee shall consult with local law enforcement authorities to create guidelines for law enforcement support and intervention.

Staff are encouraged to be alert to conditions at school that may lead to a disturbance, such as racial or cultural conflict, student protests, or gang intimidation and confrontations. Staff who believe that a disturbance is imminent, or who see a disturbance occurring, shall immediately contact the principal and invoke the school disturbance response plan.

Students who participate in a campus disturbance shall be subject to disciplinary action in accordance with Board policy and administrative regulations.

Policy
adopted: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Student Disturbances

AR5131.4

Prohibited Activities

A student involved or attempting to be involved in any of the following prohibited activities shall be subject to discipline:

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1. Disturbing the peace, including, but not limited to, causing or attempting to cause a riot, burning or destroying property, fighting, challenging another to fight, or using offensive words likely to provoke a fight

2. Disrupting school operations, including, but not limited to, exercising free expression which is obscene, libelous, or slanderous or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or substantially disrupting the orderly operation of the school (Education Code 48907)

Other examples of activities that may be considered disrupting school operations include, but are not limited to:

- a. Organizing or participating in unauthorized assemblies on school premises
- b. Participating in sit-ins or stand-ins which deny students or employees normal access to school premises
- c. Interfering with or unauthorized use of the district's computer system
3. Refusing to disperse, including, but not limited to, assembling for the purpose of causing a disruption and refusing to disperse upon the direction of school personnel
4. Boycotting school, including, but not limited to, participating in any protest that involves nonattendance where attendance is required at school, class, or at a school activity

Any student who participates in a boycott shall be given an unexcused absence and may be classified as truant, regardless of any parent/guardian approval of the absence.

Extension of Class Period and/or Dismissal of School

During any disturbance in which additional students might become involved while changing classes, the principal or designee may notify all staff that any class currently in session will be extended until further notice. Upon receiving this notification, staff shall ensure that all students in their charge remain in one location under their supervision and shall ask all students who are in the halls to return to their classes immediately.

The principal may also request that the Superintendent dismiss school in accordance with the school disturbance response plan.

Regulation
approved: November 13, 2012
MORGAN HILL UNITED SCHOOL DISTRICT
Morgan Hill, California

Alcohol And Other Drugs

BP 5131.6

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning.

The Superintendent or designee may develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The district's program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use. The Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among district students, including discipline problems, and the prevalence of risk factors.

The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district's program.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

The district's drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county and county office of education staff in planning and implementing collaborative alcohol and drug prevention programs.

Instruction

The district shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal. (20 USC 7114, 7162; Health and Safety Code 11999.2)

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

Intervention, Referral and Student Assistance Programs

School staff, students and parents/guardians shall be informed about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs.

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds or at school-sponsored activities.

Students possessing, using or selling alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures including suspension or expulsion and/or referral to law enforcement in accordance with law, Board policy and administrative regulation. In addition, such students may be referred to an appropriate counseling program, transferred to an alternative placement, and/or be restricted from extracurricular activities, including athletics.

Policy
adopted: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Alcohol And Other Drugs

AR 5131.6

Instruction

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of tobacco, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1-6, instruction on drug education should be provided in conjunction with courses health required conjunction with by Education Code 51210. (Education Code 51260)

In grades 7-12, instruction on drug education shall be conducted in conjunction with health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Secondary school instruction shall also include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas: (Education Code 51260)

1. The ability to interact with students in a positive way
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions

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Intervention

District staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

If the principal or designee, in his/her professional capacity or in the course of his/her employment, knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian. (Education Code 44049)

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

Regulation
approved: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Tobacco

BP 5131.62

The Governing Board recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education including youth development activities, and intervention and cessation activities and/or referrals.

Prohibition Against Tobacco Use

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. (Education Code 48900, 48901)

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited.

These prohibitions do not apply to a student's possession or use of his/her own prescription products. (Education Code 48900, 48901)

Prevention Instruction

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

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Intervention/Cessation Services

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

Policy
adopted: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Steroids
BP 5131.63

The Governing Board recognizes that the use of steroids and other performance-enhancing supplements presents a serious health and safety hazard. As part of the district's drug prevention and intervention efforts, the Superintendent or designee and staff shall make every reasonable effort to prevent students from using steroids or other performance-enhancing supplements.

Students in grades 7-12 shall receive a lesson on the effects of steroids as part of their health, physical education, or drug education program.

Students participating in interscholastic athletics are prohibited from using steroids and dietary supplements banned by the U.S. Anti-Doping Agency as well as the substance synephrine. (Education Code 49030)

Before participating in interscholastic athletics, a student athlete and his/her parent/guardian shall sign a statement that the student athlete pledges not to use androgenic/anabolic steroids and dietary supplements banned by the U.S. Anti-Doping Agency and the substance synephrine, unless the student has a written prescription from a licensed health care practitioner to treat a medical condition.

A student who is found to have violated the agreement or this policy shall be restricted from participating in athletics and shall be subject to disciplinary procedures including, but not limited to, suspension or expulsion in accordance with law, Board policy, and administrative regulation.

Coaches shall educate students about the district's prohibition and the dangers of using steroids and other performance-enhancing supplements.

The Superintendent or designee shall ensure that district schools do not accept sponsorships or donations from supplement manufacturers that offer muscle-building supplements to students.

Policy
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MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Steroids

AR 5131.63

The district shall not accept a sponsorship from any manufacturer or distributor whose name appears on the label of a dietary supplement that contains substances banned by the U.S. Anti-Doping Agency and the substance synephrine. Such supplements shall not be sold, distributed, or marketed at a school-related event. (Education Code 49031)

Marketing includes, but is not limited to, direct product advertising, provision of educational materials, product promotion by a district employee or volunteer, product placement, clothing or equipment giveaways, or scholarships. Marketing shall not include the inadvertent display of a product name or advertising by a person who is not a manufacturer or distributor. (Education Code 49031)

School personnel and coaches may provide only nonmuscle-building nutritional supplements to student athletes for the purpose of providing additional calories and electrolytes, provided that they do not contain any dietary supplements prohibited by the U.S. Anti-Doping Agency and the substance synephrine. Permissible nonmuscle-building nutritional supplements are identified according to the following classes: carbohydrate/electrolyte drinks, energy bars, carbohydrate boosters, and vitamins and minerals.

School personnel, including coaches, shall follow the manufacturer's recommendations when discussing the use of any drug or food supplement with a student athlete. In order to minimize the health and safety risks to student athletes, school personnel shall not supply or recommend any drug, medication, or food supplement to enhance an athlete's performance.

Notice

The principal or designee shall ensure that the following warning, reproduced in 10-point bold type, is posted in every locker room of schools with classes in grades 7-12 and contained in any contracts for the lease or rental of the school's athletic facilities: (Civl Code 1812.97)

Warning: Use of steroids to increase strength or growth can cause serious health problems. Steroids can keep teenagers from growing to their full height; they can also cause heart disease, stroke, and damaged liver function.

Men and women using steroids may develop fertility problems, personality changes, and acne. Men can also experience premature balding and development of breast tissue. These health hazards are in addition to the civil and criminal penalties for unauthorized sale, use, or exchange of anabolic steroids.

Regulation
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MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Weapons And Dangerous Instruments
BP 5131.7

The Governing Board recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

Possession of Weapons

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (Education Code 48902, Penal Code 245, 626.9, 626.10; 20 USC 7151)

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

Reporting of Dangerous Objects

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

Policy adopted: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Weapons And Dangerous Instruments

AR 5131.7

Prohibited weapons and dangerous instruments include, but are not limited to: (Education Code 48915, 49330; Penal Code 626.10, 16100-17350, 30310)

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1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "saw guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion

2. Ammunition or reloaded ammunition

3. Knives, razor blades, and box cutters: any dirks, daggers, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade

4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices

5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun

6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon

7. Any imitation firearm, defined as 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

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. (Education Code 49331, 49332)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession.

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)

Regulation approved: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

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Academic Honesty

BP 5131.9

The Governing Board believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board expects that students will not cheat, lie, plagiarize or commit other acts of academic dishonesty.

Students, parents/guardians, staff and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to district and school-site discipline rules.

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

Policy
adopted: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

SCHOOL RULES AND BEHAVIOR STANDARDS

The following Rules and Behavior standards apply to all school campuses:

I. General Behavior Standards

- Students may not interfere with a teacher's responsibility to teach and a student's right to learn.
- Failure of students to report safety issues shall be considered as defiance. Willful defiance of school authority and disruptive behavior will not be tolerated.
- Students are to work, play and conduct themselves on the school grounds and in the classrooms in a harmonious manner with other students. Fighting, pushing, "horseplay", biting, shoving, kicking, or throwing of objects, at any time are considered poor behavior and will not be tolerated.
- Students must treat other students with courtesy and respect. Name-calling and slurs (i.e., racial, ethnic, or personally demeaning comments) will not be tolerated.
- It is the student's responsibility to arrive to class on time, to be in the appropriate attire for the class or activity, to have appropriate books and/or materials, and to be ready to work.
- Students are allowed in the building only under appropriate adult supervision. There is to be no loitering or loud noises in the halls, corridors, courtyards, or cafeterias. Students are only allowed in designated areas.
- Food items may be consumed only at brunch or lunch, in designated areas. Eating food or drinking beverages is not allowed in the classrooms or buildings.
- Students should observe traffic laws to and from school and at bus stops. Students should cross streets at marked crosswalks, remain in designated bus stop areas and respect the property of others. If the school allows students to ride bikes to school, students must walk their bikes while on campus.

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- Students should wait to be picked up in designated areas and not cross in front of or between school buses or waiting vehicles.

II. School and Personal Property

- Students must treat school property and the personal property of others with respect. Students/parents will be held responsible for any necessary financial reimbursement.
- Students are responsible for all textbooks and materials assigned to them. Lost, damaged, or stolen items must be paid for, and students/parents will be billed for the replacement cost.
- Personal belongings not related to classroom activities (e.g., radios, tape players, cameras, toys, pets, etc.) may not be brought to school unless specific permission from a staff member has been given.
- Clothing, accessories, insignia (such as bandanas/handkerchiefs, earrings, hair designs) or actions which indicate gang affiliation, create a safety hazard, or disrupt school activities will not be tolerated. Such actions or the wearing and/or possession of these items may be cause for suspension.
- Hats, T-shirts, belt buckles, or other insignia items which advertise or promote tobacco, alcohol or drug use, which include profanity, or which promote any other inappropriate behavior are prohibited.
- The sale of any items on campus is prohibited without the specific approval of the school administration.

III. Prohibited Items

- Possession or use of a firearm on the school grounds, or on the way to and from school, is prohibited and will result in expulsion.
- Possession or use of knives or weapons of any kind on the school grounds, or on the way to and from school, is prohibited and is cause for suspension or expulsion.
- Possession or use of firecrackers, caps, matches, or other types of explosive material is not permitted on the school grounds and is cause for suspension or expulsion.
- Dangerous, potentially harmful, or disruptive objects (e.g., skateboards, pocket knives) are not permitted. This rule also applies to objects, which mimic dangerous items (e.g., switchblade combs, toy syringes, etc.).
- Possession, use, sale, buying or arranging to buy or sell drugs, alcohol, and other controlled substances (or items represented to be a controlled substance) is prohibited and will result in suspension or expulsion.
- Possession, use, sale, buying or arranging to buy or sell tobacco is prohibited and is cause for suspension.
- State law prohibits students from bringing any electronic signaling devices (beepers) on to the school campus. If brought to school, these devices will be confiscated.

IV. Prohibited Activities

- The school is a closed campus. Once students arrive at school they may not leave until they have been officially dismissed or they have received specific permission.

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- Students are allowed in the building only under appropriate adult supervision. There is to be no loitering or loud noises in the halls, courtyard area and cafeteria. Students are only allowed in designated areas.
- Any actions or words, which may be defined or interpreted as sexual harassment will not be tolerated.
- Profane, vulgar or obscene language or action will not be tolerated.
- Gambling of any sort will not be tolerated and may result in suspension.
- Extortion, arson and theft will not be tolerated and may result in suspension and/or expulsion.
- Cyber bullying/cyber harassment shall be subject to discipline by school authorities.

Discipline BP 5144

The Governing Board desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board believes that high expectations for student behavior, effective classroom management, and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. In addition, discipline shall be used in a manner that corrects student behavior without intentionally creating an adverse effect on student learning or health.

Board policies and administrative regulations shall outline acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's particular needs.

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. Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing consistent classroom management skills, implementing effective disciplinary techniques, and establishing cooperative relationships with parents/guardians.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**
 adopted: November 13, 2012 Morgan Hill, California

Discipline AR 5144

Disciplinary strategies provided in Board policy, administrative regulation, and law may be used in developing site-level rules. These strategies include, but are not limited to:

1. Referral of the student for advice and counseling
2. Discussion or conference with parents/guardians

3. Recess restriction
4. Detention during and after school hours
5. In accordance with Board policy and administrative regulation, restriction or disqualification from participation in extracurricular activities
6. Community service
7. Reassignment to an alternative educational environment
8. Suspension and expulsion in accordance with law, Board policy, and administrative regulation

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001)

Corporal punishment does not include any pain or discomfort suffered by a student as a result of his/her voluntary participation in an athletic or other recreational competition or activity.

In addition, an employee's use of force that is reasonable and necessary to protect himself/herself, students, staff, or other persons, to prevent damage to property, or to obtain possession of weapons or other dangerous objects within the control of the student is not corporal punishment. (Education Code 49001)

Community Service

As part of or instead of disciplinary action, the Board, Superintendent, principal, or principal's 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 a 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 or designee shall notify parents/guardians, in writing, about the availability of district rules related to discipline. (Education Code 35291, 48980)

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

Regulation **MORGAN HILL UNIFIED SCHOOL DISTRICT**
 approved: November 13, 2012 Morgan Hill, California

SUSPENSION AND EXPULSION/DUE PROCESS

The Governing Board 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.

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

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

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when the student involved has a history of misconduct and other means of correction have failed to bring about proper conduct or the student's presence causes a continuing danger to himself/herself or others.

To correct the behavior of students who are subject to discipline, the Superintendent or designee, to the extent allowed by law, shall use alternative disciplinary measures that keep students in school during the school day.

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

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

Due Process

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

Removal from Class by a Teacher and Parental Attendance

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and his/her parents/guardians and to improve classroom behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is required pursuant to law. (Education Code 48900.1)

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee. (Education Code 48900.1)

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other means that maintains the confidentiality of the student's records.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

Supervised Suspension Classroom

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 or designee shall establish a supervised classroom suspension program which meets the requirements of law. The use of such alternatives does not preclude off-campus suspensions.

Decision Not to Enforce Expulsion Order

On a case-by-case basis, the enforcement of an expulsion order may be suspended by the Board pursuant to the requirements of law and administrative regulation.

Policy adopted: November 13, 2012 **MORGAN HILL UNIFIED SCHOOL DISTRICT**
Morgan Hill, California

Students**SUSPENSION AND EXPULSION/DUE PROCESS****Definitions**

Suspension from school 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 same school where the student will receive continuing instruction for the length of day prescribed by the Governing Board for students of the same grade level.
2. Referral to a certificated employee designated by the 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 principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

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

Day means a calendar day unless otherwise specifically provided. (Education Code 48925)

School day means a day upon which the schools of the district are in session or weekdays during the summer recess. (Education Code 48925)

Student includes a student's parent/guardian or legal counsel. (Education Code 48925)

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office. (Education Code 48911)

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases. (Education Code 48900(u))

Notice of Regulations

At the beginning of each school year, the principal of each 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)

Grounds for Suspension and Expulsion

Any student, including a student with disabilities, may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon another person, except in self-defense. (Education Code 48900(a))
A student who *aids* or *abets* the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, such a student may be suspended or expelled pursuant to Education Code 48900(a) when he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury. (Education Code 48900(i))
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))

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))

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))

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. Disrupted school activities or otherwise willfully defied 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))

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

13. 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 lend a reasonable person to conclude that the replica is a firearm. (Education Code 48900(m))

14. 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))

15. 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))

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

17. 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.

18. 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 a school.

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 (items #20-22 below), that has any of the effects described above on a reasonable student.

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet web site shall include, but is not limited to, the posting or creation of a burn page or the creation of 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))

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)

A student in grades 4-12 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

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

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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)

21. 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, national, 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)

22. 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 classroom, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment. (Education Code 48900.4)

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, at any time, including, but not limited to, the following: (Education Code 48900)

1. While on school grounds
2. While going to or coming from school
3. During the lunch period, whether on or off the school campus
4. During, going to, or coming from a school-sponsored activity

Removal from Class by a Teacher and Parental Attendance

A teacher may remove any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the 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 removed. (Education Code 48910)

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or 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)

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A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal. (Education Code 48910)

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

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

Pursuant to Board policy, a teacher may require the parent/guardian of a student whom the teacher has removed to attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law. (Education Code 48900.1)

The notice shall specify that the attendance may be on either the date the student is scheduled to return to class or within one week thereafter.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student
3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1

Suspension by Superintendent, Principal, or Designee

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student. (Education Code 48900.5)

However, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated items #1-5 listed in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

In addition, the Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be: (Education Code 48915)

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g)

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3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion. (Education Code 48911)

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48911, 48912)

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)

Suspensions shall be initiated according to 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 principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with 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. 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 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 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 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. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the

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suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet 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)

While the parent/guardian is required to respond without delay to a request for a conference about his/her child's behavior, 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 readmission 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 any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision. (Education Code 48911)

Any extension of the original period of suspension shall be 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. Extension of the suspension may be made only if the Superintendent 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 or at an alternative school would endanger persons or property or threaten to disrupt the instructional process. (Education Code 48911)

Suspension by the Board

The Board may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Designee" above. (Education Code 48912)

The Board may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. 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 closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079. (Education Code 35146, 48912)

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)

Supervised Suspension Classroom

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

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each 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 a supervised suspension classroom, the 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 shall be made in writing. (Education Code 48911.1)

Authority to Expel

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

The Board shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion." (Education Code 48915)

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled upon the recommendation of the Superintendent, principal, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (c))

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

Mandatory Recommendation for Expulsion

Unless the Superintendent, principal, or designee finds that expulsion is inappropriate due to particular circumstances, the Superintendent, principal, or designee shall recommend a student's expulsion for any of the following acts: (Education Code 48915(a))

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(e), explosive, 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 the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

Mandatory Recommendation and Mandatory Expulsion

The Superintendent, principal, or designee shall recommend that the Board expel any student found at school or at a school activity to be: (Education Code 48915(c))

1. Possessing, as verified by a district employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #4 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (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 one of the acts listed under "Grounds for Suspension and Expulsion." (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 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))

After a determination that one of the grounds listed above under "Grounds for Suspension and Expulsion" has occurred, 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. The stipulation agreement shall be in writing and shall be signed by the student and his/her parent/guardian.

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 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 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).
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 nonattorney advisor.
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 advisor 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.

Conduct of Expulsion Hearing

1. **Closed Session:** Notwithstanding the provisions of Government Code 54953 and 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 unless another student's privacy rights would be violated. (Education Code 48918(c))

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, 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(e))

3. **Subpoenas:** Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent 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 the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(f))

Any objection raised by the student or the Superintendent 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(f))

4. 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(f))

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

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pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. While 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 hearings involve 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:

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- (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. Alternatively, the Board may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board or on the staff of the school in which the student is enrolled. (Education Code 48918(d))

A hearing conducted by the hearing officer or administrative panel 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 its decision within 40 school days of the student's removal from school, unless the student requests that the decision be postponed. (Education Code 48918(f) and (g))

The hearing officer or administrative panel 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. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with district staff, including the student's teachers, and with the student's parent/guardian. 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 or administrative panel may recommend that the Board suspend the enforcement of the expulsion for a period of one year. (Education Code 48917, 48918)

Final Action by the Board

Whether the expulsion hearing is conducted in closed or public session by the Board, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board at a public meeting. (Education Code 48918(f))

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If the Board conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

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 act listed under "Mandatory Recommendation and Mandatory Expulsion" above, 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 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" (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 of Education (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 Not to Enforce 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

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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 school, 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" 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 a 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 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)

Right to 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)

The student shall submit 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)

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Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student, the 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 principal or designee also 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. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishment 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 principal or designee shall notify appropriate city or county 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)

Post-Expulsion Placements

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, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

When the placement described above is not available and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #20-22 under "Grounds for Suspension and Expulsion" above may be referred to a program of study that is provided at another comprehensive middle, junior, or senior 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 7-12. (Education Code 48916.1)

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the district shall consider readmission of the student. (Education Code 48916)
2. The Superintendent 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 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.

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3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073.49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. 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)
6. 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. (Education Code 48916)
7. 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)

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))

The Superintendent 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)

Outcome Data

The Superintendent or designee shall maintain the following data: (Education Code 48900.8, 48916.1)

1. The number of students recommended for expulsion
2. The specific grounds for each recommended expulsion
3. Whether the student was subsequently expelled
4. Whether the expulsion order was suspended
5. The type of referral made after the expulsion
6. The disposition of the student after the end of the expulsion period

Regulation
approved: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Suspension And Expulsion/Due Process (Students With Disabilities) A/R 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.

Suspension

The Superintendent 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 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.

The Superintendent 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(g)(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)

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. Seeks 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)
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 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)

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)

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(c), 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 Governing Board's 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 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)

Report to County Superintendent of Schools

The Superintendent 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.

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)

Regulation
approved: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students

AR 5112.2

EXCLUSIONS FROM ATTENDANCE

Students may be excluded from attendance at district schools if they:

1. Are under the legal age of attendance, except as otherwise provided by law. (Education Code 48210)
2. Do not present evidence of immunization from certain infectious diseases as required by law. A student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/guardian's religious beliefs. (Health and Safety Code 120335, 120365, 120370)
3. Are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495, 121505)
4. Are infected with any contagious or infectious disease. (Education Code 49451; 5 CCR 202)
5. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided. (Health and Safety Code 120230)
6. Have not had the health screening specified in Health and Safety Code 124040, before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless

the parent/guardian has presented a waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

Notifications to Parents/Guardians

Prior to excluding a student from attendance, the Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion.

The Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded because: (Education Code 48213)

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230
2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.
3. The Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

However, in such cases, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

Appeals from Exclusion

Upon exclusion of his/her child, a parent/guardian may meet with the Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the Superintendent or designee to exclude his/her child, he/she may appeal the decision to the Governing Board.

The parent/guardian shall have an opportunity to inspect all documents upon which the district is basing its decision, to challenge any evidence and question any witness presented by the district, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

Regulation
approved: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students
BP 5121

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

The Governing Board believes that grades serve a valuable instructional purpose by helping students and parents/guardians understand performance expectations and identifying the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

The Superintendent or designee shall establish a uniform grading system based on standards that apply to all students in that course and grade level. Principals and teachers shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

A teacher shall base a student's grades on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and district standards. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests, and portfolios.

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board or the Superintendent except as provided by law, Board policy, or administrative regulation. (Education Code 49066)

When reporting student performance to parents/guardians, teachers may add narrative descriptions, observational notes, and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

A report card for a student with a disability may contain information about his/her disability, including whether that student received special education or related services, provided that the report card informs parents/guardians about their child's progress or level of achievement in specific classes, course content, or curriculum. However, transcripts that may be used to inform postsecondary institutions or prospective employers of the student's academic achievements shall not contain information disclosing the student's disability.

Effect of Absences on Grades

If a student misses class without an excuse and does not subsequently turn in homework, take a test, or fulfill another class requirement which he/she missed, the teacher may lower the student's grade for nonperformance.

The Board believes that eight unexcused absences per semester grading period constitute excessive unexcused absences. Students with excessive unexcused absences may receive a failing grade and not receive credit for the class(es).

Grade Point Average

The Superintendent or designee shall determine the methodology to be used in calculating students' grade point averages (GPA), including the courses to be included within the GPA and whether extra grade weighting shall be applied to Advanced Placement, honors, and/or concurrent postsecondary courses.

Policy
adopted: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

GRADES/EVALUATION OF STUDENT ACHIEVEMENT

Written report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

For each student in grades 9-12, the Superintendent or designee shall maintain a transcript recording the courses taken, the term that each course was taken, credits earned, final grades, and date of graduation.

Grades for Achievement K-6

In grades K-6, teachers shall use content standards based report cards to indicate the student's level of achievement. Report cards are issued each trimester to indicate the student's level of achievement.

In grades 4-6 criteria for determining grades for achievement may include but are not limited to:

1. Preparation of assignments, including accuracy, legibility and promptness
2. Contribution to classroom discussions
3. Demonstrated understanding of concepts in tests and other assessments
4. Application of skills and principles to new situations
5. Organization and presentation of written and oral reports
6. Originality and reasoning ability when working through problems

Academic achievement in grades 4-6 shall be reported each trimester and shall reflect achievement of the grade level content standards.

| | | | |
|---|----------------|---|------------------|
| A | (90-100%) | Outstanding achievement of standards | 4.0 grade points |
| B | (80-89%) | Proficient achievement of standards | 3.0 grade points |
| C | (70-79%) | Satisfactory achievement of standards | 2.0 grade points |
| N | (69% or below) | Minimal to non-achievement of standards | 0 grade points |

Grades for Achievement 7-12**Grades 7-8**

In grades 7-8, report cards are issued each semester to indicate the student's level of achievement.

In grades 7-8 criteria for determining grades for achievement may include but are not limited to:

1. Preparation of assignments, including accuracy, legibility and promptness
2. Contribution to classroom discussions
3. Demonstrated understanding of concepts in tests and other assessments
4. Application of skills and principles to new situations
5. Organization and presentation of written and oral reports
6. Originality and reasoning ability when working through problems

Academic achievement in grades 7-8 shall be reported each semester and shall reflect course content standards.

| | | | |
|---|-----------|---------------------------------------|------------------|
| A | (90-100%) | Outstanding achievement of standards | 4.0 grade points |
| B | (80-89%) | Proficient achievement of standards | 3.0 grade points |
| C | (70-79%) | Satisfactory achievement of standards | 2.0 grade points |
| D | (60-69%) | Minimal achievement of standards | 1.0 grade points |
| F | (0-59%) | Non-achievement of standards | 0 grade points |
| I | | Incomplete | 0 |

Grades 9-12

Academic achievement in grades 9-12 shall be reported each semester and shall reflect students' demonstration of course content standards achievement. Teachers in grades 9-12 may, in their best professional judgment, assign plus and minus signs to grades.

| | | | |
|---|----------------|---------------------------------------|------------------|
| A | (90-100%) | Outstanding achievement of standards | 4.0 grade points |
| B | (80-89%) | Proficient achievement of standards | 3.0 grade points |
| C | (70-79%) | Satisfactory achievement of standards | 2.0 grade points |
| D | (60-69%) | Minimal achievement of standards | 1.0 grade points |
| F | (59 and below) | Non-achievement of standards | 0 grade points |
| I | | Incomplete | 0 grade points |

| | |
|-----|-------------------------------------|
| NC | No credit |
| NCA | No credit due to excessive absences |
| NM | No mark |
| NR | No record |
| P | Pass |
| W | Withdrawn |
| W/F | Withdraw/Fail |

Whenever it becomes evident to a teacher that a student is in danger of failing a course, a conference shall be arranged with the student's parent/guardian or a written report will be sent to the parent/guardian by U.S. mail. (Education Code 49067)

An incomplete is given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the incomplete will become an F.

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel. (Education Code 49066)

A teacher may, in his or her best professional judgment, assign grades which reflect, not completion of course work, but the student's demonstration of achievement of course content standards. Teachers are encouraged to allow for trends in the quality of student work. For example, when a student finishes a grading period doing high quality work, which requires skills acquired throughout the grading period, low grades at the beginning of the grading period need not diminish the appropriate evaluation of the student's

achievement. Similarly, high grades at the beginning need not compensate for a downward trend in achievement.

Student performance in high school physical education courses shall be based upon evaluation of the student's individual progress, attainment of goals in each instructional area, tests designed to determine skill and knowledge, and physical performance tests. (5 CCR 10060)

Participation in Extra/Co-Curricular Activities (Grades 7-12)

Students in grades 7 through 12 must earn at least a 2.0 or C grade point average in the previous grading period in order to participate in extra/co-curricular activities. See Board Policy 6145. (Education Code 35160.5)

To encourage and support academic excellence, the Board requires students in grades 7-8 to earn a minimum of a 2.0 grade point average on a 4.0 scale in order to participate in extra/co-curricular activities. To encourage and support academic excellence, the Board requires students in grades 9-12 to earn a minimum of a 2.0 or C grade point average on a 4.0 scale and maintain satisfactory progress toward graduation in order to participate in extra/co-curricular activities. See Board Policy 6145.

Honor Roll (Grades 7-12)

Each secondary school shall post an Honor Roll. All courses except Pass/Fail shall be counted in computing eligibility for the Honor Roll. To qualify for the Honor Roll, a student must receive no current grade below a C and have a grade point average of 3.5 or better.

Advanced Placement/Honors Courses (Grades 9-12)

The district wishes to encourage students to take advanced placement (AP) and honors courses. AP courses are developed by the College Board and approved by the University of California system. Honors courses are developed by the district and approved by the University of California. Because of the extra work involved, the evaluation system shall be weighted to reflect the more rigorous nature of these courses. Grades received in these courses will be counted on a weighted scale. All students who take an advanced placement (AP) course are expected to take the related College Board Advanced Placement Exam to receive the weighted grade point. The advanced placement course will be noted on the student's transcript.

Following is the weighted scale for honors courses and advanced placement courses for which a student takes the related advanced placement exam:

| | | |
|---|---|----------------|
| A | = | 5 grade points |
| B | = | 4 grade points |
| C | = | 3 grade points |
| D | = | 1 grade point |
| F | = | 0 grade points |

Pass/Fail Grading (Grades 9-12)

With parental approval, a student may elect to earn a *Pass* or *Fail* grade instead of an A-F grade in the following courses:

1. All courses taken in the Special Education Program
2. Students shall be graded Pass/Fail for classes in which they serve as student aides.

Students who receive a *Pass* grade will acquire the appropriate semester units of credit for the course, and the grade will not be counted in determining class rank or grade point average and co-curricular eligibility. Students who receive a *Fail* grade will not receive credit for taking the course.

Repeated Classes (Grades 9-12)

With the prior approval of the principal or designee, a student may repeat a course in order to raise his/her grade. The student shall receive credit only for taking the course once.

Both grades received will be entered on the student's transcript with the highest grade receiving the credit. It should be noted that the University of California/California State University system will not accept repeat course grades if the student initially received a C or better. (California Code of Regulations Title V, section 58161)

Withdrawal from Classes (Grades 9-12)

A student who submits a *Request for Withdrawal Form* during the first two weeks of the semester may do so without any entry on his/her permanent record card. A student who drops a course after the first two weeks of the semester shall receive a W/F grade on his/her permanent record, unless otherwise decided by the principal or designee because of extenuating circumstances.

Unexcused Absences (Grades 9-12)

The student and parent/guardian shall be notified and informed of the district's policy regarding excessive unexcused absences. The student and parent/guardian shall have a reasonable opportunity to explain the absence. (Education Code 49067)

If the absence is not verified as excusable within three days, it shall be recorded as unexcused. The person receiving any explanation of the absence by the parent/guardian shall make a record of this explanation and the date when it was given.

Students with excessive unexcused absences (eight absences per semester grading period) may be given a failing grade and not receive credit for the course(s). Teachers may, in their best professional judgment, assign a failing grade to a student with excessive unexcused absences. The student or the student's parent/guardian shall be provided with an opportunity to explain the absences. The district shall notify the student's parent/guardian of this unexcused absence policy through an annual notice or through the teacher.

If a student receives a failing grade because of unexcused absences, school records shall specify that the grade was given because of excessive unexcused absences. (Education Code 49067)

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances: (Education Code 49069.5)

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school
2. A verified court appearance or related court-ordered activity

Regulation
 approved: June 19, 2003
 revised: June 26, 2007
 revised: September 13, 2011
 reviewed: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
 Morgan Hill, California

Students BP 5123

PROMOTION/ACCELERATION/RETENTION

Cautionary Notice: As added and amended by SBX3 4 (Ch. 12, Third Extraordinary Session, Statutes of 2009), ABX4 2 (Ch. 2, Fourth Extraordinary Session, Statutes of 2009), and SB 70 (Ch. 7, Statutes of 2011), Education Code 42605 grants districts flexibility in "Tier 3" categorical programs. The Morgan Hill Unified School District has accepted this flexibility and thus is deemed in compliance with the statutory or regulatory program and funding requirements for these programs for the 2008-09 through 2014-15 fiscal years. As a result, the district may temporarily suspend certain provisions of the following policy or regulation that reflect these requirements. For further information, please contact the Superintendent or designee.

Cautionary Notice: AB 1610 (Ch. 724, Statutes of 2010) amended Education Code 37252.2 and Government Code 17581.5 to relieve districts from the obligation, until July 1, 2013, to perform any activities that are deemed to be reimbursable state mandates under those sections. As a result certain provisions of the following policy or administrative regulation that reflect those requirements may be suspended.

The Governing Board expects students to progress through each grade level within one school year. To accomplish this, instruction should accommodate the variety of ways that students learn and include strategies for addressing academic deficiencies when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

When high academic achievement is evident, the Superintendent or designee may recommend a student for acceleration into a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

As early as possible in the school year, the Superintendent or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, Board policy, administrative regulation, and the following criteria.

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Students shall be identified on the basis of the student's ability to pass the subjects and electives necessary to earn the required number of credits and the student's ability to meet the minimum levels of proficiency recommended by the State Board of Education and set by the Board.

When any student in grades 2-9 is retained or recommended for retention, the Superintendent or designee shall offer programs of direct, systematic, and intensive supplemental instruction in accordance with Education Code 37252.2 and Board policy.

Policy
 adopted: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
 Morgan Hill, California

Students AR 5123

PROMOTION/ACCELERATION/RETENTION

Promotion

Students are expected to progress through the grade levels by demonstrating growth in learning and meeting state and district grade-level standards of expected student achievement.

Acceleration to First Grade

A student enrolled in kindergarten may be admitted to the first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian, upon determination that the child is ready for first-grade work. (Education Code 48011)

Admission shall be subject to the following minimum criteria: (5 CCR 200)

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the school district approving the placement in first grade.

Acceleration to Other Grade Levels

When the acceleration of a student is indicated, the teacher and/or school counselor shall immediately direct the case to the principal's attention. The principal shall convene a meeting with the parent, teacher and school counselor (if applicable), to discuss the relative merits and problems of acceleration. Consideration of alternatives will be explored. Whenever a decision is made to accelerate a student, the principal shall secure an agreement, signed by the parent/guardian, stating the conditions of the acceleration and the rationale for the decision. The principal shall assume responsibility for completing and filing a summary of all recommendations and actions taken relating to the decision to accelerate in the student's permanent record.

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Retention at the Kindergarten Level

Students who have completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten for not more than one additional school year. (Education Code 48011)

Whenever a student continues in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year. (Education Code 46300)

Retention at Other Grade Levels

Students may be retained at any grade level if, based upon test scores, grades, or other academic indicators, his or her teacher recommends retention. The Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 4 and 5
4. Between the end of the intermediate grades and the beginning of the middle school grades
5. Between the end of the middle school grades and the beginning of the high school grades

Students between grades 2 and 3 and grades 3 and 4 shall be identified primarily on the basis of their level of proficiency in reading; proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 5; between intermediate and middle school grades, and between middle school grades and high school grades using the following criteria: (Education Code 48070.5)

Second to Third Grade (Reading only)

A student must meet at least one of the following applicable reading standards; otherwise, he or she shall be considered for retention in the second grade:

1. Running Record Level 18, or
2. Below Basic on the California Standards Test (CST) in English/language arts, or
3. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or
4. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.

Third to Fourth Grade (Reading only)

A student must meet at least one of the following applicable reading standards; otherwise, he or she shall be considered for retention in the third grade:

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1. Running Record Level 24, or
2. Twenty-fifth percentile on CAT 6 Reading Comprehension Sub Test, or
3. Below Basic on the California Standards Test (CST) in English/language arts, or
4. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or
5. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.

Fourth to Fifth Grade (Reading, Language Arts, and Mathematics)

A student must meet at least one of the following applicable standards in each of the three specified content areas of reading, language arts, and mathematics; otherwise, he or she shall be considered for retention in the fourth grade:

1. Reading
 - a. Running Record Level 26, or
 - b. Below Basic on the California Standards Test (CST) in English/language arts, or
 - c. A grade of C- or better in reading based on students meeting at least 60 percent of the standards, or
 - d. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or
 - e. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.
2. Language Arts
 - a. Below Basic on the California Standards Test (CST) in English/language arts, or
 - b. A grade of C- or better in language based on students meeting at least 60 percent of the standards, or
 - c. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or
 - d. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.
3. Mathematics
 - a. Below Basic on the California Standards Test (CST) in English/language arts, or
 - b. A grade of C- or better in mathematics based on student meeting at least 60 percent of the standards, or
 - c. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or

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- d. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.

Sixth to Seventh Grade (Reading, Language Arts, and Mathematics)

A student must meet at least one of the following applicable standards in each of the three specified content areas of reading, language arts, and mathematics; otherwise, he or she shall be considered for retention in the sixth grade:

1. Reading
 - a. Running Record Level 30, or
 - b. Below Basic on the California Standards Test (CST) in English/language arts, or
 - c. A grade of C- or better in reading based on student meeting at least 60 percent of the standards, or
 - d. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or
 - e. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.

2. Language Arts
 - a. Below Basic on the California Standards Test (CST) in English/language arts, or
 - b. A grade of C- or better in language based on student meeting at least 60 percent of the standards, or
 - c. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or
 - d. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.

3. Mathematics
 - a. Below Basic on the California Standards Test (CST) in Mathematics, or
 - b. A grade of C- or better based on student meeting at least 60 percent of the standards, or
 - c. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or
 - d. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.

Eighth to Ninth Grade (Reading, Language Arts, and Mathematics)

A student must meet at least one of the following applicable standards in each of the three specified content areas of reading, language arts, and mathematics; otherwise, he or she shall be considered for retention in the eighth grade:

1. Reading
 - a. Below Basic on the California Standards Test (CST) in English/language arts, or
 - b. A grade of C- or better based on student meeting at least 60 percent of the standards, or
 - c. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or
 - d. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.

2. Language Arts
 - a. Below Basic on the California Standards Test (CST) in English/language arts, or
 - b. A grade of C- or better based on students meeting at least 60 percent of the standards, or
 - c. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or
 - d. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.

3. Mathematics
 - a. Below Basic on the California Standards Test (CST) in mathematics, or
 - b. A grade of C- or better based on students meeting at least 60 percent of the standards, or
 - c. A student who has made satisfactory progress toward meeting his/her Individualized Education Program or 504 plan goals which are aligned to state and district standards when the handicapping condition is not related to the determination to retain, or
 - d. A designated English Language Learner who has made satisfactory progress toward acquiring English as measured by the Student English Learner Profile, test scores, grades, and/or other objective measures.

Right of Teacher to Waive Criteria

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

Similarly, if the student is determined to have met one or more of the promotion criteria the student shall be promoted to the next grade level unless the student's regular classroom teacher determines, in writing, that promotion is not warranted.

Conditional Promotion

If the teacher's recommendation to promote is contingent on the student's participation in a summer school or interim session remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that

time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion. (Education Code 48070.5)

Designation of Responsible Teacher

If the student does not have a single regular classroom teacher, the principal or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

Parent Notification

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. Whenever possible, this notification shall occur at the elementary level no later than the fall parent/teacher conferences or the end of the first trimester reporting period. At the secondary level, this notification shall occur by the end of the first semester. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

The Superintendent or designee shall also provide a copy of the district's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child is at risk of retention.

Parent/Guardian Appeal Process

The teacher's decision to promote or retain a student may be appealed consistent with Governing Board policy, administrative regulation and law.

The burden shall be on the appealing party to show why the teacher's decision should be overruled. (Education Code 48070.5)

To appeal a teacher's decision, the appealing party shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion. The teacher shall be provided an opportunity to state orally and/or in writing the criteria on which his/her decision was based.

Within 15 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the appealing party and the teacher. If the Superintendent or designee determines that the appealing party has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Board within 10 school days. Within 30 calendar days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Governing Board, the Board may also meet with the appealing party, the teacher and the Superintendent/designee to decide the appeal. The decision of the Board shall be final.

If the decision of the Board is unfavorable to the appealing party, he/she shall have the right to submit a written statement of objections which shall become part of the student's record.

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Supplemental Instructional Programs

With the consent of the parent/guardian, the Superintendent or designee may require a student who has been recommended for retention or has been identified as being at risk of retention to participate in a supplemental instructional program. Such programs shall be offered during the summer, after school, on Saturdays and/or during intersessions. Services shall not be provided during the regular instructional day if it would result in the student being removed from classroom instruction in the core curriculum.

These services shall be provided to students in the following priority order:

1. Students who have been recommended for retention or who have been identified as being at risk of retention pursuant to Education Code 48070.5
2. Students who have been identified as having a deficiency in mathematics, reading or written expression based on the results of the test administered under the STAR program
3. Other students

This supplemental instruction program shall be developed in accordance with the requirements of Education Code 37252.5

Regulation

approved: January 11, 1982
revised: May 24, 1999
revised: March 13, 2007
reviewed: November 13, 2012

California Department of Education
Notification Flyer
For Students in Grades Nine Through Twelve

California High School Exit Examination 2014-15

Notice to Parents, Guardians, and Students

All California public school students, except eligible students with disabilities, must pass the California High School Exit Examination (CAHSEE) to receive a high school diploma. Students also must meet all other state and local requirements. All students, including English learners, will take the exam for the first time in grade ten. Students who do not pass the exam in grade ten will have more opportunities to retake the part(s) not passed in grades eleven and twelve. Students with disabilities who are eligible for the exemption must still take the CAHSEE in grade ten. This is due to state and federal laws and is not a condition of graduation. The exam consists of two parts. The first part includes English-language arts (reading and writing). The second part covers mathematics. To learn more about test dates and guidelines go to the CDE Administrative Documents Web page at <http://www.cde.ca.gov/ta/tg/hs/admin.asp>.

Requirements for Passing the CAHSEE

Students must earn a score of 350 or higher on each part of the CAHSEE (English-language arts and mathematics) to pass the exam. Students do not need to pass both parts of the exam during the same test administration to satisfy the CAHSEE requirement.

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Students with Disabilities

Eligible students with disabilities with an active individualized education program (IEP) or Section 504 plan can satisfy the CAHSEE requirement by:

- passing the examination,
- meeting the exemption requirement pursuant to California *Education Code (EC)* Section 60852.3,
- receiving a local waiver pursuant to *EC* Section 60851(c)(1), or
- receiving a streamlined waiver of *EC* Section 60851.

Information for students with disabilities can be found on the CDE Students with Disabilities – CAHSEE Exemptions and Waivers Web page at <http://www.cde.ca.gov/ah/gis/cmhseecwaivers/exemptions.asp>.

EC Section 60852.3 provides an exemption from meeting the CAHSEE requirement as a condition of receiving a diploma of graduation. To be eligible students with disabilities must have an IEP or a Section 504 plan. The IEP or Section 504 plan must state that the student is scheduled to receive a high school diploma. It must also state that the student has satisfied or will satisfy all other state and local requirements for high school graduation, on or after July 1, 2009. The exemption from meeting the CAHSEE requirement ends June 30, 2015. The State Board of Education (SBE) can extend the exemption one additional year if needed to implement the alternative means assessment.

The CAHSEE regulations specify accommodations and modifications that students with disabilities must be permitted to use if specified in the student's IEP or Section 504 plan. The IEP or plan must specify that these modifications or accommodations can be used on the CAHSEE, standardized testing, or for use during classroom instruction and assessments. Students who use an accommodation and earn a score of 350 or higher have passed that part of the CAHSEE. Students who use a modification and earn the equivalent of a passing score on one or both parts of the CAHSEE have not passed. However, to meet the CAHSEE requirement, a principal may request a local waiver of the CAHSEE requirement from their local school board.

The SBE has adopted the CAHSEE Streamlined Waiver for Eligible Students with Disabilities. This waiver is another option for eligible students with disabilities to satisfy the CAHSEE requirement. The request can be made by an LEA or special education local plan area (SELPA) on behalf of eligible students with disabilities to waive the CAHSEE requirement as a condition of graduation. Students must meet a number of requirements to be eligible. More information about this waiver and criteria to qualify can be found on the CDE Waiver Policies Web page at <http://www.cde.ca.gov/ah/gis/cmhseecwaivers/policies.asp>.

Test Variations for Students who are English Learners

Students who are English learners must be allowed to take the CAHSEE with certain test variations. These apply if used regularly in the classroom. For example, English learners must be permitted to hear the test directions in their primary language or use a translation glossary.

Students who are English learners are required to take the CAHSEE in grade ten with all other grade ten students. During their first 24 months in a California school, English learners are to receive 6 months of instruction in reading, writing, and comprehension in English (*EC* Section 60852). During this time, they are still required to take the CAHSEE. All students must pass the CAHSEE in English to receive their high school diploma.

Testing Dates

The CAHSEE will be administered at the school site during regular school hours on the dates specified in the chart below. Students in grade ten must take the CAHSEE in March, 2015. For grade ten students who are absent, a make-up will be offered in May. Grade eleven and twelve students who have not passed one or both parts of the CAHSEE will be offered the exam on the dates listed in the chart below.

2014–15 Designated CAHSEE Testing Dates

| English–Language Arts | Mathematics | Administered To |
|-----------------------|-------------------|---|
| July 22, 2014 | July 23, 2014 | Grade 12 (Class of 2014) & Adult |
| October 7, 2014 | October 8, 2014 | Grade 11, 12, CAS & NPS |
| December 6, 2014 | December 13, 2014 | Grade 12, CAS & NPS |
| February 3, 2015 | February 4, 2015 | Grade 11, 12, CAS & NPS |
| March 17, 2015 | March 18, 2015 | Grade 10 Census, 11, 12, CAS & NPS |
| May 12, 2015 | May 13, 2015 | Make-ups Only: Grade 10 Census & Grade 12 |

Additional Information

For the latest information regarding the CAHSEE, please visit the CDE CAHSEE Web page at <http://www.cde.ca.gov/ah/gis/cmhseecwaivers/exemptions.asp>. If you have any further questions about the CAHSEE, please contact your school.

Ann Sobrino High School (408) 201-6200
Central Continuation High School (408) 201-6300
Live Oak High School (408) 201-6100

Instruction

BP 6146.1

HIGH SCHOOL GRADUATION REQUIREMENTS

High School Graduation Requirements

The Governing Board desires to prepare each student to obtain a diploma of high school graduation in order to provide students with opportunities for postsecondary education and/or employment.

In April 2012, the Morgan Hill Unified Board took action calling for the class of 2017 to meet all UC/CSU A-G requirements. This would mean that entering 9th graders in 2013 will have course work in place for them to meet this goal.

To qualify for a diploma of graduation, a student must satisfactorily complete 220 credits in grades 9-12. While all students will follow the program shown, the principal or his/her designee has the prerogative of adjusting individual student programs to meet specific personal and educational need. English learner students, special education students and those who can demonstrate academic need may qualify to request exemption status from the A-G graduation requirements.

Credit Requirements

Comprehensive High School (beginning with the class of 2017)

Beginning with the class of 2017, to obtain a diploma of graduation from a comprehensive high school, students shall complete at least 220 credits including the following course credits in grades 9-12:

1. 40 English credits
2. 30 Social Studies credits including:
 - 10 World History
 - 10 United States History
 - 5 Civics
 - 5 Economics
3. 30 Mathematics credits
(At least one mathematics course shall meet or exceed state academic content standards for Algebra I. Up to 10 of the 30 credits required in math may be met by taking Algebra I and/or geometry in middle school. However these middle school courses cannot be used to meet the 220 high school credit graduation requirement.)
4. 20 Science Credits including:
 - 10 Physical Science
 - 10 Life Science
5. 20 Physical Education Credits
6. 20 credits that are taken in World Language (up to 10 credits required in World language may be taken in middle school. However, these middle school courses cannot be used to meet the 220 high school credit graduation requirement)
7. 10 credits taken in Visual and Performing Arts
8. 10 credits taken in Career and Technical Education
9. 40 additional A-G or applied arts electives of the students choice

Comprehensive High School (from the class of 2009 through the class of 2016)

Beginning with the class of 2009 through the class of 2016, to obtain a diploma of graduation from a comprehensive high school, students shall complete at least 220 credits including the following course credits by grade 12:

1. 40 English credits
2. 30 Social Studies credits including:
 - 10 World History
 - 10 United States History
 - 5 Civics
 - 5 Economics

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3. 30 Mathematics credits
(At least one mathematics course shall meet or exceed state academic content standards for Algebra I. Up to 10 of the 30 credits required in math may be met by taking Algebra I and/or geometry in middle school. However these middle school courses cannot be used to meet the 220 high school credit graduation requirement.)

4. 20 Science Credits including:
 - 10 Physical Science
 - 10 Life Science
5. 20 Physical Education Credits
6. 20 Credits that are a combination of any two of the three areas – Applied Arts, Visual and Performing Arts, World Language. (Up to 10 credits required in World Language may be taken in middle school. However, these middle school courses cannot be used to meet the 220 high school credit graduation requirement.)
7. 60 Additional credits of the student's choice

In the case of a course that is listed in more than one subject area, a student may apply such a course to only one subject area requirement.

Continuation High School

Beginning with the class of 2009 to obtain a diploma of graduation from a continuation high school, students shall complete at least 220 credits including the following course credits by grade 12:

1. 40 English credits
2. 30 Social Studies credits including:
 - 10 World History
 - 10 United States History
 - 5 Civics
 - 5 Economics
3. 30 Mathematics credits
(At least one mathematics course shall meet or exceed state academic content standards for Algebra I. Up to 10 of the 30 credits required in math may be met by taking Algebra I and/or geometry in middle school. However these middle school courses cannot be used to meet the 220 high school credit graduation requirement.)
4. 20 Science Credits including:
 - 10 Physical Science
 - 10 Life Science
5. 20 Physical Education Credits
6. 20 Credits that are a combination of any two of the three areas – Applied Arts, Visual and Performing Arts, World Language. (Up to 10 credits required in World Language may be taken in middle school. However, these middle school courses cannot be used to meet the 220 high school credit graduation requirement.)

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7. 60 Additional credits of the student's choice

In the case of a course that is listed in more than one subject area, a student may apply such a course to only one subject area requirement.

Student Class Designation

Students earn 5 units of credit per semester course passed. Students' class designation will be based upon earned credits:

1. 0-39 earned credits – Freshman
2. 40-99 earned credits – Sophomore
3. 100-159 earned credits – Junior
4. 160-completion (220 required to graduate) – Senior

Course Load

All 9th, 10th, and 11th grade students at the comprehensive high schools are required to take 6 classes each semester. All 12th grade students at the comprehensive high schools are required to take a minimum of 5 classes each semester.

Conditions for Meeting Graduation Requirements

Courses taken in summer school may apply toward meeting course requirements.

Enrollment in physical education is required in grade 9. An additional 10 units is required in grades 10-12. Additional physical education courses may be taken for elective credit in grades 10-12.

220 units represent a minimum requirement. Students are encouraged to earn at least 240 units of credit prior to receiving a diploma.

Supplemental Methods of Earning Credit for Graduation

In addition to credits earned through attendance at district schools, full credit may be accepted (with principal approval) for comparable work successfully completed through the following:

1. Courses offered by other public high schools;
2. Portable Assisted Study Sequence (PASS) Program;
3. Courses offered by accredited private high schools;
4. Concurrent enrollment in community college or accredited college or university as provided for in the Education Code (Dual credit may be awarded);
5. Courses offered by regional occupational centers or programs;
6. University of California high school correspondence courses;
7. Courses offered by an accredited adult school, and/or
8. Courses offered through the district's Independent Study program.

The Board shall grant to a pupil for the satisfactory completion of work experience education established under Education Code 51760 credit in an amount not to exceed a total of 40 semester credits made up of one or a combination of two or more of the following types:

1. For Exploratory Work Experience Education: 10 credits for each semester, with a maximum of 20 credits earned in two semesters.
2. For General Work Experience Education: 10 credits for each semester with a maximum of 40 credits.
3. For Vocational Work Experience Education: 10 credits for each semester with a maximum of 40 credits.

Alternative Means of Meeting Course Requirements

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

Issuance of Diplomas

Students will receive a diploma from the district school in which they were last regularly enrolled and attending classes.

Students must complete all graduation requirements in order to participate in graduation exercises or receive a diploma. Students who do not meet all requirements after eight full semesters (grades 9-12) may complete their high school graduation requirements and receive a diploma from the last regular school of attendance by:

1. Enrollment in summer school immediately following the student's eighth semester, provided no more than 10 units are required for graduation;
2. Enrollment as a fifth-year student if less than 18 years of age at the time of enrollment, or if enrollment is in the semester which follows the student's eighth semester; or
3. Completion of course work equivalent to that not completed at the high school by enrolling in and receiving credits from:
 - a community college,
 - an accredited adult school,
 - an accredited private school,
 - another public high school, and/or
 - University of California high school | correspondence or online courses.

Exit Exam Beginning with the Class of 2006

Beginning in the 2005-2006 school year, each student completing grade 12 shall have successfully passed the state exit examination in language arts and mathematics as a condition of high school graduation. Supplemental instruction shall be offered to any student who does not demonstrate "sufficient progress," as defined in Board policy, toward passing the exit examination. (See Board Policies 6162.52 - High School Exit Examination and 6179 - Supplemental Instruction.)

Policy adopted: June 6, 2005
 revised: September 25, 2007
 reviewed: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
 Morgan Hill, California

Instruction AR 6146.1

HIGH SCHOOL GRADUATION REQUIREMENTS

Notifications

Requirements for graduation and specified alternative means for completing the prescribed course of study shall be made available to students, parents/guardians, and the public. (Education Code §1225.3)

Regulation approved: November 13, 2012
 Instruction Morgan Hill, California
 BP 6146.4

DIFFERENTIAL GRADUATION AND COMPETENCY STANDARDS FOR STUDENTS WITH DISABILITIES

The Governing Board recognizes that students with disabilities are entitled to a course of study that provides them with a free appropriate public education (FAPÉ) and that modifications to the district's regular course may be needed on an individualized basis to provide FAPÉ. In accordance with law, each student's individualized education program (IEP) team shall determine the appropriate goals, as well as any appropriate individual accommodations necessary for measuring the academic achievement and functional performance of the student on state and districtwide assessments.

Certificate of Educational Achievement or Completion

Instead of a high school diploma, a student with disabilities may be awarded a certificate or document of educational achievement or completion if the student has met one of the following requirements: (Education Code 56390)

1. Satisfactorily completed a prescribed alternative course of study approved by the board of the district in which the student attended school or the district with jurisdiction over the student as identified in his/her IEP
2. Satisfactorily met his/her IEP goals and objectives during high school as determined by the IEP team
3. Satisfactorily attended high school, participated in the instruction as prescribed in his/her IEP, and met the objectives of the statement of transition services

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A student with disabilities who meets any of the criteria specified above shall be eligible to participate in any graduation ceremony and any school activity related to graduation in which a graduating student of similar age without disabilities would be eligible to participate. (Education Code 56391)

Policy adopted: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
 Morgan Hill, California

Students BP 5116.1

INTRADISTRICT OPEN ENROLLMENT

The Governing Board desires to provide enrollment options that meet the diverse needs and interests of district students and parents/guardians, while also balancing enrollment in order to maximize the efficient use of district facilities. The Superintendent or designee shall establish procedures for the selection and transfer of students among district schools in accordance with law, Board policy, and administrative regulation.

The parents/guardians of any student who resides within district boundaries may apply to enroll their child in any district school, regardless of the location of residence within the district. (Education Code 35160.5)

The Board shall annually review this policy. (Education Code 35160.5, 48980)

Enrollment Priorities

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

The Superintendent or designee shall grant priority to any district student to attend another district school, including a charter school, outside of his/her attendance area as follows:

1. Any student enrolled in a district school that has been identified on the state's Open Enrollment List. (Education Code 48354)
2. Any student enrolled in a district school receiving Title I funds that has been identified for program improvement (PI), corrective action, or restructuring. (20 USC 6316)
3. Any student enrolled in a district school designated by the California Department of Education as "persistently dangerous." (20 USC 7912; 5 CCR 11992)
4. Any student who is a victim of a violent crime while on school grounds. (20 USC 7912)
5. Upon a finding that special circumstances exist that might be harmful or dangerous to the student in the current attendance area. Special circumstances, include, but are not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a district school that is at capacity and otherwise closed to transfers.

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To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, such as a law enforcement official, social worker, or a properly licensed or registered professional, such as a psychiatrist, psychologist, or marriage and family therapist
 - b. A court order, including a temporary restraining order and injunction
6. Any sibling of a student already in attendance in that school.
 7. Any student whose parent/guardian is an employee.

Application and Selection Process

In order to ensure that priorities for enrollment in district schools are implemented in accordance with law, applications for intradistrict open enrollment shall be submitted between the first Thursday of attendance in January through the twelfth day of the school year for which the request is being made. Parents who have not received notification of available space from the school of choice by October 1st must submit a new application during the next official open enrollment period.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine who shall be admitted whenever the school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance, except that existing entrance criteria for specialized schools or programs may be used provided that the criteria are uniformly applied to all applicants. Academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students. (Education Code 35160.5)

Transportation

Except as required by 20 USC 6316 for transfers out of Title I PI schools, the district shall not be obligated to provide transportation for students who attend school outside their attendance area.

Policy
adopted: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students

AR 5116.1

INTRADISTRICT OPEN ENROLLMENT

Transfers for Victims of a Violent Criminal Offense

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parents/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, the transfer shall be completed as soon as practicable.

Transfers from a "Persistently Dangerous" School

Upon receipt of notification from the California Department of Education (CDE) that a district school has been designated as "persistently dangerous," the Superintendent or designee shall provide parents/guardians of students attending the school with the following notifications:

1. Within 10 days of receipt of the notification from CDE, notice of the school's designation
 2. Within 20 days of receipt of the notification from CDE, notice of the option to transfer their child
- Parents/guardians who desire to transfer their child out of a "persistently dangerous" school shall provide a written request to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students. The Superintendent or designee may establish a reasonable timeline, not to exceed seven school days, for the submission of parent/guardian requests.

The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, the transfer shall generally be made within 30 school days of receiving the notice of the school's designation from the CDE. If parents/guardians decline the assigned school, the student may remain in his/her current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an interdistrict transfer program in the event that space is not available in a district school.

Other Intradistrict Open Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to intradistrict open enrollment:

1. The Superintendent or designee shall identify those schools which may have space available for additional students. A list of those schools and open enrollment applications shall be available at each school site, the district office, and on the district's web site.
 2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool. A waiting list shall be established to indicate the order in which applicants may be accepted if openings occur during the year. Late applicants shall not be added to the waiting list for the current year but shall instead wait for a subsequent lottery.
 3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved, denied, or placed on a waiting list. If the application is denied, the reasons for denial shall be stated.
 4. Approved applicants must confirm their enrollment within 10 school days.
- Once enrolled, a student shall not be required to reapply for readmission. However, the student may be subject to displacement due to excessive enrollment.
- Any complaints regarding the open enrollment process shall be submitted in accordance with the applicable complaint procedure.

Notifications

Notifications shall be sent to parents/guardians at the beginning of each school year describing all current statutory attendance options and local attendance options available in the district. Such notification shall include: (Education Code 35160.5, 48986)

1. All options for meeting residency requirements for school attendance
2. Program options offered within local attendance areas
3. A description of any special program options available on both an interdistrict and intradistrict basis
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied
5. A district application form for requesting a change of attendance
6. The explanation of attendance options under California law as provided by the CDE

Regulation
approved: November 13, 2012

MORGAN HILL UNITED SCHOOL DISTRICT
Morgan Hill, California

Attendance Policies and Procedures

Attendance is critical to the academic success of all students. Appointments should be made for after school hours, whenever possible. If a student is absent, it is his/her responsibility to contact the Attendance Office to clear the absence and to contact teachers for class work missed.

Clearing Absences

All absences should be cleared the day of the absences or upon return to school. Absences can be cleared in the following manner:

- Parent phone call to Attendance Office
- Parent note to Attendance Office
- Please include the following information when clearing absences:
 - First and last name of student
 - Date(s) of absence
 - Reason for absence
 - Signature or Identification of parent and relation to student
 - Doctor's note (if appropriate)

Excused Absences

Education Code 48980 (h) Article 6 California School Information Services – Pupil Attendance

Options and Transfer Forms

The notification shall advise the parent or guardian of all existing statutory attendance options and local attendance options available in the school district. This notification component shall include all options for meeting residency requirements for school attendance, programmatic options offered within the local attendance areas, and any special programmatic options available on both an interdistrict and intradistrict basis. This notification component also shall include a description of all options, a description of the procedure for application for alternative attendance areas or programs, an application form from the district for requesting a change of attendance, and a description of the appeals process available, if any, for a parent or guardian denied a change of attendance. The notification component also shall include an explanation of the existing statutory attendance options including, but not limited to, those available under Section 35160.5, Chapter 5 (commencing with Section 46600) of Part 26, and subdivision (b) of Section 48204. The department shall produce this portion of the notification and shall distribute it to all school districts.

Education Code 48980 (j) Article 6 California School Information Services – No Grade Reduction

Due to Excused Absences

The notification shall advise the parent or guardian that a pupil shall not have his or her grade reduced or lose academic credit for any absence or absences excused pursuant to Section 48205 if missed

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assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time, and shall include the full text of Section 48205.

Education Code 48205 – Excused Absences

(a) Notwithstanding Section 48200, a pupil shall be excused from school when the absence is:

- (1) Due to his or her illness.
- (2) Due to quarantine under the direction of a county or city health officer.
- (3) For the purpose of having medical, dental, optometrical, or chiropractic services rendered.
- (4) For the purpose of attending the funeral services of a member of his or her immediate family, so long as the absence is not more than one day if the service is conducted in California and not more than three days if the service is conducted outside of California.
- (5) For the purpose of jury duty in the manner provided for by law.
- (6) Due to illness or medical appointment during school hours of a child of whom The pupil is the custodial parent.
- (7) For justifiable personal reasons, including, but not limited to, an appearance in Court, attendance at a funeral service, observance of a holiday or ceremony of His or her 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 non profit organization when the Pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board.
- (8) For the purpose of serving a member of a precinct board for an election Pursuant to Section 12302 of the Elections Code.
 - (a) A pupil absent from school under this section shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefor. The teacher of the class from which a pupil is absent shall determine which tests and assignments shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

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(b) For purposes of this section, attendance at religious retreats shall not exceed four hours per semester.

(c) Absences pursuant to this section are deemed to be absences in computing average daily attendance and shall not generate state apportionment payments.

(d) "Immediate family," as used in this section, has the same meaning as that set forth in Section 45194, except that references therein to "employee" shall be deemed to be references to "pupil."

Unexcused Absences

Absences for reasons other than those listed above are considered Unexcused.

After 3 days, absences for reasons unknown to our Attendance Office are considered Unexcused.

In addition, the Governing Board has determined that upon written request from parent or guardian and approval of the principal or designee, student's absence may be excused for justifiable personal reasons including, but not limited to:

- Court appearance
- Religious holiday or ceremony
- Religious retreat not to exceed four hours per semester
- Employment interview or conference
- Appearance at Student Attendance Review Board or Student Attendance Review meetings
- Appearance at a funeral of someone other than a member of the immediate family

Leaving Campus

In order for a student to leave campus during the school day a student must check out through the Attendance Office by having a parent call or bringing a note from a parent upon return to school, the student must check in at the Attendance Office, and bring the note signed by the medical provider (if the student was at a medical appointment) or parent.

Family Trips, Personal Appointments and Business

Although strongly discouraged, missing school for a family trip is sometimes unavoidable. These absences are considered Unexcused according to the State Education Code. Students missing school should contact his/her teachers as soon as possible to request make-up work.

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Students

BP 5111

ADMISSION

The Governing Board encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of students entering a district school at any grade level about admission requirements and shall assist them with enrollment procedures.

The Superintendent or designee shall verify the student's age, residency, and any other admission criteria specified in law and in Board policies and administrative regulations.

All resident students who are enrolling either in the school in their attendance area or in another district school shall be subject to the timelines established by the Board in BP/AR 5116.1 - Intradistrict Open Enrollment. Nonresident students may apply for interdistrict attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.

Policy
adopted: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Students

AR 5111

ADMISSION

Age of Admission to Grades K-1

A child shall be eligible for enrollment in kindergarten or first grade, at the beginning of the school year or at a later time in the same year, if the child has his/her fifth or sixth birthday, respectively, on or before one of the following dates: (Education Code 48000, 48010)

1. November 1 of the 2012-13 school year
 2. October 1 of the 2013-14 school year
 3. September 1 of the 2014-15 school year and each school year thereafter
- Any child who will have his/her fifth birthday between the date listed above for the applicable school year and December 2 shall be offered a transitional kindergarten program in accordance with law and Board policy. (Education Code 48000)

Documentation of Age/Grade

Prior to the admission of a child to kindergarten or first grade, the parent/guardian shall present proof of the child's age. (Education Code 48002)

Evidence of the child's age may include: (Education Code 48002)

1. A certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth
2. A duly attested baptism certificate

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3. **Passport**

When none of the foregoing is obtainable, the parent/guardian may provide any other appropriate means of proving the age of the child. (Education Code 48002)

A student enrolling in a district school at any other grade level shall present records from his/her previous school district documenting his/her age and current grade level.

Regulation
approved: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

District Residency

AR 5111.1

Criteria for Residency

A student shall be deemed to have complied with district residency requirements for enrollment in a district school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within district boundaries. (Education Code 48200)
 2. The student is placed within district boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement. (Education Code 48204)
 3. The student has been admitted through an interdistrict attendance option. (Education Code 48204, 48356)
 4. The student is an emancipated minor residing within district boundaries. (Education Code 48204)
 5. The student lives with a caregiving adult within district boundaries. (Education Code 48204)

A Caregiver's Authorization Affidavit constitutes a sufficient basis for determination of residency of a minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
- The school district may require additional reasonable evidence of the caregiver's residence address.
6. The student resides in a state hospital located within district boundaries. (Education Code 48204)
 7. The student is confined to a hospital or other residential health facility within district boundaries for treatment of a temporary disability. (Education Code 48207)
- In addition, district residency status may be granted to a student if at least one parent/guardian is physically employed within district boundaries. (Education Code 48204)

District residency is not required for enrollment in a regional occupational center or program if there are openings in the program or class. (Education Code 52317)

The district may admit a nonresident student living in an adjoining state or foreign country in accordance with Education Code 48050-48052.

The Superintendent or designee shall annually notify parents/guardians of all existing attendance options available in the district, including, but not limited to, all options for meeting residency requirements for school attendance. (Education Code 48980)

Proof of Residency

The Superintendent or designee shall annually verify each student's district residency status and retain a copy of the document or written statement offered as verification in the student's mandatory permanent record. (5 CCR 432)

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

1. Property tax payment receipt
 2. Rental property contract, lease, or payment receipt
 3. Utility service contract, statement, or payment receipt
 4. Pay stub
 5. Voter registration
 6. Correspondence from a government agency
 7. Declaration of residency executed by the student's parent/guardian
 8. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student
 9. If the student is residing in the home of a caregiving adult within district boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552
- The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the district, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.
- However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in district schools. (Education Code 48853.5; 42 USC 11432)

Failure to Verify Residency

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets district residency requirements. (Education Code 48204.1)

If the Superintendent or designee, upon investigation, determines that a student's enrollment or attempted enrollment is based on false or unreliable evidence of residency, he/she shall deny or revoke the student's enrollment. Before any such denial or revocation is final, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice also shall inform the parent/guardian that he/she may provide new material evidence of residency, in writing, to the Superintendent or designee within 10 school days. The Superintendent or designee shall review any new evidence and make a final decision within 10 school days.

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the district use the substitute address designated by the Secretary of State, the Superintendent or designee shall use the substitute address for all future communications and correspondence and shall not include the actual address in the student's file or any other public record. The Superintendent or designee may request the actual residence address for the purpose of establishing residency within district boundaries. (Government Code 6206, 6207)

Regulation
approved: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

District Residency

E 5111.1

Caregiver's Authorization Affidavit

The Caregiver's Authorization Affidavit declaration does not affect the rights of the minor's parents/guardians regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.

A person who relies on this affidavit has no obligations to make any further inquiry or investigation.

This affidavit is not valid for more than one year after the date on which it is executed.

The caregiver is required to sign affidavit under penalty of perjury.

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. This affidavit is not valid for more than one year after the date on which it is executed. Print Clearly.

The minor named below lives in my home and I am 18 years of age or older.

1. Name of Minor: _____
2. Minor's birth date: _____
3. My name (adult giving authorization): _____
4. My home address: _____

5. () I am a grandparent, aunt, uncle, or other qualified relative of the minor (see back of this form for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

() I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care, and have received no objection.

() I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth: _____

8. My California driver's license or identification card number: _____

Warning: Do not sign this form if any of the statements above are incorrect, or

You will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

3. This affidavit is not valid for more than one year after the date on which it is executed.

4. The caregiver is required to sign affidavit under penalty of perjury.

Additional Information:

To Caregivers:

1. "Qualified relative", for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great", or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.

2. The law may require you, if you are not a relative or a currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.

3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.

4. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Med-Cal number.

To School Officials:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.

2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

To Health Care Provider and Health Care Service Plans:

1. No person who acts in good faith, reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.

2. This affidavit does not confer dependency for health care coverage purposes.

Exhibit
version: August 13, 2001
reviewed: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Residency Based On Parent/Guardian Employment

AR 5111.12

Applications for Admission into District Schools

For purposes of determining eligibility for enrollment in a district school, district residency status may be granted to a student, if at least one of his/her parents/guardians is physically employed within district boundaries for a minimum of 10 hours during the school week. (Education Code 48204)

When applying for admission, the parent/guardian shall submit proof of the employment to the Superintendent or designee. This evidence may include, but not be limited to, a paycheck stub or letter from his/her employer listing an actual address within district boundaries. Documentation listing only a post office box as an address shall not be accepted.

Such evidence shall also indicate the number of hours per school week that the parent/guardian is employed at that location.

The Superintendent or designee may deny enrollment based on parent/guardian employment if any of the following circumstances exists:

1. The additional cost of educating the student would exceed the amount of additional state aid received as a result of the transfer. (Education Code 48204)

2. Enrollment of the student would adversely affect the district's court-ordered or voluntary desegregation plan. (Education Code 48204)

3. The school facilities are overcrowded at the relevant grade level.

4. Other circumstances exist that are not arbitrary. (Education Code 48204)

Students enrolled in the district on the basis of parent/guardian employment shall not be required to reapply for enrollment in subsequent school years. Such students may continue to attend school in the district through the highest grade offered by the district, if the parent/guardian so chooses and if at least one of the student's parents/guardians continues to be physically employed within district boundaries, subject to the restrictions specified in items #1-4 above. (Education Code 48204)

The Superintendent or designee shall annually request the student's parent/guardian to provide evidence of the employment in order to determine the student's continuing eligibility for enrollment.

Requests for Transfers out of District Schools

When a student requests a transfer out of the district on the grounds that his/her parent/guardian is employed within the boundaries of another district, the Superintendent or designee may disallow the transfer for either of the following reasons: (Education Code 48204)

1. The difference between the number of students entering and exiting the district on the basis of parent/guardian employment exceeds the limits prescribed in Education Code 48204.

2. The transfer would negatively impact the district's court-ordered or voluntary desegregation plan.

Notifications

Whenever a student's application for a transfer into or out of the district is denied, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

Regulation
approved: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Nonresident Foreign Students

AR 5111.2

Definitions

F-1 Visa Students: An F-1 visa student is a nonimmigrant visa category intended for use by nonresident aliens whose primary purpose for visiting the United States is to study at an academic school. (8 USC 1184)

J-1 Visa Students: A J-1 visa student is a nonimmigrant exchange student who has come to the United States to study for a specific period of time under the sponsorship of a government approved agency. (8 USC 1184)

Nonimmigrant foreign students may be admitted to the United States for a temporary stay for the purpose of study.

F-1 Visa Students

On a case-by-case basis, students with or seeking an F-1 visa designation shall be accepted for admission to district schools in grades 9-12.

In determining whether to admit the student, the Superintendent or designee shall consider whether the following conditions exist: (8 CFR 214.3, 22 CFR 41.61)

1. A suitable program exists at the school the student has selected
2. The student's English proficiency is sufficient for successful study at that school
3. Space is available
4. The student has provided proof of financial responsibility

In addition, the student shall also submit evidence that he/she has been fully immunized in accordance with California law.

A student shall be admitted for a maximum of one year. In addition, a student granted admission under this program shall pay the district the full, unsubsidized per-student cost of attendance at the secondary school. (8 USC 1184)

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Regulation
approved: November 13, 2012
MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

Instruction

BP 6163.4

STUDENT USE OF TECHNOLOGY

Student Use of Technology

The Governing Board intends that technological resources provided by the district be used in a safe, responsible, and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent of designee shall notify students and parents/guardians about authorized uses of district computers, user obligations and responsibilities, and consequences for unauthorized use and/or unlawful activities in accordance with district regulations and the district's Acceptable Use Agreement.

Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Morgan Hill Unified School District's Computer/Internet/Email Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree not to hold the district or any district staff responsible for the failure of any technology protection measures, materials acquired by the student on the system, violations of copyright restrictions, or user mistakes or negligence. They shall also agree to indemnify and hold harmless the district and district personnel for any damages or costs incurred.

The Superintendent or designee shall regularly review and update this policy, the accompanying administrative regulation, and other relevant procedures to enhance the safety and security of students using the district's technological resources and to help ensure that the district adapts to changing technologies and circumstances. These shall ensure that users have no expectation of privacy and understand that district staff may monitor or examine all system activities to ensure proper use of the system. In addition, because the Internet contains an unregulated collection of resources, the district cannot guarantee the accuracy of the information or the appropriateness of any material that a student may encounter.

Students who fail to abide by these regulations shall be subject to disciplinary action, revocation of the user account, and legal action as appropriate.

Use of District Computers for Online Services/Internet Access

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

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To reinforce these measures, the Superintendent or designee shall implement rules and procedures designed to restrict students' access to harmful or inappropriate matter on the Internet and to ensure that students do not engage in unauthorized or unlawful online activities. Staff shall supervise students while they are using online services and may have teacher aides, student aides, and volunteers assist in this supervision.

The Superintendent or designee also shall establish regulations to address the safety and security of students and student information when using email, chat rooms, and other forms of direct electronic communication.

The Superintendent or designee shall provide age-appropriate instruction regarding safe and appropriate behavior on social networking sites, chat rooms, and other internet services. Such instruction shall include, but not be limited to, the dangers of posting personal information online, misrepresentation by online predators, how to report inappropriate or offensive content or threats, behaviors that constitute cyberbullying, and how to respond when subjected to cyberbullying.

Policy **MORGAN HILL UNIFIED SCHOOL DISTRICT**

adopted: April 21, 1997
revised: August 28, 2000
revised: June 26, 2012
reviewed: November 13, 2012

Instruction

AR 6163.4

STUDENT USE OF TECHNOLOGY

Student Use of Technology

At the beginning of each school year, parents/guardians shall sign a copy of the Morgan Hill Unified School District Computer System/Internet/E-Mail Acceptable Use Agreement informing them of user obligations and responsibilities.

The principal or designee shall oversee the maintenance of each school's technological resources and may establish guidelines and limits on their use. All instructional staff shall receive a copy of this administrative regulation, the accompanying Board policy, and the district's Acceptable Use Agreement describing expectations for appropriate use of the system and shall also be provided with information about the role of staff in supervising student use of technological resources. All students using these resources shall receive instruction in their proper and appropriate use.

Teachers, administrators, and/or library media specialists shall prescreen technological resources and online sites that will be used for instructional purposes to ensure that they are appropriate for the intended purpose and the age of the students.

Online/Internet Services: User Obligations and Responsibilities

Students are authorized to use district equipment to access the Internet or other online services in

accordance with Board policy, the user obligations and responsibilities specified below, and the district's Acceptable Use Agreement.

1. The student in whose name an online services account is issued is responsible for its proper use at all times. Students shall keep personal account numbers and passwords private and shall only use the account to which they have been assigned.

2. Students shall use the district's system safely, responsibly, and primarily for educational purposes.

3. Students shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

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 and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

4. Unless otherwise instructed by school personnel, students shall not disclose, use, or disseminate personal identification information about themselves or others when using email, chat rooms, or other forms of direct electronic communication. Students also shall be cautioned not to disclose such information by other means to individuals contacted through the Internet without the permission of their parents/guardians.

Personal information includes the student's name, address, telephone number, Social Security number, or other personally identifiable information.

5. Students shall not use the system to encourage the use of drugs, alcohol, or tobacco, nor shall they promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.

6. Students shall not use the system to engage in commercial or other for-profit activities.

7. Students shall not use the system to threaten, intimidate, harass, or ridicule other students or staff.

8. Copyrighted material shall be posted online only in accordance with applicable copyright laws. Any materials utilized for research projects should be given proper credit as with any other printed source of information.

9. Students shall not intentionally upload, download, or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or manipulate the data of any other user, including so-called "hacking."

10. Students shall not attempt to interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or use another individual's identity.

11. Students shall report any security problem or misuse of the services to the teacher or principal.

The district reserves the right to monitor use of the district's systems for improper use without advance notice or consent. Students shall be informed that computer files and electronic communications,

including email, are not private and may be accessed by the district for the purpose of ensuring proper use.

Whenever a student is found to have violated Board policy, administrative regulation, or the district's Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.

Regulation

approved: April 21, 1997

revised: August 28, 2000

revised: June 26, 2012

revised: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT

Morgan Hill, California

Community Relations

BP 1100

COMMUNICATION WITH THE PUBLIC

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

The Superintendent or designee shall provide the Board and staff with communications protocols and procedures to assist the district in presenting a consistent, unified message on district issues. Such protocols and procedures may include, but are not limited to, identification of the spokesperson(s) authorized to speak to the media on behalf of the district, strategies for coordinating communications efforts and activities, and legal requirements pertaining to confidentiality as well as the public's right to access records.

The Superintendent or designee shall utilize a variety of communications methods in order to provide the public with access to information. Such methods may include, but are not limited to, district and school newsletters, web sites, social networking pages or other online communications technologies, direct email communications, mailings, notices sent home with students, recorded telephone messages for parent/guardian information, community forums with students, news releases, meetings with education reporters and editorial boards, presentations at parent organization meetings, and meetings with representatives of local governments, community organizations, and businesses.

In developing communications strategies, the Superintendent or designee shall take into account the needs of all members of the public, including individuals with disabilities and those whose primary language is not English.

The Superintendent or designee shall ensure that staff members are responsive to requests by parents/guardians or members of the public for information or assistance and may provide staff with professional development in their "customer service" role as needed.

The Superintendent or designee shall provide multiple opportunities for members of the public to give

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input on district and school issues and operations. Community members are encouraged to become involved in school activities, participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, and use the district's complaint procedures as appropriate.

Prohibition against Mass Mailings at Public Expense

No newsletter or other mass mailing, as defined in Government Code 82041.5 and 2 CCR 18901, shall be sent by the district at public expense if such material aggrandizes one or more Board members. The name, signature, or photograph of a Board member may be included in such materials only as permitted by 2 CCR 18901. (Government Code 82041.5, 89001; 2 CCR 18901)

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

Comprehensive Communications Plan

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

As appropriate for each issue, target audiences may include parents/guardians, the media, local governmental agencies, businesses, community organizations and civic groups, postsecondary institutions, health care professionals, child care providers, community leaders, state or federal legislators or agencies, and/or other segments of the public.

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

Policy

adopted: November 13, 2012

MORGAN HILL UNIFIED SCHOOL DISTRICT

Morgan Hill, California

ADDITIONAL RIGHTS

COURSE OFFERINGS

Sex education, sexually transmitted disease, and family life education courses are those in which reproductive organs and their function are described, illustrated, or discussed. If such a course is offered, you will be notified of your right to inspect and review pertinent written or audiovisual materials prior to the holding of the course. Written consent is not required, but written objection shall be honored if you do not want your child to attend such a class. This section does not apply to pictures in any science, hygiene or health textbook. A teaching credential may be revoked for violation of this section. (*E.C. 51530 & 51820*)

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Excuse from instruction in the areas of health, family life, sex education and sexually transmitted diseases due to religious beliefs (including personal moral convictions) of the parent shall be permitted, upon written request, for the parts in conflict with the beliefs. *(E.C. 51240)*

All courses are available to all students regardless of race, ethnic background, sex, handicap or English proficiencies. Parents are encouraged to participate with the school guidance personnel in the career guidance and course selection for their student. *(E.C. Sec. 40)*

DRUG EDUCATION COURSES

Instruction shall be given in the elementary and secondary schools on drug education and the effects of the use of tobacco, alcohol, narcotics, dangerous drugs, and other dangerous substances. *(E.C. 51260)*

FINGERPRINTING

School districts may offer a fingerprinting program upon a student's first enrollment in public school and may charge a fee for such service. *(E.C. 32390(b))*

MEDICAL REGULATIONS

Immunization for communicable disease must be consented to, in writing, by a parent for a licensed physician (or registered nurse acting under the direction of a supervising physician) to administer an immunizing agent. *(E.C. 49403)*

Administration of medication prescribed by a physician for a child during the school day may be done by a nurse, or teacher if designated, under detailed instructions but only upon written parental request. *(E.C. 49423)*

Physical examination may not be given a child whose parent has filed an objection annually. However, the child may be sent home if, for good reason, he/she is believed to be suffering from a recognized contagious or infectious disease. *(E.C. 49451)*

Medical and hospital services for pupils injured at school or school-sponsored events or while being transported may be covered by insurance at district or parent expense. *(E.C. 49472)*

Parents are to inform the school nurse or other certified school employee of medication given to a pupil on a continuing basis for a non-episodic condition. With the consent of the parent, the nurse may communicate with the student's physician and may counsel school personnel on the possible effects of the drug and signs of side effects, omission or overdose. *(E.C. 49480)*

MEDICAL SERVICES INFORMATION

School authorities may excuse any student from the school for the purpose of obtaining confidential medical services without the consent of the pupil's parent or guardian. *(E.C. 46010.1)*

PARENT/GUARDIAN LIABILITY

Parents or guardians are liable for any willful conduct of their minor children which results in injury to another pupil or to school personnel, or for any willful cutting or defacing of any school property belonging to a school district or to a school district employee, or for any property belonging to the school district and loaned to the minor student and willfully not returned. Such liability shall not exceed \$7,500. Following due process procedures, the school district may withhold the grades, diplomas or transcripts of the pupil responsible until such damages are paid or until completion of a voluntary work program in lieu of payment of monetary damages. *(E.C. 48904)*

P.E. REQUIREMENT

The State of California states that every school child is required to take physical education unless legally exempt under E.C. 51241 or E.C. 51246. When there is a legitimate reason for a student to be excused from physical education for one week or less, please send a note with the student to the school office. Any time an excuse will exceed one week, a note stating why this student should not participate in the regular physical education program must be completed and signed by a physician and submitted to the school office. *(E.C. 51222)*

REVIEW OF PUPIL RECORDS AND DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act of 1974 require that schools inform you of your rights regarding student records. The rights apply to the parents of minors and to students' age 16 or older or who have completed the 12th grade. *(P.L. 93-380)*

You may request an opportunity to inspect any and all official school records, files and data related to your child (or yourself if you are 16 or older). The school has five days to respond to your request. If information in the file is inaccurate, misleading, or inappropriate, a custodial parent may request removal of the information or include a statement disputing the material, which you challenge. *(E.C. 49063, 49069 & 49070)*

School districts are required to retain enrollment and scholarship records of students indefinitely. Certain records not classified as mandatory permanent records, however, may be destroyed subsequent to the time a student leaves a school district. Contact the district office for specific information about the policy for destroying student records.

There are limitations to the people who have access to the information in student records. School personnel with legitimate educational interests, schools of intended enrollment, specified federal and state educational administrators, or those who provide financial or student aid are entitled to access without your consent. Certain groups are permitted directory information without prior consent, as well. Directory information may include the student's name, birthdate, birthplace, address, telephone number, major course of study, dates of attendance, awards, and previous school attendance. *(E.C. 49008 or 49073)*

Upon written request from the parent of a student age 17 or younger, the district will withhold directory information. A student who is 18 or older or enrolled in a post-secondary institution may also make such a written request. Contact your district office for more specific information.

SCREENING FOR SCOLIOSIS

All female students in grade 7 and all male students in grade 8 shall be given examinations for lateral curvature of the spine, a condition known as Scoliosis. Parents who do not wish to have their children screened for scoliosis may file with the principal of the school in which the student is enrolled refusing the examination of the student. (*E.C. 49452.5*)

SPECIAL PROGRAMS

Private nonsectarian school services may be received by any handicapped pupil with exceptional needs for whom a public special education placement is unavailable or inappropriate. Contact the director of special education. (*E.C. 56365*)

Alternative schools are provided by school districts as a school or separate class group within a school which is operated in a manner designed to: (a) maximize the opportunity for students to develop positive attitudes; (b) recognize that the best learning takes place when the student learns because of his/her desire to learn; (c) maintain a learning situation maximizing the student's self-motivation; (d) maximize the opportunity for teachers, parents, and students to collectively develop the learning process and its subject matter (this opportunity shall be a continuous, and permanent process); (e) maximize the opportunity for students, teachers and parents to continuously react to the changing world. (*E.C. 58501*)

A pupil with a temporary disability, which makes attendance in regular day classes or alternative education programs impossible or inadvisable, shall receive individual instruction by the resident district. (*E.C. 48206.3*)

A pupil may be entitled to assistance in a school meal program as determined by the Family Nutrition Act. (*E.C. 49510*)

TESTS ON PERSONAL BELIEFS

Tests, questionnaires, or examinations containing questions about the pupil's personal beliefs or practices or her parents' beliefs or practices in sex, family life, morality, and religion, may not be given to pupils unless the parent or guardian is notified in writing and gives written permission. (*E.C. 60650*)

You have the rights as a parent to:

1. To apply for enrollment of your child in a district in which you are employed; however, the district has the right to deny the application under certain conditions (*Ed. Code 48204(0)*).
2. To request a copy of the School Accountability Report Card which is issued annually for each school in the district (*Ed. Code 35256*).

Please Note:

The District adheres to the Americans with Disabilities Act. Should you require special accommodations, or more information about accessibility, please contact the site principal or district office receptionist at 201-6000 at least two days before the meeting date. All efforts will be made for reasonable accommodations.

HEARING AND VISION SCREENING

All students participate in state-mandated hearing and vision screenings (*Ed. Code 49450*). Each year the following schedule is followed:

Vision: All students in grades K, 1, 3, 6 and 8.
Hearing: All students in grades K, 1, 2, 5, 8, and 10.

A parent or guardian may file annually with the principal a written notification stating that he/she does not consent to having his/her child participate in vision and/or hearing screening.

Forms attached

1. Request to Withhold Authorization to Film/Photograph Minors for Publication
2. The No Child Left Behind Act (NCLB) Parent's Right to Know Professional Qualifications of Classroom Teachers/Paraprofessionals
3. Animals in the Classroom
4. Parent/Guardian Notice Release of Directory Information
5. Receipt of Rights and Responsibilities Material (required)



WITHHOLD AUTHORIZATION TO
FILM/PHOTOGRAPH MINORS FOR PUBLICATION

and/or

PUBLISH PHOTOGRAPHS, NAME, WRITTEN WORK OR ARTWORK OF MINORS ON A DISTRICT

MAINTAINED WEB PAGE

2014-15 Academic Year

Film/Photograph Minors for Publication

The Morgan Hill Unified School District attempts to control media access to campus according to law. Media representatives who may lawfully be on school campuses of the Morgan Hill Unified School District may occasionally photograph or film students.

Parents and guardians should use this form to withhold authorization for media representatives to publish and/or broadcast photographs or film individually identifying their child or children.

The District will use its best efforts to so inform all media representatives who follow District requirements to register prior to coming on campus. However, the District cannot guarantee that the media representative will comply with parental preference as indicated on this form. Additionally, in the event of spontaneous, unplanned, or unauthorized media presence on campus, the District may not be able to inform the media representatives of a parent's preference.

Publish Photographs, Name, Written Work or Artwork of Minors on a District Maintained Web Page

The Morgan Hill Unified School District maintains a central web site (www.mhu.k12.ca.us), as well as individual school web pages. The purpose of these pages is to inform the community about our district and to share work created by students and staff. These web pages are located on the World Wide Web (www) and can be seen throughout the world by people with access to the Internet.

Parents and guardians should use this form to withhold authorization from the District to publish photographs individually identifying their child, or to publish their child's name, written work or artwork on any web site maintained by the Morgan Hill Unified School District. Note: By initialing option (a) below, parents may prohibit publication of photographs EXCEPT for the school yearbook and school newspaper.

As Defined in Civil Code Section 3344:

"A photograph means any photographic reproduction, still or moving, or any videotape or live television transmission, or any person, such that the person is readily identifiable. A person shall be deemed to be readily identifiable from a photograph when one who views the photograph with the naked eye can reasonably determine that the person depicted in the photograph is the same person who is complaining of its unauthorized use. Use of a name, voice, signature, photograph, or likeness in connection with any news, public affairs, or sports broadcast or account, or any political campaign, shall not constitute a use for which consent is required."

(a) I DO NOT authorize the Morgan Hill Unified School District or media representatives to publish and/or broadcast photographs and/or film individually identifying my child, EXCEPT for the school year book and school newspaper.

Initials

(b) I DO NOT authorize the Morgan Hill Unified School District or media representatives to publish and/or broadcast photographs and/or film individually identifying my child (INCLUDING the school year book and school newspaper).

Initials

(c) I DO NOT authorize the Morgan Hill Unified School District to publish photographs individually identifying my child, or to publish my child's name, written work or artwork on any web site maintained by the Morgan Hill Unified School District.

Initials

Child's Name

School

Signature of Parent or Guardian

Date



MORGAN HILL UNIFIED SCHOOL DISTRICT
Morgan Hill, California

**The No Child Left Behind Act (NCLB) Parents' Right-to-Know
Professional Qualifications of Classroom Teachers/Paraprofessionals**

On January 8, 2002, President Bush signed into law "The No Child Left Behind Act" (NCLB), the reauthorization of the Elementary and Secondary Education Act (ESEA). A provision of this new Title I law requires all districts to notify parents of all children in all Title I school that they have the right to request and receive timely information on the professional qualifications of their children's classroom teachers/paraprofessionals.

As a parent, you may request any or all of the following:

- (i) Whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- (ii) Whether the teacher is teaching under emergency or other provisional status through which State qualifications or licensing criteria have been waived.
- (iii) The baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher and the field of discipline of the certification or degree.
- (iv) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

**The No Child Left Behind Act (NCLB) – Parents' Right-to-Know
Professional Qualification Request Form**

Please give your request to the Principal's secretary at your child's school.

Date of request: _____

Per NCLB Act, I/We are requesting the following information on my child's classroom teacher/paraprofessional.

| School Site | Student's Name | Name of classroom Teacher/Paraprofessional | Grade Level | Please indicate the section/s (i)-(iv) you would like to receive. |
|-------------|----------------|--|-------------|---|
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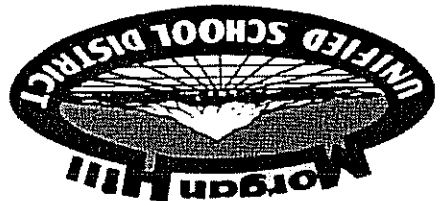
Name of parent/guardian: _____

Phone number (include area code): _____

Address: _____

Your response will be sent to the Human Resources Division, Certificated and/or Classified Personnel for a timely response.

Distribution: parent/guardian; classroom teacher and/or paraprofessional; principal, HR Division



Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037
408-201-6023

Dear Parents/Guardians:

Animals are used occasionally in the classrooms as part of the educational program with the approval of the principal. The school's science program may provide the opportunity for children to observe, handle and take care of animals. From time to time parents express concern about possible dangers to their children, e.g., injuries or allergies. Usually, the advantage of contact with the animals outweighs the hazards; however, parents and legal guardians in the Morgan Hill Unified School District make the decision in this matter. The only pupils who are not allowed to handle the mice, rats, rabbits, etc. that are in the classroom, are pupils whose parents have opted them out of participation.

Under no circumstances may an animal be transported on a school bus. All animals must have appropriate containers or cages. Venomous or poisonous reptiles and amphibians are not allowed on school grounds.

If you DO NOT wish your child to handle animals or certain animals, please complete and return the slip below to your child's classroom teacher.

TO: _____ Teacher

My son/daughter _____ DOES NOT have my permission to handle the animals, which may be part of the regular classroom instructional program.

Comments: _____

Parent/Guardian Name (Please print) _____

Parent/Guardian Signature _____

Date _____

MORGAN HILL UNIFIED SCHOOL DISTRICT
PARENT/GUARDIAN NOTICE
RELEASE OF DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that the Morgan Hill Unified School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the district may disclose appropriately designated "directory information" without written consent, unless you have advised the district to the contrary in accordance with district procedures (Board Policy/Administrative Regulation 5341). The primary purpose of directory information is to allow the district to include this type of information from your child's education records in certain school and/or district publications. Examples include:

- A playbill, showing your child's role in a drama production
- The annual yearbook
- Honor roll or other recognition lists
- Graduation programs, and
- Sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with three directory information categories – names, addresses and telephone listings – unless parents/guardians have advised the district that they do not want their child's information disclosed without their prior written consent.

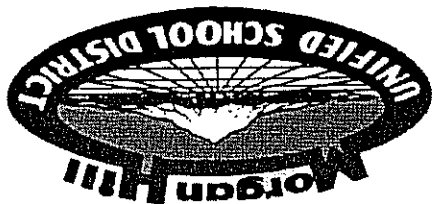
REQUEST TO WITHHOLD DIRECTORY INFORMATION FORM

I, _____, parent/guardian to _____, do not want the district to disclose directory information from my child's education records without my prior written consent.

(Signature)

(Date signed)

* Please refer to Board Policy/Administrative Regulation 5125.1 for details of the district's policies regarding release of directory information.



Morgan Hill Unified School District
15600 Concord Circle
Morgan Hill, CA 95037
408-201-6023

Dear Parent(s)/Guardian(s):

The California Education Code requires that parents be notified yearly regarding their general rights and responsibilities in the education process. Many of these important rights and responsibilities are detailed in this booklet. Please read this information and keep the booklet in a convenient place so you may refer to it during the year if necessary.

Several forms are required for school records, and require your review and signature:

1. Receipt of Rights and Responsibilities Handbook

Additionally there are optional forms, attached to this booklet:

1. Withhold Authorization to Film/Photograph Minors for Publication

2. No Child Left Behind Act Parent's Right To Know Professional Qualification Request Form

3. Animals in the Classroom

4. Parent/Guardian Notice Release of Directory Information

Please sign and return the bottom portion of this letter indicating receipt of this handbook.

I have received and reviewed a copy of the school and district's 2014-2015 rights and responsibilities handbook.

Child's Name: _____

Grade: _____

School: _____

Parent's Signature: _____

Date: _____