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PALO ALTO UNIFIED SCHOOL DISTRICT  
*Champions of Excellence*



# ESCONDIDO

## Elementary School Handbook



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# ABOUT ESCONDIDO

## Planning for School Year 2020-2021

[PAUSD Return to Learn](#)   [COVID19 - Safety Protocols and Updates](#)

Escondido School was built in 1960. We have 27 classrooms with three designated play areas. One play area for kindergarten, the second for first through third grade and the last for third through fifth grade students.

One of the largest elementary schools in Palo Alto, Escondido has approximately 570 students and over 60 staff members. Escondido draws students from:

- Escondido Village, a Stanford graduate community;
- College Terrace and Evergreen Park, two of Palo Alto's oldest neighborhoods; and
- Throughout Palo Alto and East Palo Alto.

Our children represent more than 30 nations and speak more than 15 different languages. This cultural diversity of students and parents is one of Escondido's most valued assets.

Escondido Elementary School is a wonderful place to learn, play and grow. We are a community of language learners, developing proficiency in academic language, English or Spanish. Escondido is comprised of families from Stanford, Palo Alto, East Palo Alto and around the world. Over 15 different languages are spoken at Escondido. Escondido has students learning in English Spanish and a Specialized Academic Instruction setting for students requiring a more structured educational setting. In recognition of this diversity and dedication to a continuing standard of excellence, our goals are to:

- Ensure all students are on or above grade level.
- Provide a rich, challenging and developmentally appropriate curriculum for all children.
- Develop confident, motivated life-long learners with the academic and social skills that will have a positive impact on society.
- Assist children in becoming independent, logical thinkers and creative problem solvers.
- Create a school environment of cooperation and respect.

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# ESCONDIDO SCHOOL RULES

We ask all students and parents to sign a copy of these rules. We introduce and review them with the children in our morning assemblies and throughout the year.

## **Be Respectful:**

- Use appropriate language
- Be kind. Treat others as you would like to be treated.
- Include everyone in all games.

## **Be Responsible:**

- Play in your designated grade-level areas.
- Use balls on the blacktop, grass or against the ball walls.
- Leave all personal items (sports equipment, toys, etc.) at home.

## **Be Safe:**

- Follow the structure guidelines:
  - Walk when on or around the structure
  - Travel one way only on the rings
  - Slide feet first down the slide
- Use all equipment in a mindful manner; balls, ropes and hoops can be used on the blacktop/grass
- Be aware for your fellow schoolmates. Honor their personal space.

## **Respect School Property:**

- Place all trash, recycling and compost in the correct containers.
- Keep the school clean (walls, bathrooms, windows, poles, etc.).
- Play only in and on designated play areas. Avoid stepping on, or climbing in, plants, bushes and trees.

## **Designated Play Areas:**

### *Big Structure, 1<sup>st</sup>-3*

- Grass, 1st-2
- Sandbox, K, 1st-3
- Blacktop Tetherballs, Ball Wall, 1st-3
- Blacktop Tetherballs, Ball Wall, 3-5
- Backfield, 3-5

### *Third Recess:*

- Big Structure, 1-3
- Grass, 1-3
- Sandbox, 1-3
- Blacktop Tetherballs, Ball Wall, 1-3

# Palo Alto Unified School District

## SCHOOL YEAR CALENDAR 2020-21

JULY 2020						
S	M	T	W	T	F	S
			1	2	H	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST 2020						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	SD	SD	WD	WD	WD	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER 2020						
S	M	T	W	T	F	S
		1	2	3	4	5
6	H	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

OCTOBER 2020						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER 2020						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	H	12	13	14
15	16	17	18	19	20	21
22	LH	LH	LH	H	LH	28
29	30					

DECEMBER 2020						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	LH	LH	LH	H	H	26
27	LH	LH	LH	LH		

### Important Dates

- 8/17/20 ..... First Day K-12
- 1/7/21 ..... Students Return to School
- 10/9/20 ..... End of 1<sup>st</sup> Quarter
- 12/18/20 ..... End of 1<sup>st</sup> Semester  
(83 days - secondary)
- 3/18/21 ..... End of 3<sup>rd</sup> Quarter
- 6/2/21 ..... End of 2<sup>nd</sup> Semester  
(97 days - secondary)
- 6/3/21 ..... Last Day

### Non-Student Days

- 9/7 ..... Labor Day
- 11/11 ..... Veterans Day
- 11/23-27 ... Thanksgiving Break
- 12/21-1/6... Winter Break
- 1/18 ..... ML King's Birthday
- 2/15 ..... Presidents' Day observed
- 3/15 ..... Local Holiday
- 4/5-4/9 ..... Spring Break
- 5/31 ..... Memorial Day

### Legend

- H = Federal/State Holiday
- LH = Local Holiday
- SD = Staff Development Day
- WD = Teacher Work Day
- = Minimum Day-All Schools

JANUARY 2021						
S	M	T	W	T	F	S
					H	2
3	LH	LH	SD	7	8	9
10	11	12	13	14	15	16
17	H	19	20	21	22	23
24	25	26	27	28	29	30
31						

FEBRUARY 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	H	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	LH	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

APRIL 2021						
S	M	T	W	T	F	S
				1	2	3
4	LH	LH	LH	LH	LH	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY 2021						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

JUNE 2021						
S	M	T	W	T	F	S
		1	2	3	WD	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

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# POLICY, PROCEDURES, REFERENCES

(in alphabetical order)

## A

### **Absence**

If your child is not coming to school:

- Please email [escondidoattendance@pausd.org](mailto:escondidoattendance@pausd.org)
- OR call (650) 856-1377 x1

### **Accidents**

It is imperative that we have **up-to-date emergency information** for each child. Legally, we can only render first aid. If more care is needed, we call the parents, emergency contact person, or physician listed in Infinite Campus. If emergency care is needed, we immediately contact the paramedics. **Be sure your child's emergency information is kept current on Infinite Campus!**

### **Arrival & Departure**

(see also *Getting To and From School Safely*)

Playground supervision begins at 7:50 a.m.

Dismissal times are:

- For grades 1 - 5, students are dismissed at 2:45 p.m. on Monday, Tuesday, Thursday & Friday and at 1:30 p.m. on Wednesday.
- Kindergarten is dismissed at 12:00 p.m., until extended day begins.-Thereafter, Kinder students stay until 2:20 p.m. all on school days except Wednesdays.
- All students stay until 1:30 p.m. on Wednesday.

### **Assemblies**

Announcements, student recognitions, and other school-related information is shared at these gatherings. Special assemblies are held during the year and the schedule is available on the school website calendar.

### **Attendance**

#### **Attendance Expectations**

Students who attend school consistently have a greater chance of excelling academically. Being present in the classroom provides students the ability to ask for clarification, engage in meaningful discussion, and take notes in preparation for examinations. Daily attendance promotes educational success and builds stronger relationships with peers and teachers. Consistent attendance is also recognized as a protective factor that provides students with the foundation to grow into happy, healthy, and productive adults.

The Palo Alto Unified School District (PAUSD) recognizes that success in school is related to prompt and regular classroom attendance. Frequent absences or tardies, which result in a student missing all or parts of presentations, demonstrations, discussions, explanations, and/or other classroom activities, are detrimental to the individual student and the class. Further, school attendance is compulsory as per Education Code (48200); therefore, student non-attendance and/or persistent tardiness are matters of serious concern (Board Policy, BP 5113).

The following are attendance expectations for all students:

- Attend school daily and on time to promote academic and social success.
- Be accounted for at all times throughout the school day, to promote safety.
- Remain after school when directed by a school official to complete disciplinary or other requirements.
- Abide by district policies related to school attendance.

#### **Excused Absences**

Excused Absences fall into one of two categories:

1. *Health* – Absences due to illness, medical appointments, or quarantine.  
\*See *Health Related Absences for further information*
2. *Warranted* – These include, but are not limited to the following: (*Education Code, 48205*)
  - Funeral service for member of immediate family members
  - Religious Purposes
  - Court Appearances: Please see PAUSD AR 5113 for a detailed description of excused absences.

#### **Health-Related Absences**

The district realizes that students may experience illness or health issues (physical/mental) throughout the year, requiring them to be absent from school. In order to provide appropriate supports to students with situational or chronic health issues, the following procedures apply.

In health-related cases, in which the student is absent five (5) consecutive days, a physician's note is requested in order to excuse the absences. In cases where the student is absent over five (5) days (non-consecutive) or the equivalent of 10% of the semester (after state enrollment date) for health reasons, a physician's note is requested in order to excuse the absences. Health-related absences may not be excused without appropriate medical documentation provided by an authorized health care provider (AR 5113).

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## **Health Appointments**

Parents/guardians should make every effort to schedule appointments outside of school hours. However, if not possible, parents/guardians are urged to consider varying the times of the day during which health appointments are made in order to avoid missing the same class consistently. If a student must leave during the day for a doctor/dentist appointment, the parent/guardian should come to the school office to sign out the student from school. If a student returns to school the same day, they are required to report to the school office before returning to class to provide verification of the health visit.

## **Unexcused Absences**

Unexcused absences include absences not included above and/or not cleared with your child's school administration. Absences that do not qualify as excused as defined in Education Code have the potential to accrue toward truancy. Education Code §48260 provides that a student is truant if that student is:

- Absent from school without valid excuse three full days in one school year, or
- Tardy or absent for more than any 30-minute period during the school day
- Without a valid excuse on three occasions in one school year, or any combination thereof. (*Education Code, 48260, subd. (a)*).

## **Family Trips**

We realize there are times families need to travel for various reasons during the school year. However, family trips are not considered excused absences by Education Code §48205. Given that classroom instruction and the interactive dynamic of the classroom experience are irreplaceable, consistent school attendance allows students to fully benefit from the educational experience. Students may be given the opportunity to make up missed work in extraordinary circumstances when a family leave is necessary, such as under emergency situations. Please contact your school principal to discuss your family's situation.

## **Absence**

When a child is **absent** because of illness or for a doctor or dental appointment, please be sure to call the school office and indicate the reason for the absence. If we do not hear from you by 10:10 and your child is absent, we will attempt to call you to verify your child's absence. The law requires that the exact nature of an illness be stated. This type of absence is an **excused absence**.

## **Leaving School Early**

A child may be dismissed early from school only when a telephone call or note to the school office/teacher has indicated the specific reason. The school is not permitted to excuse children for music lessons, scouting, sports, or other extracurricular activities. A child leaving school at a time

other than the usual dismissal time must report to the school office and await transportation there, NOT at the curb.

If a child leaves school early, they must be signed out in the school office and will only be released to a parent or designated person listed on the emergency card.

## **Tardiness**

Classes begin at 8:10 a.m. Children should be at school on time. Arriving after school has started is considered tardy. Teachers submit attendance online and if the teacher has already completed the daily attendance report while a child is not present, the student will need to go to the office upon arrival at school so the attendance report can be amended to "tardy" rather than "absent."

Persistent tardiness is a problem for students, teachers and the classroom routine. When children are late, it causes disruptions and requires teachers to repeat instruction or re-explain directions. This results in a loss of learning time for the entire class. Perhaps most important for children of elementary age, they are learning patterns for life. Being on time and ready to begin the day is an important habit for life. Since parents/guardians are largely responsible for getting children to school on time in elementary school, we ask you to plan a morning routine which ensures that your child arrives at school early.

## **Habitual Truancy & Chronic Absenteeism**

Families of students who are repeatedly tardy or absent, as per Education Code definitions, will be sent a letter to raise awareness of the situation. If the pattern of tardiness or absenteeism persists, the family will receive a second notice and the school will ask to meet with the parents to see how the situation can be resolved. If attendance does not improve over a reasonable period of time and the repeated tardiness and absences persist, the situation may be referred to the PAUSD Student Attendance Review Board.

## **Actions to Address Poor Attendance**

Given the importance of school attendance to academic success and the requirements put forth by Education Code stating that school attendance is compulsory, the district makes every effort to keep students engaged in school. The following actions may be taken to address poor school attendance:

- Parent contact/meetings to discuss school attendance
- Development of attendance contracts
- Providing in-class consequences
- Attendance at a District Attorney Mediation
- Referral to School Attendance Review Board (SARB)





## B

### **Bicycles, Skates, Scooters, & Skateboards**

Children may be able to pedal a bicycle long before they have the skills, maturity and judgment to ride to school safely. Following traffic safety rules can prevent most bicycle accidents for young riders. All third grade children receive basic information on safe biking and participate in a simulated street practice during a special class. We strongly advise parents to determine that their children are competent riders who follow the rules of the road before permitting them to ride to school unaccompanied, regardless of age.

- Bicycles **must be walked** on the school grounds and crosswalks, for safety. They should be parked in the bike racks and locked at all times.
- *Use of scooters and skateboards **is not allowed on school grounds**. They may be walked to the classroom and stored outside.*
- *It's the law: Cyclists under 18 are required to wear protective hats. Bike licenses are required for bikes ridden on Palo Alto streets. Licenses are available at the Stanford University Parking and Transportation office.*

### **Boundaries**

The play area is the area inside the fence and in front of the classrooms. The parking areas, behind the library building and portables, and the front lawn are off limits because children cannot be seen by the supervising adult. Children must remain on campus during school hours unless a note is brought from home.

### **Bus**

All children who ride the bus must have a pass. The District Transportation Department is responsible for scheduling buses, supervising drivers, and responding to problems. Bus schedules and bus rules are mailed to the parents of all children who ride the bus prior to the opening of school. If you have any questions or concerns, call the Transportation Department at (650) 329-3747.

### **Bus Safety**

Bus drivers have legal responsibility and authority for supervision of riders. Children not conforming to bus rules may be denied the privilege of riding. No pets, animals, insects, or large or dangerous articles (including glass) may be carried on buses.

If your child will be taking a bus to school, please review the following information with her/him:

- Student must arrive 5 minutes prior to their bus pick up time.
- Wait safely in the designated area at the bus stop.
- Be calm and orderly while getting on and off the bus.

- Stay in your seat, facing forward.
- Keep head, hands, and feet inside the bus.
- Follow the bus driver's directions.
- All students will be placed on the bus unless parents write a note.

Please note that the driver may not let anyone off at a stop different from his/her regular stop without a dated note signed by the parent.

## C

### **Cell Phones**

Cell phones (or any electronic signaling device) may not be used during the school day. They should be kept off and out of sight. Phones may be confiscated if they are used during school hours. If confiscated the device will be returned to the student's parent or guardian.

### **Child Care**

- Kid's Club, in a modular building on the school campus opens at 11:45 a.m. and closes at 6:00 p.m. Phone (650) 855-9828.
- Los Amigos – 1611 Stanford Avenue, Stanford. Phone: (650) 493-4300

### **Communication: School to Home**

The home to school connection is vital to your child's progress as a learner and as a developing person. Parents are powerful motivators; the support of a child's family is critical to success in school. Please become informed about our program and be involved in our school.

Escondido teachers communicate with you by:

- Inviting you to Back-to-School Night in the fall. During this evening meeting teachers will explain goals for the year, curriculum, and special events. Don't miss it!
- Encouraging parents to be classroom volunteers,
- Holding Fall and Spring parent/teacher conferences,
- Publishing regular classroom newsletters,
- Sending E-News and student work in the Friday red folder. Please empty the folder, initial it, and return on Monday. The Friday Folder is an essential link in the school home communication process!
- Writing student-progress reports three times a year, and
- Assign appropriate home learning tasks to be completed at home.

### **Conflict Resolution**

We aim to help children develop self-discipline so that they have respect for the rights of others, whether adults are present or not. In each classroom, children and teacher develop mutually agreed upon rules and employ conflict

resolution skills. When children have minor disagreements in class or on the playground, they are given time to “talk it out.” “Talk it out” time is provided to the child who broke the rule as well as the child who feels he or she has not been treated with respect. Escondido uses the social-emotional, anti-bullying curriculum, *Second Steps in* grades K-5 to help students learn vital social-emotional life skills, and to help recognize, refuse and report bullying behavior.

### **Consequences for Failing to Follow School Rules**

- Child is reminded of the rule.
- Adult talks with the child about the problem.
- Child is asked to think about his or her behavior during a time out/reflection period.
- Consequences are an opportunity to learn appropriate ways of being a member of our school community. Therefore, the consequence will reflect ways to give back to the community.
- Depending upon the behavior, the child might be asked to apologize, and or be assigned a special job.
- Behavior contract when appropriate.
- Parent is notified (phone, email or note).
- Behavior Note signed & returned. (See appendix for sample.)
- Parent conference.
- Student is sent home.
- Student is suspended from school.

## **D**

### **Disaster Preparedness**

Disaster preparedness is a priority at our school. The plan is reviewed annually. We hold regular fire, earthquake and lockdown drills as part of our disaster plan. We store emergency equipment, supplies, and food, and our staff members participate in First Aid and CPR training.

### **Dress Code**

We expect students to wear modest and appropriate attire to school:

- Hats and hoodies must be removed in class and at assemblies.
- Shirts should cover shoulders completely (please, no tank or spaghetti strap tops) and cover the midriff when arms are raised over the head.
- Words and logos on clothing should be appropriate for a school setting.
- Everyone must wear shoes while at school or on campus.
- Makeup may not be worn; this includes colored hair spray and glitter worn as eye shadow. Halloween and Crazy Hair Day are exceptions to this rule.

### **Drugs, Alcohol & Weapons-Free School**

It is our policy that the use, possession, and/or distribution of drugs and/or alcohol is strictly forbidden. Unauthorized weapons, real or imitation, are NEVER to be brought to school. The presence of alcohol, drugs, or weapons is grounds for immediate suspension or expulsion. If you know of any such activity, please report it to us immediately.

## **E**

### **Earthquake Disaster Procedure**

In the event of an earthquake the following procedures will be followed:

1. Everyone will “duck and cover” until the shaking stops.
2. Classrooms evacuate to the backfield when the teacher determines it is safe.
3. Classes exit the buildings and report to the backfield. The emergency classroom backpacks are also carried to this area so that all children can be accounted for.
4. Classes remain on the backfield until the children are released to their parents, or directed by the principal to either return to their classroom or move to an alternate shelter. Classes will stay together at all times.
5. A search and rescue team:
  - Transfers first aid and medical supplies to the back field,
  - Searches the buildings for missing children,
  - Shuts off the gas main and water valves.
6. The First Aid team assembles on the field and provides appropriate first aid/CPR as necessary.
7. The office staff moves to the back field with the roll sheets, emergency cards and basic supplies to establish a controlled network for communication between classes on the field, the search and rescue team, and parents as they come to collect their children
8. In the event of a major earthquake, each child will remain with his or her class until a parent or authorized adult (who must be listed on the earthquake emergency cards) signs out the child, indicating their destination.

**Please do not remove any child from the school without following this procedure. This is for everyone’s safety.**

9. The Red Cross will establish a community emergency shelter. The Palo Alto Unified School District will notified Parents of the location by email and or phone.

Please remember that the safest place for children in an emergency during the school day is under the supervision of trained personnel who will remain with your child on the campus until you or your authorized agent arrives.

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## English Language Development

Some students come to Escondido speaking little or no English. The English Learner Specialist teaches English to these children in small groups, as well as in their classrooms. Primary language tutors are utilized, when available, to provide instruction in the student's native language in the classroom.

## Family-School Partnership Act

Effective January 1995, this law allows parents to take time off from work to participate in their children's school activities. The law covers employees in companies with 25 or more people at the same location. With reasonable notice, employees can take up to 40 hours, no more than 8 hours per month, to volunteer in classrooms each school year. Contact your employer to see if you qualify.

## F

### Field Trips

Field trips are an important part of our school program; they enhance the learning experience of our children. Children walk or travel in private cars or buses. Each child must have a signed permission slip from the parent for each trip. Parents will be notified in advance about each trip. Parents are encouraged to contribute to the cost of some of the field trips for which there is a fee. Field trips may be cancelled due to lack of drivers, chaperones or funding.

Prior to any field trip, volunteer parent drivers must give a copy of their up-to-date auto insurance card and driver's license to the office. Requirements for drivers:

- Insurance coverage of at least \$100,000/\$300,000 for public liability and bodily injury.
- Number of passengers may not exceed the number specified for your vehicle by the California Motor Code.
- Each passenger must wear a seat belt.
- All children under age 8 must be buckled into a car seat or booster seat.
- The driver must have a current, valid driver's license and carry the current registration and certificate of insurance in the car.

If you are chaperoning on a field trip, you may not bring siblings (district policy).

### First Aid & Emergency Care

Escondido does not have a school nurse on duty. School personnel are not permitted to give anything except immediate first aid except in extreme emergencies. Parents are contacted before a physician is called. In the case of sudden illness at school, a child will be kept at the school office only until he or she can be released to the care of a parent or other adult listed on the student's emergency information form on Infinite Campus..

## Student Emergency Information

When you complete the online annual data update (registration) on Infinite Campus, you will provide emergency information about your child, which is kept in the school office. It instructs school personnel about emergency action and identifies the health needs of your child. This information allows us to release your child to another adult in the event of a school closure, illness or sudden injury. The physical condition of your child has a direct effect upon his or her academic and social success. Early identification and treatment of health problems will enable him or her to function at the highest level of ability.

## G

### Getting To & From School Safely

Traffic congestion near Escondido can be minimized if all students walk, bike, carpool or take the bus whenever possible. No matter what your commute choice, please allow a few extra moments at peak periods for safety's sake. **As a driver, to help prevent accidents, slow down, avoid dangerous maneuvers and always watch for children.** A parent's actions as a cyclist, pedestrian, or driver speak louder than any formal instruction in traffic safety!

### Traffic Signals

Stanford Avenue traffic signals have a special "walk" cycle just before school starts and during afternoon dismissal times. Help keep kids safe by respecting the "No Right on Red When Children are Present" signs.

### Drop-off & Pick-up

In the front lot, please:

- Pull forward past the "bear" into the drop-off lane (the right lane) before you stop to drop off/pick up your child.
- Do not block the bus parking area!
- Have your child exit on the right, first making sure that it is safe to do so.
- The left lane is for drive-through and parking only. Please do not drop off kids if you are in the left lane.
- Exit with caution, moving into the drive-through lane.

### Parking

Escondido has two parking lots. Regular volunteers need to obtain a parking permit from the office in order to park in the lots:

- You may park in the VISITOR spaces in the parking lot in front of the school and
- The parking lot across the street located at the corner of Escondido Road and Olmsted marked Escondido School. Be careful not to park on Olmsted or in a space marked ES this is permit parking only for Escondido Village.

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In addition, you can park on Escondido Road, Stanford Avenue, or on nearby side streets (please note the time limit). Please have your child walk to the pedestrian crosswalks. Do not jaywalk!

**DO NOT use the staff parking lot at the back of the school** for drop off, pick up or parking! Stanford Avenue is very busy and it is dangerous for pedestrians, cyclists and other cars when you attempt to back out.

**If heading west, do not stop on Stanford Ave.** to drop your children off. If you park on Stanford Ave. heading east, please make sure your child walks to the signal to safely cross Stanford Ave.

**Do not drop off in the SCRA parking lot (on Bowdoin).** Please respect the “No Drop Off” signs. You may use the RAINS lot for drop off. Turn left instead of right into the SCRA lot.

Best-kept secrets:

- Arrive before 8:00 a.m. to beat the traffic..
- Drive along Escondido Road and make a U-turn at the end of the street. Then, drop off your child on the Escondido School side of the road.
- CARPOOL, WALK, or BIKE to school!



## **Health & Wellness Policy**

Health services protect the health and safety of pupils and to identify health problems that inhibit a child’s activities and ability to learn. An annual exemption card must be filed annually if a student is to be exempt from these services. School personnel are required by State Law to notify parents when pupils are suspected of having health problems.

### **Chicken Pox**

A child may return to school following an episode of chicken pox after all lesions are completely dry or gone. The course of this illness is usually 7-10 days.

### **Colds**

Since the period of infection from different cold viruses varies, the safest course of action is to wait until your child’s active coughing, sneezing, and nasal drip are substantially gone and there has been **no fever (without fever reducing medication) for at least 24 hours**. This is typically on the order of 3 days after a new cold has begun.

### **Conjunctivitis (Pink Eye)**

Once antibiotic treatment has started, bacterial conjunctivitis is not generally communicable. There is, however, a second type of conjunctivitis associated with a viral infection in epidemic form that is highly contagious for several days. Please seek the advice and consultation of your medical advisor before returning a child to school that is ill with conjunctivitis.

### **Fever**

Following any infection associated with fever over 100° (according to the Santa Clara County Office of Education) a child should remain at home until she/he has been without fever for at least 24 hours. During the early morning hours, a fever will often register as normal, whereas later in the afternoon the temperature may rise again. This is one reason why it is extremely important to give the child at least a 24-hour period when she/he is completely free from elevated temperature before returning the child to school.

### **Hand Washing**

It is extremely important that parents teach their children the necessity of using good hand-washing techniques in order to prevent the spread of disease. Use soap and water not only after going to the toilet and before meals, but at times in between as well. Teach your child to keep their hands away from their face and nose as well. Hands should be washed after nose-blowing, coughing, and sneezing.

### **Head Lice**

Head lice are a concern in all schools. As per the PAUSD Board Policy adopted in 2013 (BP5141.33) emphasis is placed on parent and staff education regarding prevention, early detection, prompt treatment and ongoing management of head lice. Parents are encouraged to check their child periodically at home for the presence of lice and to notify the child’s school, if lice are detected. More information can be found on the PAUSD website under the Health & Wellness Program [www.pausd.org/school-life/health-wellness/health-services/lice-control](http://www.pausd.org/school-life/health-wellness/health-services/lice-control). In addition, the brochure, *A Parent’s Guide to Head Lice* is available in the school office as well as on our website.

If a student is found to have head lice, copies of the Lice Exposure Notice and *A Parent’s Guide to Head Lice* will be sent home with all students in the affected classroom. If live lice are found office staff will contact the parent to pick up their child. All students with lice will be asked to complete the Lice Treatment form. In addition, before returning to the classroom, the parent/guardian must bring their child to the office for a readmission check by office staff. The student will be re-admitted when no live lice are present. If nits are still present, the parent/guardian will be encouraged to continue daily nit removal and observation for the presence of live lice. Student may remain in school. Staff shall maintain the privacy of any student identified as having head lice.

### **Immunization**

Immunization against poliomyelitis, diphtheria, tetanus, measles, rubella, mumps and whooping cough is mandatory for school enrollment in any grade unless contrary to the family’s religious beliefs. New students transferring into Palo Alto Unified School District (PAUSD), and all first graders are also required to have a full physical examination and return a completed School Health Report.



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Call Santa Clara County Health Department for immunization information at (408) 732-3720. A California School Immunization Record becomes part of the student's permanent record.

### **Medication**

**No medications**, prescriptions or non-prescription, can be dispensed **unless authorized in writing by a physician**. If authorized, only the office staff can dispense medication to a student. All medications are required to be kept only in the school office, not in backpacks, classrooms, desks, etc. [Please fill out a medication authorization form.](#)

### **Screening Tests**

#### • **Hearing Tests**

Hearing tests are given at enrollment and every three years until grade 8.

#### • **Vision Tests**

Vision tests are given at the time of enrollment and every three years until grade 8. Boys are given a color vision test in grade 4, and in grade 5 through 8 for boys not yet tested.

Parents should understand that these testing programs are screening processes only and do not rule out the possible existence of problems best diagnosed by a physician.

### **Strep Throat**

Twenty-four hours after antibiotic treatment has started, the disease is no longer considered communicable. However, it is important to note that even though the child may not be infectious, children often do not feel well enough to return to school after the 24-hour period. Also, the child's physical vigor should be taken into consideration.

### **Vomiting & Diarrhea**

If a child vomits or has diarrhea at school, the student needs to go home immediately. Children who have been suffering from vomiting or diarrhea can return to school **after a 24-hour "symptom-free" period of time** to prevent recurrence, transmission to other children and to regain strength before returning to school.

## **Healthy Foods at School**

### **Alternatives to Food Rewards**

Research clearly demonstrates that healthy kids learn better. To provide the best possible learning environment for children, schools must provide an environment that supports healthy behaviors. Students need to receive consistent, reliable health information and ample opportunity to use it. Finding alternatives to food rewards is an important part of providing a healthy school environment.

### **Consequences of Using Food Rewards:**

1. **Compromises Classroom Learning:** Schools are designed to teach and model appropriate behaviors and skills to children. Nutrition principles taught in the

classroom are meaningless if they are contradicted by rewarding children with candy and other sweets. It's like saying, "You need to eat healthy foods to feel and do your best, but when you behave or perform your best, you will be rewarded with unhealthy food." Classroom learning about nutrition remains strictly theoretical if schools regularly model unhealthy behaviors.

2. **Contributes to Poor Health:** Foods commonly used as rewards, like candy and cookies, can contribute to health problems for children, such as obesity, Type 2 diabetes, hypertension and cavities. Food rewards provide unneeded calories and displace healthier food choices.
3. **Encourages Overconsumption of Unhealthy Foods:** Foods used, as rewards are typically high in fat, added sugars and sodium with little nutritional value. Decreasing the availability of these foods is one strategy schools can use to address the current childhood obesity epidemic.
4. **Contributes to Poor Eating Habits:** Rewarding with food can interfere with children learning to eat in response to hunger and satiety cues. This teaches kids to eat when they are not hungry as a reward to themselves, and may contribute to the development of disordered eating.
5. **Increases Preference for Sweets:** Food preferences for both sweet and non-sweet foods increase significantly when foods are presented as rewards. This can teach children to prefer unhealthy foods.

If rewards are given in the classroom, schools shall encourage the use of non-food based rewards whenever possible.

### **Alternatives to Food-Based Rewards**

(Elementary School Students):

1. Make deliveries to office
2. Teach class
3. Be a helper in another classroom
4. Read morning announcements
5. Sit with friends
6. Have lunch or breakfast in the classroom
7. Have a private lunch in the classroom with a friend
8. Play a favorite game or do puzzles
9. Extra recess time
10. Free time at the end of class
11. Dance to music in the classroom
12. Walk with the principal or teacher
13. Fun physical activity break
14. Trip to treasure box filled with non-food items, e.g., stickers, pencils, erasers, bookmarks, school supplies
15. Teacher or volunteer reads special book to class
16. Fun movie
17. Certificate, trophy, ribbon, plaque
18. Teacher performs special skill, e.g., singing, guitar playing, listen to music or a book on audiotape
19. Read outdoors or have class outdoors

20. Extra art, music or reading time
21. Access to items that can only be used on special occasions, e.g., special art supplies, toys gift certificate to school store (nonfood items)
22. Commendation certificate or letter sent home to parents
23. Resources
24. Show-and-tell
25. Earn points or play money for privileges or non-food items

Source: *Alternatives to Food Rewards*, Connecticut State Board of Education

### **Celebration Guidelines**

In an effort to be more thoughtful about our students' health, the PTA and our school teachers ask you to please consider alternatives to foods you bring to school for your children's birthdays and classroom holiday parties.

We have included some of the ideas from those school communities and those from our own parents and teachers, as well. Your child's teacher and your class Room Parent will communicate more on this subject, but here are some ideas:

- As a class, consider beginning a practice of having multiple birthday celebrations by month - all on one day.
- Consider alternatives to food. Try to not make food the focus - plan activities such as dancing, games, crafts, or singing.
- Talk to students about the reasons for healthy makeovers and involve them in the planning of the party.
- Bring age appropriate "food-less goodies," such as pencils, bookmarks, or stickers.
- Make a small gift to the classroom, such as art supplies, posters, or books. Be sure to check with the teacher for anything that might be especially needed.
- For Holiday Celebrations, make efforts to create games, activities and crafts rather than have the party centered around food and sweets.
- Bring a basket of gently used books and have each child in the class get to choose a book (birthday child chooses first)
- If food is involved in this celebration, we strongly encourage the following:
  - If you bring a birthday snack to share, be sure to alert the teacher and Room Parent **ahead of time of your plans**. And bring in a snack that has **no added sugar** (natural foods such as fresh fruit, bananas, berries, melons, and vegetables, popcorn, cheese, fresh squeezed juices).
  - Please consider the possibility of **food allergies** in our children and remember to be **gluten and nut free** and consider foods without artificial additives and preservatives.

Your child's teacher and class Room Parents will discuss in more detail their own classroom practice, but the PTA and the teachers thank you in advance for helping to create a healthier culture for our kids.

### **Dietary Guidelines**

Healthy, well-rested, well-fed and physically active students are better able to learn and succeed in school. At Palo Alto Unified, we want to make sure that nutrition at school supports healthy eating, student success and is backed by research.

Research shows that sugar is one of the major causes of today's epidemic in childhood and adult Type 2 diabetes, cardiovascular disease, obesity and chronic diseases [1,2,3,4,5,6,7]. The presence of sugar and artificial additives may have a negative effect on physical and mental health. [8,9]

We in PAUSD are taking a leadership role by providing an environment at each of our campuses that supports healthy eating through education and serving healthy foods.

In accordance with this vision, we encourage classrooms, school-sponsored and PTA-sponsored activities to follow these guidelines:

#### **NO FOOD IN CLASSROOMS WITH THE FOLLOWING EXCEPTIONS:**

- If snacks or foods are served during snack time or events, healthy foods are strongly encouraged such as natural real foods, unprocessed and without artificial food coloring, dyes, or flavors, like fruits and vegetables. We would like to strongly discourage foods with added sugar such as candy, cakes, cookies, soda and juice.
- Food is part of the curriculum.
- Celebrations will follow the celebration guidelines.
- Food as incentive is allowed if part of an IEP or 504 Plan or for approved medical reason(s). However, it is highly encouraged to consider options described in the alternatives to rewards guidelines section.

[1] Hedley A, Ogden C, Johnson C, Carroll M, Curtin L, Flegal K. "Overweight and Obesity among U.S. Children, Adolescents, and Adults, 1999-2002." *Journal of the American Medical Association* 2004, vol. 291, pp. 2847-2850.

[2] Whitaker R, Wright J, Pepe M, Seidel K, Dietz W. "Predicting Obesity in Young Adulthood from Childhood and Parental Obesity." *New England Journal of Medicine* 1997, vol. 337, pp. 869-873.

[3] U.S. Department of Health and Human Services (HHS). *The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity*. Rockville, MD: HHS, 2001.

[4] Freedman D, Dietz W, Srinivasan S, Berenson G. "The Relations of Overweight to Cardiovascular Risk Factors among Children and Adolescents: the Bogalusa Heart Study." *Pediatrics* 1999, vol. 103, pp. 1175-1182.

[5] McGill H, McMahan C, Zieske A, Sloop G, Walcott J, Troxclair D, Malcolm G, Tracy R, Oalman M, Strong J. "Associations of Coronary Heart Disease Risk Factors with the Intermediate Lesion of Atherosclerosis in Youth: the Pathobiological Determinants of Atherosclerosis in Youth (PDAY) Research Group." *Arteriosclerosis, Thrombosis, and Vascular Biology* 2000, vol. 20, pp. 1998-2004.

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[6] Pinhas-Hamiel O, Dolan L, Daniels S, Standiford D. "Increased Incidence of Non-insulin-dependent Diabetes Mellitus among Adolescents." *The Journal of Pediatrics* 1996, vol. 128, pp. 608-615.

[7] Muntner P, He J, Cutler J, Wildman R, Whelton P. "Trends in Blood Pressure among Children and Adolescents." *Journal of the American Medical Association* 2004, vol. 291, pp. 2107-2113.

[8] "Food Dyes: A Rainbow of Risks", Center for Science in the Public Interest, <https://cspinet.org/sites/default/files/attachment/food-dyes-rainbow-of-risks.pdf>.

[9] "Ingredients of Concern", Center for Science in the Public Interest, <https://cspinet.org/eating-healthy/ingredients-concern>.

### **Healthy Alternatives to Fundraising**

Fundraising presents another opportunity to make your school environment healthier. Some options such as bake sales, as lucrative as they may be, are not in our children's best interests. There are, however, alternatives that allow for raising needed funds without compromising the health of children and their families.

1. Encourage the solicitation of non-food items in auctions. Collectibles and large ticket items are attractive and typically raise more money than food items;
2. Plan events and activities that promote fitness (a run/walk or dance marathon)
3. Offer an experience (musical concert);
4. Provide a product (book) or service (car wash, recycling, consulting session, fitness training, photography, company tour);
5. Replace traditional bake sales with "bakeless" bake sales. Instead of buying ingredients and baking an item, parents make a donation in an amount similar to what they would have spent or provide a gift card or gift certificate to a favorite vendor;
6. Ask fundraising companies to provide your schools with fundraising catalogs that feature only non-food or healthy food products;
7. Encourage school fundraisers at restaurants that do not serve fast food but instead have healthy options;
8. Enlist students in developing healthy, profitable fundraising ideas;
9. Enlist students in creating something to sell: art projects, building/making a simple item and customizing it;
10. Include a donation-only option;
11. Identify how much your school needs to raise for the year and suggest a donation amount to families. Know that some will give more and some will give less. Then you can do one or two smaller fundraisers to make up for any shortfall. If your school meets the requirements, donations could be tax deductible — be sure to let donors know of the benefits. Consult with site principal in advanced if considering this alternative.

### **Homework**

All Escondido students grades K-5 are expected to be read to by an adult, read with an adult or read independently for at least 30 minutes per day outside of school.

- Teachers will provide students with just right books to read for homework
- Teachers will provide Kindergarten Spanish Immersion students with just right books to read for homework beginning January.
- In grades K-4, meaningful individual skills practice, occasional activities and or family projects to support classroom learning may be assigned.
- An example of skills practice: A student that needs to work on his or her multiplication facts may be given a math game to play with his or her family at home.
- An example of occasional activities: In kindergarten, students may be asked to count all of the pairs of shoes by two or write a letter to a special friend.
- An example of family projects: In second grade, some classrooms have an ancestor project that is completed with the family at home and presented in class.

In grade 5, in addition to reading for 30 minutes per night, Everyday Math Bridges Math or Eureka Math homework will be assigned Monday through Thursday and Language Arts projects will be assigned as needed.

If you have a concern, the classroom teacher is the appropriate contact. If you cannot resolve the issue, then contact the principal.

### **Homework/Makeup Work**

#### **(PAUSD Board Policy & Administrative Regulation)**

Homework should have a positive impact on student learning and is defined as the assigned learning activities that students work on outside of the classroom. The purpose of homework is to provide students an opportunity to practice, reinforce and apply previously taught skills and acquired knowledge and prepare for future lessons, and is directly tied to classroom instruction. Assignments should have a clear purpose and be designed for completion within a reasonable time frame. Completing homework is the responsibility of the student. Parents can play a supportive role through monitoring, encouraging students' efforts and providing a conducive learning environment.

Homework should be designed to:

- Deepen understanding and encourage a love of learning.
- Reflect individual student needs, learning styles, social-emotional health, and abilities in order for students to complete their homework.
- Provide timely feedback for students regarding their learning.

- Include clear instructions and performance expectations so students can complete the work independently.
- Be assigned in reasonable amounts that can be completed within a reasonable time frame.
- Provide teachers with feedback to inform instruction.

Effective homework practices do not place an undue burden on students. The Board recognizes the value of extracurricular activities, unstructured time and adequate sleep for a student's success in school.

The Winter break is intended to be a time that is free from schoolwork for students and staff. There should be no expectations on the part of students or staff that schoolwork is done over this period. No assignments should be given over the Winter break, and any long-term assignments given before Winter break should not be due during the first week back from the break.

The Superintendent or designee shall ensure that each school site develops an effective homework plan in accordance with Board policy and administrative regulations.

This policy and its associated administrative regulation shall be included in all school handbooks and secondary school course catalogs, as well as distributed on district and school websites.

### **Homework for Elementary Grades**

1. In the primary grades (K-3), homework should consist primarily of reading and a limited number of independent exercises to reinforce previously taught skills and concepts.
2. At the upper grades (4-5), homework should primarily consist of reading, practice and application of key skills and concepts, application of writing skills, and beginning research. At this level, homework should be designed to build independent study habits.
3. Long-term assignments at the upper grades should be limited in number and duration. These assignments should include clear checkpoints to monitor progress towards completion.
4. Homework at the elementary grades should not be assigned over the weekends.
5. As a guideline, when teachers choose to assign homework, students might reasonably be expected to devote the following amounts of undistracted, focused time to nightly homework, including time devoted to long-term projects and reading.

- K = Occasional short homework
- 1 = 0-10 minutes average M-Th
- 2 = 0-20 minutes average M-Th
- 3 = 0-30 minutes average M-Th
- 4 = 0-40 minutes average M-Th
- 5 = 0-50 minutes average M-Th

Note 1: Students in 4<sup>th</sup> and 5<sup>th</sup> grade who participate in band or strings can expect to practice their instrument for 10 minutes, five days per week.

### **Homework Guidelines for Teachers**

In assigning homework, teachers should:

1. Clearly explain objectives, timelines, suggested amount of time for completing the homework, and required materials associated with the assignment.
2. Post assignments in a manner that is clear, consistent and easily observed by the student both in and outside of the classroom
3. Monitor homework time requirements and feasibility of assignments using student assignments, student feedback, and parent feedback.
4. Differentiate assignments when it is determined that, despite appropriate effort and learning habits, a student is spending more than the expected time on homework.
5. Clearly communicate to parents and students the expectations regarding the amount and quality of homework required by the student and the level of parental involvement to complete assignments.
6. Inform parents and students of opportunities for student assistance.
7. Suggest and practice techniques to help increase efficiency, such as how to allocate time wisely, meet deadlines, and develop good study habits for each subject area. Examples of this may include the use of a binder reminder or computer based tools as communication avenues between home and school.
8. Provide a process for student or parent feedback if there is a concern.
9. Work with grade and department level colleagues to promote consistent homework practices and reasonable total time requirements for each evening.

### **Homework Guidelines for Site Administration**

Site administrators shall:

1. Provide professional development on homework, including overview of the policy, effective strategies and practices, and time for collaboration with grade level teams or departments to plan, as needed.
2. Be responsible for ensuring compliance with the homework policy, including the use of feedback processes to support its implementation.
3. Have on-going discussions with staff regarding effective homework strategies and practices.
4. Coordinate schoolwide resources and practices that support homework completion, e.g. use of planners, library facilities and academic support programs.

### **Makeup Work**

Students who miss schoolwork because of an excused absence shall be given the opportunity to complete all



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assignments and tests that can be reasonably provided. As determined by the teacher, the assignments and tests shall be reasonably equivalent to, but not necessarily identical to, the assignments and tests missed during the absence. Students shall receive full credit for work satisfactorily completed within a reasonable period of time.

*(Education Code 48205)*

*(cf. 5113 - Absences and Excuses)*

Students who miss school work because of unexcused absences may be given the opportunity to make up missed work. Teachers shall assign such makeup work as necessary to ensure academic progress, not as a punitive measure.

*Legal Reference: EDUCATION CODE*

*48205 Absences for personal reasons 48913 Completion of work missed by suspended student 48980 Parental notifications*

*58700-58702 Tutoring and homework assistance program; summer school apportionment credit*

*Management Resources: SBE POLICIES*

*Parent Involvement in the Education of Their Children, 1994 Policy Statement on Homework, 1995*

## L

### **Library**

Our library has about 15,000 volumes. In addition to our excellent library selections, we have an extensive foreign language collection including Japanese, Chinese, Korean, Hebrew, Spanish, Portuguese, French, German, Icelandic, Norwegian, Finnish, Danish, Swedish and Russian. We welcome donations of suitable foreign language books to develop our collection.

Since the amount of independent reading children do is one of the most important factors in how fluently they read, we encourage children to check out books and use the school library freely. You are welcome to visit the library. Please understand you are responsible to pay for or to replace any library materials lost or damaged. Our librarian teaches children library use, technology and reference skills. At other times the library is open under the supervision of aides and volunteers.

### **Lockdown Procedure**

Your children will be trained to respond to a lockdown situation. Code Blue indicates an unsafe condition such as a mountain lion in the neighborhood. Children will stay in the classroom until an all clear is sounded. Code Red indicates a more serious situation such as a shooter on campus. The campus will be locked down with children in the classroom. The police department will sound the all clear and parents will be able to pick up their children at two designated sites. Please do not come to school in the middle of the emergency as you may hinder emergency personnel efforts. Wait for the all clear. You will receive email or phone alerts from the district.

### **Lost & Found**

Small items are kept in the school office. Larger items and clothing are kept on a cart in front of the M.P. room during school hours. Please mark children's clothing and other possessions with their name. Periodically unclaimed clothing will be donated to the Goodwill.

### **Lunch & Brunch & Breakfast**

#### **School Breakfast & Lunch Program**

Escondido offers on-site breakfast, brunch and lunch services for students. Our breakfast program is complimentary and arose from the need that some parents have to send their children to school earlier than the regular 8:00 a.m. recommended arrival. Every morning, from 7:40-8:00 a.m., students may come to the MP room where they are offered cereal and milk, fruit, and/or cereal bars. There is no fee for this service, but students are expected to cooperate fully with the adult supervisor on duty and remain the MP room while they eat. If the student is not accompanied by an adult they will need to remain in the MP room until the morning supervisors arrive at 7:50 a.m.

Students are encouraged to bring a light snack that they can eat during morning recess, and a healthy lunch. In cooperation with the PAUSD Food Service Program, children may purchase a "hot brunch" entrée offered during morning recess (10:00 a.m.), or a lunch at noon. Menus and fee schedules are available in the school office and also on the PAUSD website [www.pausd.org/school-life/food-services](http://www.pausd.org/school-life/food-services).

Families may be eligible for free or reduced priced meals. To apply for Free and Reduced Meals, download the Free and Reduced Meals form from the PAUSD website or request one from our school office.

Parents interested in participating in our brunch and/or lunch program may choose one of the following methods of payment for meal purchases:

1. **Cash Payment Method** – This option is for parents who prefer to pay for school meals with cash. At Barron Park, it is recommended that parents deliver cash to the school office to request that it be deposited into the student meal account.
2. **Account Payment Method** – You can send a check, made out to PAUSD, to the school office, or to Student Nutrition Services at 25 Churchill Avenue, Palo Alto, CA 94306. The amount will be deposited into your student's lunch account. (Every student has a lunch account, which is simply the student's ID number.) Or you could go to [www.sendmoneytoschool.com](http://www.sendmoneytoschool.com), open an account, and charge to your credit card. There is a \$3 fee per transaction for this service.

All lunches at the elementary schools are pre-ordered, in class, by 9:00 a.m. each school day. If your child will be coming to school late and you wish to order a school lunch, please call the school office and let us know.

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### **Play First Eat Second**

All students will play first and eat second during the designated lunch periods.

### **Lunch Line**

Children should walk to the line and wait their turn without pushing or going ahead of others in line. We expect children to be courteous to the lunch supervisor and take only what they have paid for.

### **Lunch Table Behavior**

Students should drink and eat only at the lunch tables, not on the playground or by the play equipment. At lunch, each grade level has assigned tables. There are also designated Peanut Free tables. Students are to sit and eat politely, then wait at the table until their teacher picks them up. We expect that the table is clean, all trash has been put in the garbage cans, and all compost and recyclable materials have been placed in the designated bins.

## **M**

### **Music**

Instrumental music instruction is offered for students in grade 5. Early in the school year, they will be asked to sign up for instruction if they are interested in studying an instrument. A limited number of musical instruments are available through the school district; they are assigned with priority to those students for whom renting would be a financial hardship. Grade 4 students participate in a pre-instrumental/vocal music program. A music specialist teaches vocal music for grades K-3.

## **N**

### **Nut-Free Tables**

Escondido has nut-free tables available, at every grade level, which are clearly marked. These tables are OPTIONAL for students with nut allergies. All students shall be reminded not to share food or accept food from other students, as students and staff may not be aware of ingredients in foods they bring to school. Additionally, to protect students with allergies and promote good hygiene, students are encouraged to wash their hands before and after eating.

## **P**

### **Palo Alto Partners in Education (PiE)**

- Is a non-profit 501(c) foundation dedicated to supporting Palo Alto public schools
- Raises funds for enhancing educational excellence for every student in the district.

- Provides for additional staff including our Instructional Aides, Science Aide, Spectra Art Teachers, Primary Language Tutors.

Partners in Education relies on the generous support of the **extended community** to help our schools maintain excellence by meeting classroom needs unfunded by other means.

### **Parent Teacher Association (PTA)**

The Escondido PTA invites you to become a member of this active group of parents, teachers, and community members. Our primary goal is to enrich children's educational opportunities. The PTA provides funds for special school enrichment programs including assemblies, library materials, technology, science and art enrichment and noontime activities. We also plan fun community-building events throughout the year such as a talent show, science fair and Fall Family Fun Festival..

Money for these programs is raised mainly through our Ice Cream Challenge in the fall. Your participation and contributions will make it possible to continue these programs for our children.

The Escondido PTA welcomes the involvement of all community members who want to support the education of our youngsters. You do not have to have a child enrolled at Escondido to participate! Here are just a few ways you can help:

- Attend a PTA meeting
- Donate needed items or services
- Contribute time, expertise, or money to support our fund-raising efforts such as our silent auction
- Volunteer as a room parent
- Join a committee to plan or volunteer at an event
- Read with a child a few times a week in our Reading Recovery program

Please contact any PTA board member for information.

The PTA also supports school/home communication. Konstella is a campus communication site that connects parents and staff ([www.konstella.com](http://www.konstella.com)).

In addition, the PTA runs an email distribution list, called E-News, which is used to facilitate communication between the school district, the school's staff members, parents, and PTA. This is a public list, and anyone may join or leave at any time. The list may not be used for political campaigning, advertising, or solicitations, and is being moderated to avoid any bulk and spam messages. We keep low volume of messages on the list (about one compiled message a week), and use it mainly to inform and get the word out quickly about school's events as well as district-wide and community information. Our goal is to have each and every Escondido family subscribed to the list. To subscribe, please send an email to [enews\\_escondido@hotmail.com](mailto:enews_escondido@hotmail.com) and you will be added to the list.

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PTA meetings are held the second Monday of the month in the library at 7:00 p.m. and are open to everyone. Dates and times are announced in the *Globe* and can be found in the calendar section of the Escondido website. We encourage you to attend these meetings and get involved in your school's PTA.

## **Playground**

### **Playground Equipment**

Balls we use for free play at recess and lunch are available in designated ball bins color-coded according to grade level. Rubber balls may be bounced against the ball walls, but not against the school building. Footballs (grades 3-5) and soccer balls may be used on the lawn areas. We expect students to take good care of our equipment and use it safely. **No recess equipment may be brought from home.**

### **Games**

Games such as rounders, kickball, and four square should be played in appropriate areas on the blacktop. There are no "locked" games at Escondido. Once teams are even, newcomers should come in pairs if they wish to join a game. We want our playground to be safe and enjoyable for every child. If there is a dispute during a game, it should be discussed by the children involved. A student who disrupts a game by playing unfairly may be asked to leave the game by other participants. If a satisfactory and peaceful solution is not found quickly, children should ask a yard duty person.

## **R**

### **Roles & Responsibilities**

We believe it is our responsibility to help children become:

- Logical thinkers and creative problem-solvers who are ethical and compassionate towards others,
- Lifelong learners with the self-confidence, motivation and skills to achieve personal goals as contributors to society, and
- Keepers of our planet Earth with an appreciation for cultural diversity and an understanding of our limited resources.

### **Principal/Staff**

- Provide supportive environment for acquiring academic skills
- Promote the arts
- Teach skills for effective social and emotional learning
- Promote diversity and create caring human beings
- Build a sense of community among students, parents and staff

### **Parent Teacher Association (PTA)**

- Builds a sense of community among students, parents and staff.
- Supports and speaks on behalf of all children in the school and in the community before government agencies and other government organizations.
- Assists parents in developing skills to nurture children.
- Promotes parent and public involvement in schools and communities.
- Provides parent education, volunteer coordination, newsletters, fundraising, parent surveys and PTA meetings.

### **School Site Council**

- Reviews, monitors, approves and implements the Single Plan for Student Achievement (SPSA)
- Reviews the School Improvement Plan budget.
- Builds a sense of community among students, parents and staff.

## **S**

### **School Supplies**

Escondido School supplies books, paper, pencils, and other basic materials needed at school. We recommend that each child have a sturdy backpack labeled with his or her name. Please work with your child to develop responsibility for personal items, clothing and library books.

### **Science Lab**

The science lab provides classrooms with science curriculum support. Materials and equipment are available for students to conduct hands-on in depth projects.

### **Site Council**

The Site Council participates in the development of the School Plan for Student Achievement and recommends it to the PAUSD School Board for approval. Site Council monitors the implementation of the school plan and evaluates the results. Throughout the school year, Site Council revises the school plan and advises on the use of School Improvement Plan funds.

The Site Council is composed of parents, teachers, and staff. Meetings are open to all parents and staff members (please see the school website for meeting the schedule). Elections for parent members of the Site Council are held when a members 2-year term is over.

### **Skates, Scooters & Skateboards**

Skates, scooters, skateboards and bicycles may not be ridden on the campus during school time. Children who ride in-line skates to school must change into street shoes at the flagpole bench.

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## Smoke-Free Area

All school buildings and grounds are smoke-free areas. There is to be no smoking on any PAUSD property.

## Spanish-Immersion Classes

In Spanish-Immersion classes, standard school curriculum is learned in English and Spanish with the goal being for students to develop fluency and literacy in both languages. Currently, there are classes from kindergarten through fifth grade at Escondido.

## Special Education Services

PAUSD implements California's Master Plan for Special Education. Coordinated by a Resource Specialist, an Individual Education Plan (IEP) Team analyzes special education needs at Escondido. An IEP Team includes the principal, teacher(s), parent, psychologist, language/speech specialist and principal.

The Resource Specialist program and the Speech/Language program provide small-group instruction to special education students who are in the regular classroom the majority of the school day.

Escondido has a Specialized Academic Instruction (SAI) class for students from throughout the district who need intensive special education instruction. Some students are mainstreamed for part of the day into regular education classes.

## SPECTRA Art

Funds from Partners in Education (PiE) provide this program taught by a trained specialist. It provides staff development for teachers and hands-on art experiences for elementary children in their classrooms.

## Suspension / Expulsion

In the case of serious offenses, students may be suspended. Suspension is defined as the removal of a student from ongoing instruction for disciplinary purposes. State and District policy provide for zero tolerance of offenses involving weapons, drugs, or sexual harassment. The principal will discuss with parents or guardians the reasons for a student suspension. Expulsion, if indicated, is determined exclusively by the Palo Alto Unified School District and not by the Escondido principal.

### Grounds for Suspension

**(California Education Code Section 48900 a-p, or .2, .3, .4, .7)**

- a. Caused, attempted to cause, or threatened to cause physical injury to another person.
- b. Possessed, sold or furnished firearm, knife, explosive or other dangerous object.
- c. Possessed, used, sold, furnished or been under the influence of drugs, alcohol, a controlled substance or intoxicant.

- d. Offered, arranged, or negotiated to sell look-alike controlled substances, alcohol or intoxicants.
- e. Committed or attempted to commit robbery or extortion.
- f. Caused or attempted to cause damage to school or private property, including electronic files and databases.
- g. Stole or attempted to steal school or private property.
- h. Possessed or used tobacco or product containing tobacco or nicotine.
- i. Committed obscene act or engaged in habitual profanity or vulgarity.
- j. Possessed, offered, arranged or negotiated to sell any drug paraphernalia.
- k. Disrupted school activities, willfully defied valid authority of school personnel in the performance of their duties.
- l. Knowingly received stolen school property or private property.
- m. Possessed an imitation firearm.
- n. Committed or attempted to commit a sexual assault or battery.
- o. Harassed, threatened or intimidated a student who is a complaining witness or witness in a school discipline matter.
- p. Offered, arranged or negotiated to sell, or sold the prescription drug SOMA.
- q. Aided or abetted the infliction or attempted infliction of injury to another person.
- r. Committed sexual harassment (*Ed. Code Section 48900.2*).
- s. Participated in an act of hate violence (*Ed. Code Section 48900.3*).
- t. Engaged in harassment, threats, or intimidation against school personnel or pupils (*Ed. Code Section 48900.4*).
- u. Threatened school officials and/or school property (*Ed. Code Section 48900.7*).



## Visitors

Visitors are welcome at school. We encourage parents to visit classrooms, after signing in at the school office and getting a visitor's badge. For your child's protection, we need to know who is on the grounds.

## Volunteers

Volunteers are an integral part of the program at Escondido Elementary School. The children and teachers benefit from the interests of parents, adults, and high school and college students who prepare materials for teachers, tutor children, assist teachers and students in classrooms and help staff our

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school library. Sign up for a specific time directly with your child's teacher, and please be sure to sign in at the office and wear a nametag when you are here.

A wide range of volunteer activities/opportunities makes it easy for everyone to find a comfortable way of helping our school. In addition to working in your child's classroom, the PTA holds many community events as well as various fundraisers that all require helping hands to succeed. Whatever your skills, interests and time, there is a way for you to get involved and make your contribution to Escondido. We welcome your help!

The volunteer who is giving freely of his or her time is communicating to the children without it ever being said, "I care about you; you are important; I want to help you to learn."

### ***Important Volunteer Characteristics***

- **PUNCTUALITY:** School programs must start on time.
- **DEPENDABILITY:** The teacher is counting on your help to carry out the program she/he has planned for that day. If you are ill or otherwise unable to get to your assignment, please notify the teacher directly; contact the office (650-856-1337); or find a substitute.
- **CONFIDENTIALITY:** Keep all information about students and about interactions between or among students and teachers in the strictest confidence.
- **COLLABORATION:** Effective volunteers work harmoniously and respectfully with the teacher and other parent volunteers.
- **PROFESSIONALISM:** Bring an open mind and thoughtful attention to your work. Honor the teacher's program and carry out the activities as planned.

## **USEFUL INFORMATION SOURCES**

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### **DISTRICT OFFICE**

25 Churchill Avenue  
Palo Alto, CA 94306-1099  
Phone: (650) 329-3700  
info@pausd.org  
[www.pausd.org](http://www.pausd.org)

### **ESCONDIDO SCHOOL**

890 Escondido Road  
Stanford, CA 94305  
Phone: (650) 856-1337  
[www.escondido.pausd.org](http://www.escondido.pausd.org)

### **PALO ALTO PARTNERS IN EDUCATION (PIE)**

<http://www.papie.org>

### **CITY OF PALO ALTO**

[www.cityofpaloalto.org](http://www.cityofpaloalto.org)

### **COUNTY OF SANTA CLARA**

[www.sccgov.org](http://www.sccgov.org)

### **CALIF. DEPARTMENT OF EDUCATION (CDE)**

[www.cde.ca.gov](http://www.cde.ca.gov)

### **U.S. DEPARTMENT OF EDUCATION**

[www.ed.gov](http://www.ed.gov)

# APPENDIX

## SAMPLE BEHAVIOR NOTE

<b>Behavior Note / Nota de Comportamiento</b>					
Name / Nombre: _____ Date / Fecha: _____ Rm / Aula #: _____					
Grade: K 1 <sup>st</sup> 2 <sup>nd</sup> 3 <sup>rd</sup> 4 <sup>th</sup> 5 <sup>th</sup>					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Location / Sitio</th> <th style="text-align: left;">I broke the following school norm(s) / Violé la(s) siguiente norma(s) escolar(es):</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;"> <input type="checkbox"/> Classroom / Aula  <input type="checkbox"/> Library / Biblioteca  <input type="checkbox"/> Playground / Patio de juegos  <input type="checkbox"/> Walkway / Pasillo  <input type="checkbox"/> Restroom / Baño  <input type="checkbox"/> Lunch Area / Mesas  <input type="checkbox"/> MP Room / Sala MP  <input type="checkbox"/> Other (Specify) / Otro:                 </td> <td style="vertical-align: top;"> <input type="checkbox"/> Respect / Respeto  <input type="checkbox"/> Responsibility / Responsabilidad  <input type="checkbox"/> Safety / Seguridad  <input type="checkbox"/> Respect School Property / Respetar Propiedad Escolar  <input type="checkbox"/> Playing in Designated Play Areas / Jugar en el Sitio Designado  <input type="checkbox"/> Note / Nota: _____                 </td> </tr> </tbody> </table>	Location / Sitio	I broke the following school norm(s) / Violé la(s) siguiente norma(s) escolar(es):	<input type="checkbox"/> Classroom / Aula <input type="checkbox"/> Library / Biblioteca <input type="checkbox"/> Playground / Patio de juegos <input type="checkbox"/> Walkway / Pasillo <input type="checkbox"/> Restroom / Baño <input type="checkbox"/> Lunch Area / Mesas <input type="checkbox"/> MP Room / Sala MP <input type="checkbox"/> Other (Specify) / Otro:	<input type="checkbox"/> Respect / Respeto <input type="checkbox"/> Responsibility / Responsabilidad <input type="checkbox"/> Safety / Seguridad <input type="checkbox"/> Respect School Property / Respetar Propiedad Escolar <input type="checkbox"/> Playing in Designated Play Areas / Jugar en el Sitio Designado <input type="checkbox"/> Note / Nota: _____	
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<input type="checkbox"/> White Copy - Office/Oficina <input type="checkbox"/> Yellow Copy - Signed by parent and returned to teacher/Firmado y regresar a la maestra					



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## IMPORTANT DISTRICT POLICIES

*The following pages contain several important board policies.  
To view all policies, please visit: <https://www.pausd.org/policies#/browse>*

### **Bullying Prevention – Students** **Board Policy 5131.2**

The Board of Education is committed to creating a safe learning and working environment for all students and employees. The Board of Education 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 groups 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.

*(cf. 5131 – Conduct)*

*(cf. 5136 – Gangs)*

*(cf. 5145.3 – Nondiscrimination/Harassment)*

*(cf. 5145.7 – Sexual Harassment)*

*(cf. 5145.9 – Hate-Motivated Behavior)*

#### **Bullying Definition**

Under California law, “Bullying” is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils that constitutes sex harassment, hate violence or creates an intimidating or hostile educational environment, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following as per 48900(r):

1. Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

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.

Penal Code 653.2 makes it a crime for a person to distribute personal identity information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's picture or address online so that he/she receives harassing messages). Penal Code 288.2 makes it a crime to send a message to a minor if the message contains matter that is sexual in nature with the intent of seducing the minor (i.e., sexting).

*(cf. 5145.2 - Freedom of Speech/Expression)*

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.

*(cf. 0420 – School Plans/Site Councils)*

*(cf. 0450 – Comprehensive Safety Plan)*

*(cf. 1220 – Citizen Advisory Committees)*

*(cf. 6020 – Parent Involvement)*

#### **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 alleged aggressors of bullying.

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(cf. 5137 – Positive School Climate)  
(cf. 6164.2 – Guidance/Counseling Services)

The district is committed to providing 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.

(cf. 6142.8 – Comprehensive Health Education)  
(cf. 6142.94 – Alternative Programs/Curriculum)  
(cf. 6163.4 – Student Use of Technology)

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, and any other individual bias or prejudice.

The district is committed to providing school staff with related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

(cf. 4131 – Staff Development)  
(cf. 4231 – Staff Development)  
(cf. 4331 – Staff Development)

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, and 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)

When appropriate, the Superintendent or designee shall notify the parents/guardians of alleged targets and alleged aggressors. He/She also may involve school counselors, mental health counselors, and/or law enforcement

### **Complaints and Investigation**

All complaints alleging bullying based on a protected status such as the actual or perceived characteristics of race or ethnicity, color, nationality, national origin, immigration status, ethnic group identification, age, religion, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics shall utilize the Uniform Complaint Process AR- 1312.3.

If such reports or complaints of bullying based on protected status are reported to the site level, they will be forwarded to the district within two days and investigated and resolved by the District Compliance Officer within 60 calendar days of the district's receipt of the complaint. The District Compliance Officer can provide information about filing complaints under the UCP and can be contacted as follows:

Associate Superintendent – Educational Services  
25 Churchill Avenue, Palo Alto, CA 94306  
(650) 329-3709

All complaints alleging bullying based on a non-protected status (i.e. weight), shall be investigated and resolved at the site-level. At each school location, the principal/designee is responsible for providing information about complaints alleging violations of this policy to the complainant.

All members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. Prompt and reasonable investigation of alleged acts of bullying is expected and the site-level administrator shall take action reasonably calculated to stop the bullying, stop it from reoccurring, and provide interim interventions, as needed, to support the alleged target.

If the complaint is about the principal or a staff member's direct supervisor, then the Superintendent/Designee or appropriate administrator shall be asked to address the complaint.



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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 cyber-bullying, 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 cyber-bullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

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.

*(cf. 5138 – Conflict Resolution/Peer Mediation)*

*(cf. 5144 – Discipline)*

*(cf. 5144.1 – Suspension and Expulsion/Due Process)*

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

*(cf. 6159.4 – Behavioral Interventions for Special Education Students)*

Retaliation against a student because the student has filed a complaint or assisted or participated in a bullying investigation is also prohibited. Students who knowingly file false complaints of bullying or give false statements in an investigation shall be subject to discipline by measures up to and including suspension and expulsion, as shall any student who is found to have retaliated against another in violation of this policy.

*(cf. 5144 - Discipline)*

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

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

Consequences and appropriate remedial actions for a student who commits an act of discrimination, intimidation, harassment, or bullying may range from behavioral intervention and education up to and including suspension or expulsion. This policy applies to all acts related to school activity or attendance occurring within a school under the jurisdiction of the superintendent of the school district.

*(cf. 5145.3- Nondiscrimination/Harassment)*

*(cf. 5145.7 – Sexual Harassment)*

*(cf. 5411. –Discipline)*

#### *Legal Reference:*

##### **EDUCATION CODE**

*200-262.4 Prohibition of discrimination*

*32282 Comprehensive safety plan*

*35181 Governing board policy on responsibilities of students*

*35291-35291.5 Rules*

*48900-48925 Suspension or expulsion*

*48985 Translation of notices*

##### **PENAL CODE**

*647 Use of camera or other instrument to invade person's privacy; misdemeanor*

*647.7 Use of camera or other instrument to invade person's privacy; punishment*

*653.2 Electronic communication devices, threats to safety*

##### **UNITED STATES CODE, TITLE 47**

*254 Universal service discounts (e-rate)*

##### **COURT DECISIONS**

*J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094*

*Lavine v. Blaine School District, (2002) 279 F.3d 719*

#### *Management Resources:*

##### **CSBA PUBLICATIONS**

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

*Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010*

*Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007*

##### **CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

*Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008*

*Bullying at School, 2003*

## **Bullying Complaint Procedures** **Administrative Regulation 5131.2**

The district is committed to resolving issues of bullying as quickly as possible to minimize disruption to the educational process. Efforts to resolve bullying, other than discriminatory harassment based on protected status, shall be resolved at the school site using the bullying complaint procedures whenever possible. If concerns and/or complaints are not resolved at this level, the parent/guardian may forward their concerns to the district Student Services Coordinator.

School staff who witness acts of bullying as defined within District policy shall immediately intervene to stop the incident when it is safe to do so.

If the complaint alleges unlawful discrimination based on a protected status, the administrator shall utilize, and/or direct the individual to utilize, the uniform complaint procedures specified in AR 1312.3 – Uniform Complaint Procedures.

### **Bullying Definitions**

Under California law, "Bullying" is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils that constitutes sex harassment, hate violence or creates an intimidating or hostile educational environment, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- (B) Causing a reasonable pupil to experience a substantially detrimental effect on her or her physical or mental health.
- (C) Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
- (D) Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Electronic act" means the transmission, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager, of a communication, including but not limited to, any of the following:

- (i) A message, text, sound, or image.
- (ii) A post on a social network internet website including, but not limited to:
  - a. Posting to or creating a burn page. "Burn page" means an Internet website created for the purpose of having one or more of the effects listed above
  - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  - c. Creating a false profile for the purpose of having one or more of the effects listed above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

"Reasonable pupil" is defined as a pupil, including, but not limited to, an exceptional needs pupil, who exercises care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

(Education Code 48900(r))

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The school district has jurisdiction to respond to bullying behavior that is related to school activity or school attendance and that occurs at any time, including, but not limited to, while on school grounds, at a school sponsored activity, while traveling to or from school, on a school bus, or during the lunch period whether on or off campus.

(Education Code 48900(s))

### **Indicators of Bullying Behavior**

Behaviors may include, but are not limited to, the following:

- *Verbal*: Hurtful name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading hurtful rumors.
- *Nonverbal*: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
- *Physical*: Hitting, punching, pushing, shoving, poking, kicking, tripping, blocking egress, strangling, hair pulling, fighting, beating, pinching, slapping, "pantsing," biting, spitting, or destroying property.
- *Emotional (Psychological)*: Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.
- *Cyberbullying*: Sending insulting or threatening messages by phone, email, websites, or any other electronic or written communication. This policy pertains to cyberbullying that is related to school activity or attendance and is directed toward a pupil or school personnel.

### **Notifications**

Students, parents, employees, agents of the Board of Education, and the general public shall be informed annually, through student handbooks and/or other appropriate means, of district and school rules related to bullying, mechanisms available for reporting bullying incidents, and the consequences for alleged aggressors of bullying.

A copy of the district's bullying prevention policy and regulation shall:

- a. Appear in any school or district publication that sets forth the schools or district's comprehensive rules, regulations, procedures and standards of conduct.
- b. Be included in the notifications that are sent to parents/guardians at the beginning of each school year.
- c. Be posted in all schools and offices, including staff lounges and student government meeting rooms.
- d. Be provided to employees and employee organizations.

### **Procedures**

All complaints of bullying behaviors as defined within this policy shall be handled in accordance with the following procedures, and shall be investigated and resolved within fifteen (15) school days of the receipt of the complaint, regardless of whether the alleged bullying behavior occurred on or off campus.

The principal or designee shall maintain a log of complaints received and a summary of actions taken to resolve the complaint.

#### **A. Reporting a Complaint**

At each school, the principal or designee is responsible for receiving oral or written complaints alleging bullying that are not based on a protected status.

Any student (or parent/guardian on behalf of the student who is a minor) who believes he/she is a target of bullying, has witnessed an act of bullying, or has knowledge of any incidents of bullying is encouraged to report the incident(s) to a school official.

Any member of the school community who may have credible information about an act of bullying may report the incident either as a witness or a target.

A bullying incident report form may be filed anonymously from the district website. Formal disciplinary action shall not be based solely on an anonymous report.

A staff member who witnesses bullying behaviors or receives a complaint of bullying shall within one (1) school day report the complaint to the principal or designee. If a complainant is unable to report a complaint due to conditions such as a disability or illiteracy, a staff member may assist him/her in filing a complaint.

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When the circumstances involve cyber-bullying, 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 cyber-bullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. 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.

If the individual making the complaint does not want to be identified or does not give names of the alleged aggressors, the school may still respond depending upon the seriousness of the allegations and the risk of future harm to the student or others.

### **B. Documenting a Complaint**

At each school, the principal or designee shall document all complaints of bullying, whether the original report is made verbally or in writing. Documentation of complaints and their resolution shall be maintained for two years. Copies of documentation shall be passed on to the Coordinator of Student Services to compile district data.

### **C. Interim Measures**

After a report or complaint is made, the principal or designee shall determine whether interim measures are necessary to stop, prevent or address the bullying behaviors during the ensuing investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher. Interim measures will be implemented in a manner that minimizes the burden on the individual who was the alleged target.

Though an incident of alleged bullying as defined within this policy may occur off campus, if the effects of the off-campus incident result in bullying at school that is sufficiently serious to interfere with or limit the targeted student's ability to participate in or benefit from the education program, the school must respond promptly and effectively to eliminate the bullying that occurs at school, prevent its recurrence, and address its effects. Such response may include discipline of the alleged aggressors.

### **D. Investigating a Complaint**

The principal/designee shall document all complaints of bullying in writing and/or through the appropriate data system to ensure that problems are addressed in a timely fashion. This process is to be followed with all anonymous complaints as well. Although this Policy encourages students to use the formal written complaint process, school officials should investigate all complaints and reports of harassment, whether or not the complaint is in writing.

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.

### **Complaint Investigation Procedures**

1. The principal/designee shall investigate all allegations of bullying that are not based on a protected status.
2. The investigator may not be the alleged aggressor or the alleged target.
3. The principal/designee or appropriate administrator shall begin a thorough investigation with the alleged target and accused as soon as possible upon receiving a notification of complaint. The school administrators/designees will provide immediate notification to the parents/guardians of both the alleged target and the alleged aggressor.
4. During the investigation, the principal/designee or appropriate administrator may take any action necessary to protect the complainant, alleged target, other students or employees consistent with the requirements of applicable regulations and statutes.
  - a. Interviews of the alleged target, alleged aggressors, and all relevant witnesses are conducted privately, separately, and are confidential. Each individual (alleged target, alleged aggressor, and witnesses) will be interviewed separately and at no time will the alleged aggressor and alleged target be interviewed together.
  - b. At no time during the investigation will the name of the complainant be revealed by the investigator.
  - c. In general, student complainants and/or alleged targets will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.
  - d. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee or appropriate administrator also may discuss the complaint with any school district employee, the parent of the alleged target, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.

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- e. During the investigation where an employee is the accused, the principal/designee or the appropriate administrator may recommend to the Associate Superintendent for Human Resources any action necessary to protect the complainant, the alleged target, or other students or employees, consistent with the requirements of applicable statutes, Board of Education Policies, and collective bargaining agreements.
  5. Within fifteen (15) school days of receipt of the complaint, the Principal/Designee or appropriate administrator shall complete the investigation and provide the complainant and the alleged aggressor with notice of the decision. If either party disagrees with the administrator's decision, s/he may appeal the decision to the Student Services Coordinator within 15 calendar days of resolution of the initial complaint.
  6. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy.
  7. Record of all complaints, including documentation of witness interviews and complaint resolutions shall be maintained by the school site administrator.
  8. A student who has been determined by school personnel to have been the alleged target of an act of bullying shall be given priority and/or additional consideration for an inter-district transfer if the parent/guardian of that student requests such a transfer.

#### **E. Factors in Reaching a Resolution**

In reaching a decision about the complaint, the principal or designee may take into account:

- a. Statements made by the complainant, the individual accused, and other persons with knowledge relevant to the allegations of bullying.
- b. The details and consistency of each person's account.
- c. Evidence of how the alleged target reacted to the alleged bullying incident.
- d. Evidence of any past instances of bullying behaviors by the alleged aggressor and the type, frequency, and duration of these bullying behaviors.
- e. The relationship between the alleged aggressor and the alleged target.

#### **F. Resolution**

The administrator, along with the alleged target and the accused/student, may agree to informally resolve the complaint. Each party's agreement to Informal Resolution must be in writing.

Within fifteen (15) school days of receipt of the complaint, the principal or designee shall complete the investigation and provide the complainant and the alleged aggressor with notice of the resolution. If either party disagrees with the administrator's decision, he/she may appeal the decision to the Student Services Coordinator within 15 calendar days of receiving the resolution for the initial complaint.

#### **G. Remedial Action**

Remedial action will be designed to end the bullying behaviors, to prevent their recurrence, and to address any effects on the target.

Examples of appropriate action include:

1. Interventions for the individual who engaged in the bullying behaviors, such as parent or supervisor notification, discipline, counseling, or training.
2. Interventions for the target of the bullying behaviors, such as counseling, academic support, and information on how to report further incidents of bullying.
3. Separating the alleged aggressor and the target, provided the separation does not penalize the target.
4. Follow-up inquiries with the target and witnesses to ensure that the bullying behaviors have stopped and they have not experienced any retaliation.
5. Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute bullying, that the District does not tolerate it, and how to report it.

#### **H. Disciplinary Action**

Students who are found to have engaged in bullying behaviors may be subject to discipline up to and including expulsion. Disciplinary action may include oral warnings, written warnings, mandatory training, counseling, suspension, transfer, or

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expulsion for students. Such disciplinary action shall be in accordance with Board Policy and state law. Suspension and recommendations for expulsion must follow applicable law.

In identifying appropriate disciplinary action, repeated incidents and/or multiple alleged targets may result in more severe penalties.

Individuals who knowingly file false complaints of bullying shall be subject to discipline by measures up to and including suspension, expulsion, and/or dismissal, as shall any individual who is found to have retaliated against another in violation of this policy.

### **Enforcement**

The Superintendent or designee shall take appropriate actions to reinforce the district's bullying prevention policy.

*Regulation approved: 06.03.14*

*PALO ALTO UNIFIED SCHOOL DISTRICT, Palo Alto, CA*

## **Conduct** **Board Policy 5131**

The Board of Education 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, while at school activities, or while using district transportation.

*(cf. 5112.5 - Open/Closed Campus)*

*(cf. 5131.1 - Bus Conduct)*

*(cf. 5137 - Positive School Climate)*

*(cf. 6145.2 - Athletic Competition)*

Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers.

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 weapon, or terrorist threats.  
*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 5131.7 - Weapons and Dangerous Instruments)*  
*(cf. 5142 - Safety)*
2. Conduct that disrupts the orderly classroom or school environment  
*(cf. 5131.4 - Student Disturbances)*
3. Discrimination, harassment, and/or intimidation of students or staff, including bullying, 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.  
*(cf. 5131.2 - Bullying)*  
*(cf. 5131.2 - Bullying)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*  
*(cf. 5145.7 - Sexual Harassment)*  
*(cf. 5145.9 - Hate-Motivated Behavior)*
4. Damage to or theft of property belonging to students, staff, or the district  
*(cf. 3515.4 - Recovery for Property Loss or Damage)*  
*(cf. 5131.5 - Vandalism and Graffiti)*

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.

5. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose  
*(Penal Code 417.27)*

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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.

6. Obscene acts or use of profane, vulgar, or abusive language.  
(*cf. 5145.2 - Freedom of Speech/Expression*)
7. Plagiarism or dishonesty on schoolwork or tests  
(*cf. 5131.9 - Academic Honesty*)  
(*cf. 6162.54 - Test Integrity/Test Preparation*)  
(*cf. 6162.6 - Use of Copyrighted Materials*)
8. Inappropriate attire  
(*cf. 5132 - Dress and Grooming*)
9. Tardiness or unexcused absence from school  
(*cf. 5113 - Absences and Excuses*)  
(*cf. 5113.1 - Chronic Absence and Truancy*)
10. Failure to remain on school premises in accordance with school rules  
(*cf. 5112.5 - Open/Closed Campus*)
11. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs  
(*cf. 5131.6 - Alcohol and Other Drugs*)  
(*cf. 5131.62 - Tobacco*)  
(*cf. 5131.63 - Steroids*)
12. Use of a cellular/digital telephone or other mobile communications devices during instructional time.

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. Any device with camera, video, or voice recording function shall not be used in any way that infringes on the privacy rights of any other person.

If a disruption occurs or a student uses any mobile communications device for illegal or unethical activities such as cheating on assignments or tests, a school employee shall direct the student to turn off the device and/or shall confiscate it.

A student who violates this policy may be prohibited from possessing a mobile communications device at school or school-related events and/or may be subject to further discipline in accordance with Board policy and administrative regulation.

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*)

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 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 BP/AR 5145.12-Search and Seizure.

(*cf. 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.

(*cf. 1020 - Youth Services*)

(*cf. 1400 - Relations Between Other Governmental Agencies and the Schools*)

(*cf. 5020 - Parent Rights and Responsibilities*)

(*cf. 5127 - Graduation Ceremonies and Activities*)

(*cf. 5138 - Conflict Resolution/Peer Mediation*)

(*cf. 5144 - Discipline*)

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(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))  
(cf. 6020 - Parent Involvement)  
(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6159.4 - Behavioral Interventions for Special Education Students)  
(cf. 6164.2 - Guidance/Counseling Services)  
(cf. 6164.5 - Student Success Teams)  
(cf. 6184 - Continuation Education)  
(cf. 6185 - Community Day School)

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

*Legal Reference:*

*EDUCATION CODE*

200-262.4 Prohibition of discrimination  
32280-32289 Comprehensive safety plan  
35181 Governing board authority to set policy on responsibilities of students  
35291-35291.5 Rules  
44807 Duty concerning conduct of students  
48900-48925 Suspension and expulsion  
51512 Prohibition against electronic listening or recording device in classroom without permission

*CIVIL CODE*

1714.1 Liability of parents and guardians for willful misconduct of minor

*PENAL CODE*

288.2 Harmful matter with intent to seduce  
313 Harmful matter  
417.25-417.27 Laser scope or laser pointer  
647 Use of camera or other instrument to invade person's privacy; misdemeanor  
653.2 Electronic communication devices, threats to safety

*VEHICLE CODE*

23123-23124 Prohibitions against use of electronic devices while driving

*CODE OF REGULATIONS, TITLE 5*

300-307 Duties of students

*UNITED STATES CODE, TITLE 42*

2000h-2000h6 Title IX, 1972 Education Act Amendments

*COURT DECISIONS*

*J.C. v. Beverly Hills Unified School District*, (2010) 711 F.Supp.2d 1094  
*LaVine v. Blaine School District*, (2000, 9th Cir.) 257 F.3d 981  
*Emmett v. Kent School District No. 415*, (2000) 92 F.Supp. 1088  
*Bethel School District No. 403 v. Fraser*, (1986) 478 U.S. 675  
*New Jersey v. T.L.O.*, (1985) 469 U.S. 325  
*Tinker v. Des Moines Independent Community School District*, (1969) 393 U.S. 503

*Management Resources:*

*CSBA PUBLICATIONS*

*Safe Schools: Strategies for Governing Boards to Ensure Student Success*, 2011  
*Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief*, April 2010  
*Cyberbullying: Policy Considerations for Boards, Policy Brief*, July 2007

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Bullying at School*, 2003

*WEBSITES*

CSBA: <http://www.csba.org>  
California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>  
Center for Safe and Responsible Internet Use: <http://cyberbully.org>  
National School Boards Association: <http://www.nsba.org>  
National School Safety Center: <http://www.schoolsafety.us>  
U.S. Department of Education: <http://www.ed.gov>

Policy adopted: 01.12.10 and 06.03.14

PALO ALTO UNIFIED SCHOOL DISTRICT, Palo Alto, California



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## ***Inappropriate Objects***

Objects that are not directly related to a classroom project or assignment and approved by a staff member are not permitted on campus. This may include but is not limited to: lighters, matches, sharp objects, laser pointers, noise makers, water balloons, squirt guns, paint balls, eggs, pocket knives, box cutters, pepper spray, poppers, firecrackers, spray cans of any type. The presence of inappropriate objects can create a disruption. A student who brings an object to the campus is responsible for the object brought onto the campus. The school cannot assume responsibility for lost/stolen personal items.

## ***Nondiscrimination / Harassment*** ***Board Policy 5145.3***

The Board of Education 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, including discriminatory harassment, intimidation, and/or bullying of any student, based on actual or perceived characteristics of race or ethnicity, color, nationality, national origin, immigration status, ethnic group identification, age, religion, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

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

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5145.7 - Sexual Harassment)*

*(cf. 5145.9 - Hate-Motivated Behavior)*

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

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

Unlawful discrimination includes discriminatory harassment, intimidation, or bullying, consisting of physical, verbal, nonverbal, or written conduct, based on one of the categories listed above, that is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities. Prohibited discrimination also includes different treatment of students with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

Discriminatory harassment under Board Policy 5145.3 includes harassment on the basis of gender, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

While sexual harassment and sexual violence are forms of discrimination and discriminatory harassment on the basis of sex, this policy shall not be used to address sexual harassment or sexual violence complaints. All sexual harassment and sexual violence reports or complaints involving students shall be addressed through BP 5145.7 and BP/AR 1312.3.

Though an incident of alleged harassment, intimidation, and/or bullying as defined within this policy may occur off campus, if the effects of the off-campus incident result in harassment, intimidation, or bullying at school or a school activity that is sufficiently serious to interfere with or limit the targeted student's ability to participate in or benefit from the education program, the school shall respond promptly and effectively to investigate the complaint, determine what happened, eliminate any harassment that occurs at school or a school activity, prevent its recurrence, and address its effects. Such response may include discipline of the alleged harasser in accordance with applicable law and as provided in Board Policy (BP) and Administrative Regulation (AR) 5144. Other possible responses include, but are not limited to, those listed in AR 1312.3.

The Board also prohibits retaliatory behavior or action against any person who reports, testifies about, files a complaint, or otherwise participates in a District complaint, investigation or grievance process relating to an incident of discrimination, including discriminatory harassment, intimidation, or bullying.

The Board is committed to providing age-appropriate training and information to students, parents/guardians, and employees regarding unlawful discrimination, including discriminatory 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

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reports should be made. Staff and administrators will also receive training on their responsibilities for responding to reports or complaints of discrimination under the District's Uniform Complaint Procedure.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

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

*(cf. 1240 - Volunteer Assistance)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

*(cf. 6145.2 - Athletic Competition)*

*(cf. 6164.2 - Guidance/Counseling Services)*

The Principal/designee shall develop a plan to provide students with appropriate interim remedies when necessary for their protection from actual or threatened discriminatory harassment or other discriminatory behavior.

Students who engage in discrimination, including discriminatory 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.

Any school district employee who observes an incident of discrimination, including discriminatory harassment, intimidation, or bullying shall immediately intervene when safe to do so and report the conduct to the Principal/designee or District Compliance Officer within one school day.

*(Education Code 234.1)*

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

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

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action) (cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

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

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

*(cf. 5145.2 - Freedom of Speech/Expression)*

### **Grievance Procedures**

All reports or complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, and/or bullying involving a student complainant or a student respondent shall be addressed in accordance with the District's Uniform Complaint Procedures in BP/AR 1312.3. (cf. 1312.3 - Uniform Complaint Procedures)

The following individual is designated to handle complaints under the Uniform Complaint Procedures regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on the protected categories identified above, and to answer inquiries regarding the district's nondiscrimination policies:

District Compliance Officer

25 Churchill Avenue, Palo Alto, CA 94306

(650) 833-4262

complianceofficer@pausd.org

Upon receiving a complaint of discrimination, including discriminatory harassment, intimidation, or bullying, the District Compliance Officer shall immediately address and investigate the complaint in accordance with the Uniform Complaint Procedures in BP/AR 1312.3.

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, including discriminatory 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.

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

*(cf. 6163.4 - Student Use of Technology)*

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language. Additionally, when otherwise necessary to provide access to information for limited English proficient students and parents/guardians, as required by federal law, the complaint forms shall be translated into the student's or parent/guardian's primary language.

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A student may also file a discrimination complaint with the Office for Civil Rights (OCR) of the United States Department of Education. [Instructions for filing a complaint](https://www2.ed.gov/about/offices/list/ocr/docs/howto.html) can be found at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

*Legal Reference:*

**EDUCATION CODE**

200-262.4 Prohibition of discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
48985 Translation of notices  
49020-49023 Athletic programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

**CIVIL CODE**

1714.1 Liability of parents/guardians for willful misconduct of minor

**PENAL CODE**

422.55 Definition of hate crime

422.6 Crimes, harassment

**CODE OF REGULATIONS, TITLE 5**

4600-4687 Uniform Complaint Procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

**UNITED STATES CODE, TITLE 20**

1681-1688 Title IX of the Education Amendments of 1972

**UNITED STATES CODE, TITLE 42**

2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

**CODE OF FEDERAL REGULATIONS, TITLE 34**

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

**COURT DECISIONS**

*Donovan v. Poway Unified School District*, (2008) 167 Cal.App.4th 567

*Flores v. Morgan Hill Unified School District*, (2003) 324 F.3d 1130

**Management Resources:**

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*Safe Schools: Strategies for Governing Boards to Ensure Student Success*, 2011

*Providing a Safe, Nondiscriminatory School Environment for All Students*, Policy Brief, April 2010

**CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES**

*California Student Safety and Violence Prevention - Laws and Regulations*, April 2004

**FIRST AMENDMENT CENTER PUBLICATIONS**

*Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground*, 2006

**NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS**

*Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity*, 2004

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

*Dear Colleague Letter: Harassment and Bullying*, October 2010

*Notice of Non-Discrimination*, January 1999

**WEB SITES**

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

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

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendment.org>

National School Boards Association: <http://www.nsba.org>

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

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## **Nondiscrimination / Harassment**

### **Administrative Regulation 5145.3**

The district designates the individual identified below as the employee responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual shall also serve as the compliance officer specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, immigration status, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; 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. Sexual harassment includes sexual violence, pursuant to Title IX of the Education Amendments of 1972, 38 U.S.C. §1681.

*(Education Code 234.1; 5 CCR 4621)*

The District Compliance Officer(s) may be contacted at:

District Compliance Officer  
25 Churchill Avenue, Palo Alto, CA 94306  
(650) 833-4262  
complianceofficer@pausd.org

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Measures to Prevent Discrimination**

To prevent unlawful discrimination, harassment, intimidation, retaliation, and bullying of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the District Compliance Officer's contact information, to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other prominent locations and provide easy access to them through district-supported social media, when available.  
*(Education Code 234.1)*  
*(cf. 1113 - District and School Web Sites)*
2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the alleged target of any such behavior.  
*(Education Code 234.1)*
3. Annually notify all students and parents/guardians of the district's nondiscrimination policy. The notice shall inform students and parents/guardians that consistent with federal and state law and education codes, students shall have the right to participate in gender-segregated school programs or activities and access gender segregated facilities based on their gender identity.  
*(cf. 5145.6 - Parental Notifications)*
4. The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand. 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 nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.
5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.  
*(cf. 1240 - Volunteer Assistance)*

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*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying against a student is required to intervene if it is safe to do so, and shall, within one school day, report the conduct to the Principal/designee, whether or not the alleged target makes a report or files a complaint.  
*(Education Code 234.1)*
7. At the beginning of each school year, inform each Principal/designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and to ensure their safety from threatened or potentially discriminatory behavior.

### **Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 -Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti  
*(cf. 5131.5 - Vandalism and Graffiti)*
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community  
*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*
5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that the student knew was not true  
*(cf. 4118 - Suspension/Disciplinary Action)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*

### **Process for Initiating and Responding to Complaints**

Any student who feels or has been subjected to unlawful discrimination, including discriminatory harassment, intimidation, retaliation or bullying is encouraged to immediately contact the Principal/designee or any other staff member. In addition, any student who observes any such incident should report the incident to the Principal/designee or any other staff member whether or not the alleged target makes a report or files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation or bullying or to whom such an incident is reported shall immediately report the incident within one school day to the Principal/designee, whether or not the alleged target files a complaint.

The Principal/designee shall notify the District Compliance Officer of the report or complaint within one school day.

Any report of unlawful discrimination involving the Principal/designee, the District Compliance Officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee.

A "report" or "complaint" is defined as any oral or written communication to a school district employee or administrator which alleges behavior or misconduct that may constitute unlawful discrimination. A report or complaint may include an oral report, an email, a text message or other message conveyed to a school district employee or administrator. The report or complaint does not have to be on a particular form or use specific words to identify the law which may have been violated.

When any report or complaint of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the Principal/designee or the District Compliance Officer, one or both of those administrators shall inform the student complainant and/or parent/guardian of the right to file a written complaint under the

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District's Uniform Complaint Procedures in AR 1312.3 as well as the other information, options and documentation set forth in AR 1312.3 subsection A.ii.

Upon receiving a written complaint under the Uniform Complaint Procedures, the District Compliance Officer or designee shall immediately investigate the complaint in accordance with the procedures specified in AR 1312.3 - Uniform Complaint Procedures. Even if the student chooses not to file a written complaint under the Uniform Complaint Procedures, the Principal/designee or District Compliance Officer shall address the report of discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, as explained in AR 1312.3 subsection E. The parties that would have been the complainant and respondent shall receive a written notice of outcome within the timelines described in AR 1312.3.

The District shall take any needed interim measures, promptly investigate, determine what occurred, end any discrimination, prevent its recurrence and address its effects in order to ensure all students have access to the educational program and a safe school environment.

### **Transgender and Gender-Nonconforming Students**

Additional guidance regarding Gender Identity and Access can be found at Board Policy/Administrative Regulation 5157.

## **Nondiscrimination in District Programs & Activities – Philosophy, Goals, Objectives, & Comprehensive Plans Board Policy 0410**

The Board of Education 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, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a 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.

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4032 - Reasonable Accommodation)*

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

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

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

*(cf. 6145.2 - Athletic Competition)*

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

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

*(cf. 6178 - Career Technical Education)*

*(cf. 6200 - Adult Education)*

All individuals shall be treated equitably in the receipt of district and school services. Personally identifiable information collected in the implementation of any district program, including, but not limited to, student and family information for the free and reduced-price lunch program, transportation, or any other educational program, shall be used only for the purposes of the program, except when the Superintendent or designee authorizes its use for another purpose in accordance with law. Resources and data collected by the district shall not be used, directly or by others, to compile a list, registry, or database of individuals based on race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status or any other category identified above.

*(cf. 3540 – Transportation)*

*(cf. 3553 - Free and Reduced Price Meals)*

*(cf. 5145.13 - Response to Immigration Enforcement)*

District programs and activities shall be free of any racially derogatory or discriminatory school or athletic team names, mascots, or nicknames.

Annually, the Superintendent or designee shall review district programs and activities to ensure the removal of any barrier that may unlawfully prevent an individual or group in any of the protected categories stated above from accessing district programs and activities, including the use of facilities. S/he shall take prompt, reasonable actions to remove any identified barrier. The Superintendent or designee shall report his/her findings and recommendations to the Board after each review.

*(cf. 1330 - Use of Facilities)*

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All allegations of unlawful discrimination in district programs and activities shall be investigated and resolved in accordance with the procedures specified in AR 1312.3 – Uniform Complaint Procedures.

*(cf. 1312.3 - Uniform Complaint Procedures)*

### **Notification**

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 the annual parental notification distributed pursuant to Education Code 48980 and, as applicable, in announcements, bulletins, catalogs, handbooks, application forms, or other materials distributed by the district. The notification shall also be posted on the district's web site and social media and in district schools and offices, including staff lounges, student government meeting rooms, and other prominent locations as appropriate.

*(cf. 1312.3 – Uniform Complaint Procedures)*

*(cf. 4031 – Complaints Concerning Discrimination in Employment)*

*(cf. 4112.9/4212.9/4312.9 – Employee Notifications)*

*(cf. 5145.6 – Parental Notifications)*

The district's nondiscrimination policy and related informational materials shall be published in a format that parents/guardians can understand. In addition, when 15 percent or more of a school's students speak a single primary language other than English, those materials shall be translated into that other language.

In addition, the annual parental notification shall inform parents/guardians of their children's right to a free public education regardless of immigration status or religious beliefs, including information on educational rights issued by the California Attorney General. Alternatively, such information may be provided through any other cost-effective means determined by the Superintendent or designee.

*(Education Code 234.7)*

### **Access for Individuals with Disabilities**

District programs and facilities, viewed in their entirety, shall be in compliance with the Americans with Disabilities Act (ADA) and any implementing standards and/or regulations. When structural changes to existing district facilities are needed to provide individuals with disabilities access to programs, services, activities, or facilities, the Superintendent or designee shall develop a transition plan that sets forth the steps for completing the changes.

*(cf. 6163.2 - Animals at School)*

*(cf. 7110 - Facilities Master Plan)*

*(cf. 7111 - Evaluating Existing Buildings)*

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, assistive technologies or other modifications to increase accessibility to district and school web sites, note takers, written materials, taped text, and Braille or large print materials.

*(cf. 6020 - Parent Involvement)*

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.

*(cf. 9320 - Meetings and Notices)*

*(cf. 9322 - Agenda/Meeting Materials)*

The individual identified in AR 1312.3 - Uniform Complaint Procedures as the employee responsible for coordinating the district's response to complaints and for complying with state federal civil rights laws is hereby designated as the district's ADA coordinator. He/she shall receive and address requests for accommodation submitted by individuals with disabilities, and shall investigate and resolve complaints regarding their access to district programs, services, activities, or facilities.

Deputy Superintendent

25 Churchill Ave., Palo Alto, CA 94306

(650) 329-3958

*Legal Reference:*

*EDUCATION CODE*

*200-262.4 Prohibition of discrimination*

*48985 Notices to parents in language other than English*

*51007 Legislative intent: state policy*



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GOVERNMENT CODE

11000 Definitions

11135 Nondiscrimination in programs or activities funded by state

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

CSBA PUBLICATIONS

*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014*

*Interim Guidance Regarding Transgender Students, Privacy, and Facilities, September 27, 2013*

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011*

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

*Protecting Students from Harassment and Hate Crime, January, 1999*

*Notice of Non-Discrimination, January, 1999*

*Nondiscrimination in Employment Practices in Education, August, 1991*

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

*2010 ADA Standards for Accessible Design, September 2010*

WEB SITES

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

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

Safe Schools Coalition: <http://www.safeschoolscoalition.org>

Pacific ADA Center: <http://www.adapacific.org>

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

U.S. Department of Justice, Civil Rights Division, Americans with Disabilities Act: <http://www.ada.gov>

## **Nut-Free Tables**

The elementary schools will have nut-free tables available, which are clearly marked. These tables are **OPTIONAL** for students with nut allergies. All students shall be reminded not to share food or accept food from other students, as students and staff may not be aware of ingredients in foods they bring to school. Additionally, to protect students with allergies and promote good hygiene, students should be encouraged to wash their hands before and after eating.



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## **Sexual Harassment**

### **Board Policy 5145.7**

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment against students in the educational setting by an employee, student or third party. Under federal and state law, the term sexual harassment includes sexual violence. The Board also prohibits retaliatory behavior or action against any person who reports, testifies about, files a complaint, or otherwise participates in a District complaint, investigation or grievance process.

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

*(cf. 1312.3 - Uniform Complaint Procedures)*

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

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5157 - Gender Identity and Access)*

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

### **Scope and Definitions Related to Sexual Harassment Complaints**

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; or under Title IX a hostile environment has been created if the unwelcome conduct of a sexual nature is sufficiently serious that it denies or limits the student's ability to participate in or benefit from the educational program.
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.

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. 5137 - Positive School Climate)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

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

The district will review and address any report or complaint of sexual harassment involving a student, employee or third party against another student, employee or third party. Specifically:

- a. Any sexual harassment or sexual violence report or complaint involving a student complainant or a student respondent shall be addressed under BP 5145.7 and the Uniform Complaint Procedures, and it will **not** be addressed under BP/AR 1312.1, 4119.11/4219.11/4319.11, or AR 4031. Any other report or complaint of unlawful discrimination involving a student complainant or a student respondent shall be addressed through BP/AR 5145.3 and the Uniform Complaint Procedures.
- b. Any sexual harassment or sexual violence report or complaint, between employees or between employees and third parties, but **not** involving student complainants or student respondents, shall be addressed through BP/AR 4119.11/4219.11/4319.11 and AR 4031.
- c. Any sexual harassment or sexual violence report or complaint between third parties which took place in the educational setting shall be referred to the District Compliance Officer to determine how to appropriately address the complaint.
- d. Though an incident of sexual harassment may occur off campus or unrelated to school activity, if the effects of the incident may result in harassment, intimidation, or bullying at school or at a school activity, which is sufficiently serious to interfere with or limit the targeted student's ability to participate in or benefit from the education program, the District Compliance Officer or Principal/designee shall, under these Uniform Complaint Procedures, promptly investigate, determine what occurred, eliminate any harassment, intimidation, or bullying that occurs at school or at a school activity, prevent its recurrence, and address its effects.

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A “report” or “complaint” is defined as any oral or written communication to a school district employee or administrator which alleges behavior or misconduct that may constitute sexual harassment or sexual violence. A report or complaint may include an oral report, an email, a text message or other message conveyed to a school district employee or administrator. The report or complaint does not have to be on a particular form or use specific words to identify the law which may have been violated.

An “educational setting” includes participation in educational programs and activities of the school or district, including all the academic, educational, extracurricular, athletic, and other programs and activities of the school, whether those programs or activities take place in a school’s facilities, on a school bus, or at a class or training program sponsored by the school at another location.

A “third party” includes someone who is connected to the school or the district for educational, business or extra-curricular purposes. For example, a third party may include a vendor, volunteer, coach, or other person who is on school or district grounds during the hours of operation or who is present in the educational setting.

### **Examples**

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. Unwelcome or demeaning conduct or comments of a sexual nature directed at or about an individual related to actual or perceived gender, gender identity and gender expression, sex, sexual behavior, sexual orientation, or other related personal characteristics
4. Graphic verbal comments about an individual's body or overly personal conversation
5. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
6. Spreading sexual rumors
7. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
8. Massaging, grabbing, fondling, stroking, or brushing the body
9. Touching an individual's body or clothes in a sexual way
10. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
11. Displaying sexually suggestive objects
12. Sexual violence, including, but not limited to, sexual assault or sexual battery as defined in Education Code 48900(n), or sexual coercion
13. Dating violence, stalking, and relationship abuse
14. An employee engaging in, soliciting, or encouraging a sexual relationship or sexual activity with a student(s) based on written, verbal, and/or physical contact or fraternization with a student(s). In some circumstances, an employee’s physical contact with a student may also take on sexual connotations and rise to the level of sexual harassment. For example, an employee’s behavior, such as repeatedly hugging and putting their arms around a student under inappropriate circumstances, could rise to the level of unwelcome touching of a sexual nature.  
*(cf. 4119.21/4219.11/4319.21-Professional Standards)*
15. Sexual relationships between employees and students.  
*(cf. 4119/21/4219.11/4319.21- Professional Standards)*
16. Sexual relationships between employees and former students if the employee pursued an intimate or sexual relationship with the former student while the student was enrolled in the District and while the employee was employed with the District.  
*(cf. 4119.21/4219.21/4319.21 – Professional Standards)*
17. Sexual relationships between employees and students or former students may also violate Title IX.  
*(cf. OCR 2001 Guidance on Sexual Harassment)*

### **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 and sexual violence, including the fact that sexual harassment and sexual violence could occur between people of the same sex

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2. A clear message that students do not have to endure sexual harassment or sexual violence
  3. Encouragement for a student to immediately contact a teacher, the Principal/designee or any other available employee if the student has been subjected to sexual harassment by a student, employee, or a third party in the educational setting
  4. Explanation that, when a report of sexual harassment is made to a Principal/designee, that administrator shall inform the student and/or parent/guardian of the right to file a written complaint through the District's Uniform Complaint Procedures, BP/AR 1312.3, and also explain how to access those procedures
  5. Encouragement for student bystanders to report observed instances of sexual harassment, even where the target of the harassment has not complained
  6. Information about the District's procedure for investigating sexual harassment complaints under BP 5145.7 and the Uniform Complaint Procedures 1312.3 and the person(s) to whom a report of sexual harassment should be made
  7. Information about the rights of students and parents/guardians to file a criminal complaint or an OCR complaint, as applicable

### **Complaint Process/Grievance Procedure**

**Uniform Complaint Procedures.** All reports and complaints alleging sexual harassment or sexual violence shall be addressed immediately in accordance with this policy and the Uniform Complaint Procedures - BP/AR 1312.3.

**District Compliance Officer.** The following individual is designated to handle complaints under the Uniform Complaint Procedures regarding sexual harassment prohibited by BP 5145.7 and to answer inquiries regarding the District's sexual harassment policies. This individual is also the District's Title IX Coordinator:

District Compliance Officer  
25 Churchill Avenue, Palo Alto, CA 94306  
(650) 833-4262  
complianceofficer@pausd.org

**Student Reports.** Any student who believes they have been subjected to sexual harassment or who has witnessed sexual harassment may report the conduct to any school employee.

**School Employee Observation and Reports.** Within one school day of receiving a sexual harassment report or complaint from a student, parent/guardian or other person, the school employee shall report it to the site Principal/designee.

Any school employee who observes an incident of sexual harassment involving a student shall immediately intervene when safe to do so and shall, within one school day, report the conduct to the Principal/designee, whether or not the target of the harassment makes a report or files a complaint.

*(Education Code 234.1)*

**Reports about Principal/designee.** Where a sexual harassment report or complaint involves the Principal/designee to whom the report would ordinarily be communicated, the employee who receives the report or who observes the incident shall instead report to the District Compliance Officer within one school day.

**Principal Actions after Receiving a Report.** The Principal/designee shall, within one school day of receiving the report from a student, an employee or a third party, forward the complaint itself or a transcription of the oral report to the District Compliance Officer.

The Principal/designee shall also inform the student and/or student's parent/guardian of the right to file a written complaint through the Uniform Complaint Procedures, BP/AR 1312.3. The Principal/designee shall provide a free copy or a link to the Uniform Complaint Procedures. The Principal/designee shall document when and how they informed the student and/or the parent/guardian.

**Reports about Adult Sexual Relationships with Students.** In all allegations of an employee or third party adult engaging in a sexual relationship with a student or a former student, the District Compliance Officer shall assess whether a referral is necessary to either law enforcement or other appropriate agency.

**Notification of Factual Findings from other Entities.** If the District is on notice of a factual finding that a District employee engaged in behavior with a student, (including a student from a different school or district), which may constitute sexual harassment or sexual violence as defined in this policy, the District Compliance Officer shall investigate the circumstances surrounding the factual finding.

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If the District is on notice of a factual finding that a student engaged in behavior with another student, (including a student from a different school or district), which may constitute sexual harassment or sexual violence as defined in this policy, the District Compliance Officer shall investigate the circumstances surrounding the factual finding.

If the District Compliance Officer is able to determine that the factual finding rises to the level of harassment in violation of this policy, the District shall promptly eliminate the harassment in the educational setting, prevent its recurrence in the educational setting, and address its effects in the educational setting.

For the purposes of this section, a “factual finding” includes a finding of fact made by another public or private school, a law enforcement agency, a child protection agency, a court, the Commission on Teaching Credentials or any other finding of fact provided to the District which indicates that an employee or student engaged in behavior which may constitute a violation of this policy and poses a risk to the safety of the District’s students.

**Other Complaint Options.** A student may also file a sex discrimination complaint with the Office for Civil Rights (OCR) of the United States Department of Education. Instructions for filing a complaint can be found at:

<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

### **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  
*(cf. 5131.5 - Vandalism and Graffiti)*
2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond  
*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*
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  
*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*  
*(cf. 5125 - Student Records)*
5. Taking appropriate disciplinary action as set forth below or in Section I of AR 1312.3
6. Taking appropriate remedial actions including, but not limited to, those listed in Section H of AR 1312

### **Disciplinary Action**

If it is determined that an employee has violated this policy by engaging in sexual harassment, sexual violence, a sexual relationship with a student, or retaliation, the District shall take action to address the violation and any substantiated risk, including appropriate disciplinary action. Disciplinary action may include action to dismiss the employee, in accordance with law, board policy, and applicable collective bargaining agreements.

*(cf. AR 4218 –Dismissal/Suspension/Disciplinary Action; Education Code sections 44932 et seq.)*

Any student who engages in sexual harassment or sexual violence in the educational setting, in violation of this policy, shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account. Suspensions and recommendations for expulsion shall follow applicable law.

*(Education Code sections 48900 et seq.)*

Students who knowingly file false complaints of sexual harassment or sexual violence or give knowingly false statements in an investigation shall be subject to discipline by measures up to and including suspension and expulsion, as shall any student who is found to have retaliated against another student in violation of this policy.

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

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

When disciplinary action is recommended after the uniform complaint process is complete, the District Compliance Officer shall promptly determine the appropriate sanction and forward the matter to the Principal/designee and/or appropriate District administrator who will promptly implement any disciplinary process.

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## **Confidentiality**

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

(5 CCR 4964)

(cf. 4119.23/4219.23/4319.23 - *Unauthorized Release of Confidential/Privileged Information*)<sup>15</sup>

(cf. 5125 - *Student Records*) [16]

However, when a complainant notifies the District of the harassment but requests confidentiality, the Principal/designee or the District Compliance Officer shall inform the complainant that the request may limit the District's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the District will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant notifies the District of the harassment but requests that the District not pursue an investigation, the District will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

## **Record-Keeping**

The District Compliance Officer, in consultation with the Superintendent or designee, shall maintain a record of all reported cases of sexual harassment and sexual violence to enable the District to monitor, address, and prevent repetitive harassing behavior in the educational setting.

## **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*)  
(cf. 5145.6 - *Parental Notifications*)
2. Be displayed on the District website, in a prominent location in the main administrative building and in other areas where notices of District rules, regulations, procedures, and standards of conduct are posted  
(*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

### *Legal Reference:*

#### **EDUCATION CODE**

200-262.4 *Prohibition of discrimination on the basis of sex* 48900 *Grounds for suspension or expulsion* 48900.2 *Additional grounds for suspension or expulsion; sexual harassment* 48904 *Liability of parent/guardian for willful student misconduct* 48980 *Notice at beginning of term*

#### **CIVIL CODE**

51.9 *Liability for sexual harassment; business, service and professional relationships* 1714.1 *Liability of parents/guardians for willful misconduct of minor*

#### **GOVERNMENT CODE**

12950.1 *Sexual harassment training*

#### **CODE OF REGULATIONS, TITLE 5**

4600-4687 *Uniform complaint procedures*

4900-4965 *Nondiscrimination in elementary and secondary education programs*

#### **UNITED STATES CODE, TITLE 20**

1221 *Application of laws*

1232g *Family Educational Rights and Privacy Act*

1681-1688 *Title IX, discrimination*

#### **UNITED STATES CODE, TITLE 42**

1983 *Civil action for deprivation of rights*

2000d-2000d-7 *Title VI, Civil Rights Act of 1964*

2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

#### **CODE OF FEDERAL REGULATIONS, TITLE 34**

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99.1-99.67 Family Educational Rights and Privacy  
106.1-106.71 Nondiscrimination on the basis of sex in education programs

**COURT DECISIONS**

*Donovan v. Poway Unified School District*, (2008) 167 Cal.App.4th 567  
*Flores v. Morgan Hill Unified School District*, (2003, 9th Cir.) 324 F.3d 1130  
*Reese v. Jefferson School District*, (2001, 9th Cir.) 208 F.3d 736  
*Davis v. Monroe County Board of Education*, (1999) 526 U.S. 629  
*Gebser v. Lago Vista Independent School District*, (1998) 524 U.S. 274  
*Oona by Kate S. v. McCaffrey*, (1998, 9th Cir.) 143 F.3d 473  
*Doe v. Petaluma City School District*, (1995, 9th Cir.) 54 F.3d 1447

**Management Resources:**

**CSBA PUBLICATIONS**

*Safe Schools: Strategies for Governing Boards to Ensure Student Success*, 2011  
*Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students*, Policy Brief, February 2014

**OFFICE FOR CIVIL RIGHTS PUBLICATIONS**

*Dear Colleague Letter Title IX Coordinators*, April 2015  
*Questions and Answers on Title IX and Sexual Violence*, April 2014  
*Dear Colleague Letter Sexual Violence*, April 4, 2011 *Sexual Harassment: It's Not Academic*, September 2008 Revised *Sexual Harassment Guidance*, January 2001

**WEBSITES**

CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>  
Adopted: Tuesday, February 11, 2014; Tuesday, December 8, 2015; Tuesday, September 12, 2017

## **Title IX Compliance**

Title IX of the Civil Rights Act provides that “no person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal assistance.” [20 U.S.C. §1681(a)]

Title IX Coordinator provides information about nondiscrimination policy and complaint procedures; ensures that appropriate training is provided on a frequent and regular basis; and monitors District actions in response to allegations of sexual harassment.

District Compliance Coordinator for Title IX Regulations:

District Compliance Officer  
25 Churchill Avenue, Palo Alto, CA 94306  
(650) 833-4262  
[complianceofficer@pausd.org](mailto:complianceofficer@pausd.org)

For Title IX information, a copy of the Procedures for Complaints and Resolutions, or assistance in filing a complaint, please call the District Compliance Officer at (650) 833-4262.

## **Tobacco-Free Schools**

In order to support and reinforce the District’s educational efforts to prevent student tobacco use through adult modeling, the Board of Education established on July 1, 1992 a Board Policy and Administrative Regulation (BP/AR 5131.62) declaring Palo Alto Unified School District tobacco-free. It is the responsibility of all staff and community members to implement this policy in school buildings and school-owned vehicles, on school grounds, and at school-sponsored events off campus. A student may be suspended or recommended for expulsion from the school in which the student is enrolled if the student has violated California Education Code, Section 48900, as follows: Possessed or used tobacco or products containing tobacco or nicotine. Consequences may range from a warning to suspension or expulsion.

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## **Uniform Complaint Procedures**

### **Board Policy 1312.3**

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

The district's Uniform Complaint Procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing 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  
(5 CCR 4610)  
(cf. 3553 - Free and Reduced Price Meals)  
(cf. 3555 - Nutrition Program Compliance)  
(cf. 5141.4 - Child Abuse Prevention and Reporting)  
(cf. 5148 - Child Care and Development)  
(cf. 6159 - Individualized Education Program)  
(cf. 6171 - Title I Programs)  
(cf. 6174 - Education for English Language Learners)  
(cf. 6175 - Migrant Education Program)  
(cf. 6178 - Career Technical Education)  
(cf. 6178.1 - Work-Based Learning)  
(cf. 6178.2 - Regional Occupational Center/Program)  
(cf. 6200 - Adult Education)
2. Any complaint alleging the occurrence of unlawful discrimination, including discriminatory harassment, (such as sexual harassment, sexual violence or harassment based on a protected characteristic), intimidation, or bullying against any person in district programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital 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 [12] or 220 [13], Government Code 11135 [14], or Penal Code 422.55 [15], or based on the person's association with a person or group with one or more of these actual or perceived characteristics  
(5 CCR 4610).

### **Scope and Definitions Related to Unlawful Discrimination Complaints**

The district will review and address any report or complaint of unlawful discrimination involving a student, employee or third party against another student, employee or third party. Specifically:

- a. Any sexual harassment or sexual violence report or complaint involving a student complainant or a student respondent shall be addressed through BP 5145.7 and the Uniform Complaint Procedures. Any other report or complaint of unlawful discrimination involving a student complainant or a student respondent shall be addressed through BP/AR 5145.3 and the Uniform Complaint Procedures.
- b. Any unlawful discrimination report or complaint, including sexual harassment or sexual violence complaints, between employees or between employees and third parties, but not involving student complainants or student respondents, shall be addressed through BP/AR 4119.11/4219.11/4319.11 and AR 4031.
- c. Any unlawful discrimination report or complaint, including sexual harassment or sexual violence complaints, between third parties which took place in the educational setting shall be referred to the District Compliance Officer to determine how to appropriately address the complaint.

A "report" or "complaint" is defined as any oral or written communication to a school district employee or administrator which alleges behavior or misconduct that may constitute unlawful discrimination. A report or complaint may include an oral report, an email, a text message or other message conveyed to a school district employee or administrator. The report or complaint does not have to be on a particular form or use specific words to identify the law which may have been violated.

A "third party" is defined as someone who is connected to the school or the district for educational, business or extra-curricular purposes. For example, a third party may include a vendor; volunteer; coach; or other person who is on school or district grounds during the hours of operation or who is present in the educational setting.

"Educational setting" includes all educational programs and activities of the school or district, including all the academic, educational, extracurricular, athletic, and other programs and activities of the school, whether those



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programs or activities take place in a school's facilities, on a school bus, or at a class or training program sponsored by the school at another location.

*(cf. 5145.7 - Sexual Harassment)*

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

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

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student  
*(Education Code 222)*  
*(cf. 5146 - Married/Pregnant/Parenting Students)*
4. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities  
*(5 CCR 4610)*  
*(cf. 3260 - Fees and Charges)*  
*(cf. 3320 - Claims and Actions Against the District)*
5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan  
*(Education Code 52075)*  
*(cf. 0460 - Local Control and Accountability Plan)*
6. Any complaint, by or on behalf of any student who is a foster youth, alleging district noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the district's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements  
*(Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)*  
*(cf. 6173.1 - Education for Foster Youth)*
7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging district noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements  
*(Education Code 51225.1, 51225.2)*  
*(cf. 6173 - Education for Homeless Children)*
8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions  
*(Education Code 51228.3)*  
*(cf. 6152 - Class Assignment)*
9. Any complaint alleging district noncompliance with the physical education instructional minutes requirement for students in elementary school  
*(Education Code 51210, 51223)*  
*(cf. 6142.7 - Physical Education and Activity)*
10. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy
11. Any other complaint as specified in a district policy

### ***Retaliation and Confidentiality***

The Board prohibits any retaliatory behavior or action against any person who reports, testifies about, files a complaint or otherwise participates in a District complaint, investigation or grievance process under the Uniform Complaint Procedures. Participation in the complaint process shall not in any way affect the status, grades, or work assignments of the complainant. An individual who believes he or she has been subjected to retaliation defined herein may also file a complaint under the Uniform Complaint Procedures.

In investigating complaints, the confidentiality of the parties involved shall be protected, as required by law. As appropriate for any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the District shall keep confidential the identity of all parties except when the Principal/designee or the District Compliance Officer has a duty to share the parties' identifying information as necessary to gather a response to the complaint, in order to take subsequent corrective action if misconduct is found to have occurred, and/or to conduct ongoing monitoring. When a complainant requests confidentiality, the Principal/designee or the District Compliance Officer shall notify the complainant that the request may limit

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the District's ability to investigate the harassment or take other necessary action. An intentional breach of the complainant's confidentiality by a student or employee may be considered a violation of this policy or a retaliatory act.

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

*(cf. 5125 - Student Records)*

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

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

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

The Superintendent or designee shall maintain records of all UCP complaints, the investigations of those complaints, and the resolution of the complaints in confidential complaint files for a minimum of two years. All such records shall be maintained and/or destroyed in accordance with applicable state law and district policy.

*(cf. 5125 - Student Records)*

*(cf. 3580 - District Records)*

### **Non-UCP Complaints**

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency. However, the District may still be obligated to address and investigate any complaint alleging child abuse or neglect of a student by an employee or third party which took place in the educational setting.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing. The District Compliance Officer or Human Resources manager shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education.

In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments.

*(Education Code 35186)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

The district's Williams uniform complaint procedures, AR 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

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

#### *Legal Reference:*

#### **EDUCATION CODE**

*200-262.4 Prohibition of discrimination*

*8200-8498 Child care and development programs*

*8500-8538 Adult basic education*

*18100-18203 School libraries*

*32289 School safety plan, uniform complaint procedure*

*35186 Williams uniform complaint procedure*

*37254 Intensive instruction and services for students who have not passed exit exam*

*41500-41513 Categorical education block grants*

*48985 Notices in language other than English*

*49010-49013 Student fees*

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49060-49079 Student records  
49490-49590 Child nutrition programs  
52160-52178 Bilingual education programs  
52300-52490 Career-technical education  
52500-52616.24 Adult schools  
52800-52870 School-based coordinated programs  
54000-54028 Economic impact aid programs  
54100-54145 Miller-Unruh Basic Reading Act  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56867 Special education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process  
GOVERNMENT CODE  
11135 Nondiscrimination in programs or activities funded by state  
12900-12996 Fair Employment and Housing Act  
CODE OF REGULATIONS, TITLE 5  
3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs  
PENAL CODE  
422.6 Interference with constitutional right or privilege  
UNITED STATES CODE, TITLE 20  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6577 Title I basic programs  
6601-6777 Title II preparing and recruiting high quality teachers and principals  
6801-6871 Title III language instruction for limited English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283g Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs  
Management Resources:  
WEB SITES  
CSBA: <http://www.csba.org>  
California Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

## **Uniform Complaint Procedures**

### **Administrative Regulation 1312.3**

Except as the Board of Education may otherwise specifically provide in other Board policies, these Uniform Complaint Procedures shall be used to investigate and resolve complaints alleging (1) unlawful discrimination, including discriminatory harassment, (such as sexual harassment, sexual violence or harassment based on a protected characteristic), intimidation, bullying, and retaliation, and (2) violations of other state and federal laws and regulations. The steps for each type of complaint are explained below.

#### **District Compliance Officer**

The following individual shall be responsible for receiving and coordinating the District's response to complaints, investigating or delegating the investigation of complaints, and ensuring district compliance with the law:

District Compliance Officer  
25 Churchill Avenue, Palo Alto, CA 94306  
(650) 833-4262  
[complianceofficer@pausd.org](mailto:complianceofficer@pausd.org)

The Superintendent or designee shall ensure that the District Compliance Officer and those designated to investigate or otherwise resolve complaints have received training and are knowledgeable about the laws and programs for which they are responsible. This should include knowledge and training about the applicable laws governing the program, including federal and state anti-discrimination laws, the district's grievance procedures, the appropriate steps for investigating and documenting investigations, the applicable legal standards for reaching decisions on such complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.  
(cf. 9124 - Attorney)

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## **Avoiding Conflict**

The District Compliance Officer, a designee, or an outside consultant shall not be designated to investigate a uniform complaint if that person (1) is named as being involved with the underlying facts of the complaint or (2) has a conflict of interest that would prohibit that person from fairly and impartially investigating the complaint.

For the purposes of an investigation under the Uniform Complaint Procedures, a conflict of interest includes a personal, professional, or financial interest that has the potential to compromise or bias the professional judgment or objectivity of the holder of the interest. The investigator assigned to investigate shall disclose to the Superintendent or designee any potential conflicts of interest, including a relationship or familiarity with the complainant, respondent, and/or individuals who are likely to be witnesses, as well as any interest the investigator might have in the outcome of the matter. Because the Board of Education is obligated to provide and/or hire an investigator for uniform complaints, the act of paying the investigator's salary or fee is not considered to be an impermissible financial conflict of interest.

If the Superintendent or designee determines that an assigned investigator has a conflict of interest, the complaint and investigation shall be delegated to an impartial, trained, and available administrator or outside investigator.

Any complaint filed against or implicating the District Compliance Officer or other assigned investigator may instead be filed with the Superintendent or designee.

## **Notifications**

The Superintendent or designee shall annually provide written/online 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.

*(5 CCR 4622)*

The district's Uniform Complaint Procedures under Board Policy and Administrative Regulation 1312.3 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) Additionally, when otherwise necessary to provide access to information for limited English proficient students and parents/guardians, as required by federal law, the district's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into the student's or parent/guardian's primary language.

The Superintendent or designee shall annually provide written notification of the district's UCP, including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth, homeless students, and former juvenile court school students 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, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622).*

*(cf. 0460 - School Plans/Site Councils)*

*(cf. 0460 - Local Control and Accountability Plan)*

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 3260 - Fees and Charges)*

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

*(cf. 5145.6 - Parental Notifications)*

*(cf. 6173 - Education of Homeless Children)*

*(cf. 6173.1 - Education for Foster Youth)*

*(cf. 6173.3 - Education for Juvenile Court School Students)*

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

*(cf. 1113 - District and School Web Sites) (cf. 1114 - District-Sponsored Social Media)*

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Explain any civil law remedies that may be available to a victim of discrimination under state or federal discrimination laws, if applicable
3. Describe the appeal process, including, if applicable, a complainant's right to take a complaint directly to the California

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Department of Education (CDE) or to pursue remedies before civil courts or other public agencies. A respondent to an unlawful discrimination complaint may also file an appeal with the CDE in the same manner as the complainant.

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 of the district's receipt of the complaint. This time period may be extended by written agreement of the complainant and respondent.
  - c. A complaint alleging retaliation or unlawful discrimination, including discriminatory harassment, intimidation, or bullying should 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 unless the time for filing is extended in writing by the Superintendent or designee for up to 90 calendar days following the expiration of the six month time period, for good cause upon written request by the complainant setting forth the reasons for the extension. (e.g., 5 CCR §4630.)
  - d. A 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. A respondent to an unlawful discrimination complaint also shall have the right to file an appeal with the CDE in the same manner as the complainant.
  - e. The appeal to the CDE shall 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.
  - g. While it is the District's intent to notify a parent/guardian about a Title IX report involving their student, the District must consider any student request not to notify a parent/guardian based on the law.  
(*cf. 5145.6 - Parental Notifications*)
  - h. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
  - i. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
  - j. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the district liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the district and another district.
  - k. A foster youth, homeless student, or former juvenile court school student who transfers into a district high school or between district high schools as applicable shall be notified of the district's responsibility to: (1) Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed (2) Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency (3) If the student has completed his/her second year of high school before the transfer, provide the student information about district-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.1

### **Complaint Procedures/Grievance Procedures**

#### **I. Complaints Alleging Unlawful Discrimination, Including Discriminatory Harassment, Intimidation and/or Bullying**

All complaints alleging unlawful discrimination, including conduct prohibited by the District's Nondiscrimination/Harassment Policy – BP 5145.3, and Sexual Harassment Policy– BP 5145.7, as well as other discriminatory intimidation, harassment, or bullying shall be addressed in accordance with the following procedure and shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631) Such complaints shall be investigated using this procedure regardless of whether the alleged harassment occurred on or off campus.

Recordkeeping: The District Compliance Officer shall maintain a log of complaints received, providing each with a code number and a date stamp. The District Compliance Officer shall also maintain a record of actions taken by the District in response to each complaint. The record shall include documentation of the steps taken during an investigation, including interview summaries and all information required for compliance with 5 CCR 4631 and 4633.

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## **A. Reports and Complaints:**

A “report” or “complaint” is defined as any oral or written communication to a school district employee or administrator which alleges behavior or misconduct that may constitute unlawful discrimination. A report or complaint may include an oral report, an email, a text message or other message conveyed to a school district employee or administrator. The report or complaint does not have to be on a particular form or use specific words to identify the law which may have been violated.

Any student, parent/guardian, third party, or other individual or organization who believes that an individual or group has been subjected to unlawful discrimination, including discriminatory harassment, intimidation and/or bullying, or who has witnessed such conduct, whether the conduct initially occurred on or off campus, is encouraged to report the conduct to any school district employee or administrator, and/or file a written uniform complaint under these procedures.

The following requirements apply to school district employees or administrators:

### **i. Reporting Up**

- a. A school district employee who receives a report or complaint of discrimination, including discriminatory harassment, intimidation and/or bullying, shall, within one school day of receiving the report, notify the Principal/designee. In addition, any school district employee who observes any incident of unlawful discrimination, including discriminatory harassment, intimidation and/or bullying involving a student shall, within one school day, report this observation to the Principal/designee, whether or not the victim makes a report.
- b. The Principal/designee shall, within one school day of receiving a report or complaint of unlawful discrimination, including discriminatory harassment, intimidation and/or bullying, notify the District Compliance Officer of the report or complaint.
- c. When a report or complaint of unlawful discrimination, including discriminatory harassment, intimidation and/or bullying is made against the Principal/designee to whom the report would ordinarily be communicated, the school district employee who receives the report or who observes the incident shall instead report to the District Compliance Officer within one school day.

### **ii. Information, Options and Documentation Provided to Reporting Individuals and Complainants**

- a. Either the Principal/designee or the District Compliance Officer shall, within one school day of receiving a report or complaint, inform the reporting individual or complainant of the resolution options under these procedures and the differences between these options (such as appeal rights and different types of written outcome.) The options include (1) the right to proceed under the Uniform Complaint Procedures; (2) the option to pursue resolution through an informal resolution process as described below in subsection D; or (3) the right to request that the District not take steps to investigate or pursue the complaint, with the understanding that the District may still have a duty to address the matter after a District-initiated investigation described in subsection E, below, depending on the seriousness of the allegations and the risk of future harm to students or others. If a District-initiated investigation proceeds, the Principal/designee or the District Compliance Officer shall inform the reporting individual or complainant in writing of the District’s decision to proceed. After the District has investigated the matter and determined the outcome, the Principal/designee or the District Compliance Officer shall provide a written notice of outcome to the parties who would have been the complainant and respondent. The notice of outcome shall state that the party who would have been the complainant may pursue a Uniform Complaint at a later date, but the District reserves the right to enforce the six to nine month time line constraints for filing a Uniform Complaint as set forth in 5 CCR §4630(b). If a District-initiated investigation does not proceed, the reporting individual or complainant shall be informed of the right to proceed under the Uniform Complaint Procedures at a later time by making a request in writing to the District Compliance Officer.
- b. If an individual who wants to proceed and submit the allegations in writing, but is unable to do so due to conditions such as a disability or illiteracy, district staff shall assist the individual in the writing the information related to the allegations. (See, e.g., 5 CCR 4600) The district may offer a Uniform Complaint Form for the complainant to place the uniform complaint in writing.
- c. The Principal/designee or District Compliance Officer shall also inform the reporting individual or complainant that the identity of all parties of a complaint shall be kept confidential except when the District has a duty to share the parties’ identifying information as necessary to gather a response to the complaint, in order to take subsequent corrective action if misconduct is found to have occurred, and/or to conduct ongoing monitoring.

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- d. If the reporting individual or complainant insists on not being identified or does not give names of the alleged perpetrators, the individual shall be informed by the Principal/designee or the District Compliance Officer that the request may limit the District's ability to investigate or take other necessary action.
  - e. This discussion and any decisions based on the discussion shall be reduced to writing and submitted to the reporting individual or complainant. The Principal/designee shall forward a copy of the document to the District Compliance Officer. A copy of the document shall be maintained in a confidential complaint file with the Principal/designee and with the District Compliance Officer.

**B. Interim Measures:**

After a report or complaint is received, the responsible administrator (Principal/designee and/or the District Compliance Officer) shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the responsible administrator shall implement measures to stop, prevent or address the effects of the alleged discrimination, including discriminatory intimidation or retaliation, harassment, or bullying during and pending any informal resolution and/or investigation. The interim measures may include actions such as no-contact directives, increased supervision, placing students in separate classes, or transferring a student to a class taught by a different teacher. To the extent possible, interim measures will be implemented in a manner that minimizes the burden on the individual who was the target of the alleged discrimination.

**C. Off-Campus Incidents or Incidents Unrelated to School Activity:**

Though an incident of unlawful discrimination, including discriminatory harassment, intimidation, or bullying may occur off campus or unrelated to school activity, if the effects of the incident result or may result in harassment, intimidation, or bullying at school or at a school activity, which is sufficiently serious to interfere with or limit student(s)' ability to participate in or benefit from the education program, the District Compliance Officer or Principal/designee shall, under these Uniform Complaint Procedures, promptly investigate, determine what occurred, eliminate any harassment, intimidation, or bullying that occurs at school or at a school activity, prevent its recurrence, and address its effects.

**D. Optional Informal Resolution Process at the Site Level:**

Except in complaints alleging sexual violence, when a complaint alleging unlawful discrimination, including discriminatory harassment, intimidation and/or bullying against an individual is submitted under these procedures, the site Principal/designee may, after gathering evidence related to the complaint, engage in informal efforts to resolve the complaint after obtaining the signed, written consent of the complainant, the complainant's parent/guardian, the respondent, and the respondent's parent/guardian. The Principal/designee shall notify the District Compliance Officer that the complainant and respondent have consented to an informal resolution process and submit a copy of the signed consent documents to the District Compliance Officer. The District Compliance Officer shall develop a template for the Principal/designee to use to facilitate written consent by the parties.

Before the parties consent to engage in an informal resolution process, the Principal/designee shall inform the complainant, the respondent and their respective parents/guardians of the following: (1) The complainant or the complainant's parent/guardian will not be asked or required to meet directly with the respondent as part of the informal resolution process; (2) The informal resolution process shall be completed within 10 calendar days of the district's receipt of the complaint; (3) The differences between the informal resolution process and the process set forth under subsections D-H below shall be explained; (4) The right of either party to terminate an informal resolution process at any time and request that the District Compliance Officer proceed with the investigation of the uniform complaint under subsections F-H within the timelines set forth in this AR 1312.3; and (5) the informal resolution process, if successful, will result in a signed, written agreement between the parties which includes a waiver of any appeal rights set forth in AR 1312.3 and acknowledgement that the complainant cannot pursue another Uniform Complaint regarding the same allegations discussed and resolved between the parties.

At the conclusion of 10 calendar days, the informal resolution process shall cease, and the Principal/designee shall create a written report to memorialize the information gathered during the informal process, the procedures used during the informal process, whether an agreement was reached by the parties, and the terms of any agreement. A copy of this report shall be sent to the District Compliance Officer.

If an agreement is reached between the parties, the parties, with the assistance of the Principal, shall reduce the agreement to writing, and the parties shall sign the document only if they agree with the terms of the agreement. The District Compliance Officer shall create an agreement template which the parties shall use to memorialize their agreement. The agreement shall include, among other things, a waiver of appeal rights set forth in AR 1312.3 and a statement that the complainant is precluded from filing another complaint regarding the same allegation(s). The complainant, respondent, their respective parents/guardians and the District Compliance Officer shall receive a copy



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of the signed agreement. The Principal's written report and the signed agreement shall be maintained in a confidential complaint file with the Principal/designee and with the District Compliance Officer.

If the informal resolution process did not result in an agreement within the 10 calendar days or if the informal process is stopped by either party, the District Compliance Officer shall immediately proceed with the investigation under subsections F-H below. The investigation process shall be concluded within 60 calendar days of the district's receipt of the complaint.

**E. District-Initiated Procedures to Address a Report**

If the Principal/designee and/or the District Compliance Officer has determined to pursue a District-Initiated investigation, the investigation will follow procedures in subsection F, below, except the investigation does not need to be initiated within 10 calendar days of receipt of the report, refusal of the complainant to participate does not dismiss the report or complaint, and the District does not need to re-describe the UCP to the reporting individual or complainant.. In any matter involving discrimination, including discriminatory harassment, intimidation and/or bullying, the expectation is to complete the process within 60 calendar days of the date the district received the initial report. The individuals who would have been the complainant and respondent shall receive a written notice of outcome within the 60 calendar days, unless there is good cause to extend the time, which will be explained to the parties in writing.

**F. Investigation**

**i. Initiation of Investigation**

The District Compliance Officer shall initiate an impartial investigation of an allegation of unlawful discrimination, including discriminatory harassment, intimidation and/or bullying, within five school days of receiving a complaint under this procedure. The time may be extended if informal resolution is undertaken pursuant to subsection D, above. However, in all cases the investigation shall begin within 10 calendar days of the district's receipt of the initial complaint unless the District Compliance Officer has confirmed that the complaint has been resolved informally to the satisfaction of complainant, respondent and their respective parents/guardians, under subsection D, above.

When a student is reported to be engaging in unlawful discrimination, including discriminatory harassment, intimidation, and/or bullying, against an individual off campus, the District Compliance Officer 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 complainant's educational performance.

If the District Compliance Officer receives an anonymous complaint or media report about alleged unlawful discrimination including discriminatory harassment, intimidation and/or bullying, the District Compliance Officer shall determine whether it is appropriate 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.

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 allegations in the complaint.

*(5 CCR 4631)*

The District Compliance Officer shall keep the complaint and allegation(s) confidential, except as necessary to carry out the investigation or take other necessary action.

*(5 CCR 4964)*

**ii. Initial Interview with the Subject of the Complaint:**

At the beginning of an investigation, the District Compliance Officer shall describe the uniform complaint procedures to the complainant and the complainant's parent or guardian, and discuss what actions and remedies are being sought in response to the complaint. The complainant shall have an opportunity to describe the incident, identify witnesses who may have relevant information and provide other evidence or information leading to evidence of the alleged conduct.

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**iii. Additional Interviews and Gathering of Evidence:**

The District Compliance Officer shall interview individuals who have information relevant to the investigation, including, but not limited to, the complainant and, where appropriate, the complainant's parents/guardians, the respondent, anyone who witnessed the reported conduct, and anyone mentioned as having relevant information.

When interviewing the respondent, the District Compliance Officer shall describe the Uniform Complaint Procedures to the respondent and the respondent's parent/guardian, if applicable. The respondent shall have the opportunity to respond to the allegations, identify witnesses who may have relevant information, and provide other evidence or information leading to evidence related to the allegations.

The District Compliance Officer will also locate and review any available records, notes, documents, electronic information or statements related to the complaint and may take other steps such as visiting the location where the conduct is alleged to have taken place.

Information about a complainant's past or current sexual relationship with individuals other than respondent shall be excluded from the investigation process.

When necessary to carry out his/her investigation or to protect student safety, and consistent with federal and state privacy laws, the District Compliance Officer also may discuss the complaint with the Superintendent or designee, the parent/guardian of the respondent if the respondent is a student, a teacher or staff member whose knowledge of the students involved may help in determining the facts, law enforcement and/or child protective services, and district legal counsel or the district's risk manager.

Interviews of the complainant, the respondent, and all relevant witnesses are conducted privately, separately, and are confidential. At no time will the complainant and respondent be interviewed together.

Interviews, evidence and other information gathered will be documented and maintained in confidential complaint files. Confidential complaint files shall be maintained for a minimum of two years or as otherwise required by district policy and shall be destroyed in accordance with state law and district policy.

*(cf. 5125 – Student Records)*

*(cf. 3580 – District Records)*

**iv. Factors in Reaching a Determination:**

The District Compliance Officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. The standard is met if the allegation is more likely or not to have occurred.

In reaching a decision about the complaint, the District Compliance Officer may take into account:

- a. Statements made by the complainant, the respondent, and other persons with knowledge relevant to the allegations
- b. The details, consistency and/or corroboration of each person's account
- c. Evidence of how the complainant and respondent reacted to and felt about the incident, if it was found to have occurred
- d. Evidence of any past instances of unlawful discrimination, including discriminatory harassment, intimidation and/or bullying or other misconduct by the respondent
- e. Evidence that the complainant or respondent filed a complaint or cross-complaint alleging unlawful discrimination, including discriminatory harassment, intimidation and/or bullying which was found to be a knowingly false complaint or cross-complaint or to have included knowingly false statements made by the complainant or respondent.

To judge the severity of the unlawful discrimination, including discriminatory harassment, intimidation and/or bullying, the District Compliance Officer may take into consideration:

- a. How the misconduct affected the complainant and/or the complainant's access to education and education programs and activities
- b. The type, frequency, and duration of the misconduct
- c. The age of the complainant and respondent and the nature of the relationship between them
- d. The number of persons engaged in the alleged conduct
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents of discrimination, harassment, intimidation or bullying at the school

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### **G. Written Report of Findings and Decision:**

Within 60 calendar days of the district's receipt of the complaint, the District Compliance Officer shall conclude the investigation and prepare a written report of findings and decision, as described below. This timeline may be extended by written agreement of the complainant and the respondent.

The district's decision shall be in writing and sent to the complainant and respondent. (5 CCR 4631) The decision shall maintain any applicable confidentiality rights of the parties and be issued in consideration of any legal limitations based on such confidentiality.

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language. Additionally, when otherwise necessary to provide access to information for limited English proficient students and parents/guardians, as required by federal law, the decision shall be translated into the student's or parent/guardian's primary language.

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

- a. The findings of fact based on the evidence gathered
- b. As to each allegation, the District's conclusion(s) of law
- c. Rationale for such conclusion(s)
- d. Corrective actions, if warranted, which may include consequences imposed on the individual found to have engaged in the discriminatory conduct that relate directly to the complainant, as required by law, such as requiring that the individual found to have engaged in the discrimination stay away from the complainant, prohibiting the individual from attending school for a period of time, or transferring the individual to other classes or another school.

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

Individual remedies, if warranted, which were offered or provided to the complainant, such as counseling, academic remedies, or other measures taken to eliminate any hostile environment, prevent retaliation and prevent the discrimination from recurring. The remedies offered and provided to the complainant shall not be revealed to the respondent unless required by law or district policy.

Systemic measures the school has taken or will take to eliminate a hostile environment and prevent recurrence, including counseling and academic support services for other affected students, training for faculty and staff, revisions to the school's policies, and campus climate surveys.

- e. Notice that the complainant and/or the complainant's parent/guardian should immediately report any reoccurrence of the conduct or retaliation to the District Compliance Officer or Principal/designee. Notice that the respondent and/or the respondent's parent/guardian should also immediately report any retaliation to the District Compliance Officer or Principal/designee.
- f. Notice of the complainant's and respondent'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 .

Any decision concerning a complaint of discrimination, including discriminatory harassment, intimidation, and/or bullying 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 state law civil law remedies.

*(Education Code 262.3)*

### **H. Remedial Action**

Remedial action will be designed to end the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant. Examples of remedial actions, as appropriate, include, but are not limited to, the following:

1. Interventions for the respondent who engaged in the discrimination, such as parent or supervisor notification, discipline (discussed below), counseling, or training.
2. Interventions for the subject of the complaint such as counseling, academic support, and information on how to report further incidents of discrimination.

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3. Separating the subject of the complaint and the respondent who engaged in the discrimination, provided the separation does not penalize the subject of the complaint.
  4. Follow-up inquiries with the subject of the complaint and witnesses to ensure that the discriminatory conduct has stopped and that they have not experienced any retaliation. Follow-up inquiries with the respondent who engaged in the discrimination to ensure that the respondent understands what behavior is expected and/or appropriate after the investigation.
  5. Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute discrimination, that the District does not tolerate it, and how to report it.

In addition, the District Compliance Officer shall ensure that the individual who was the target of discrimination and/or the individual's parent/guardian are informed of the procedures for reporting any subsequent problems. The District Compliance Officer shall make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

#### **I. Disciplinary Action**

Students who are found to have engaged in discriminatory conduct may be subject to discipline up to and including expulsion. Disciplinary action may include oral warnings, written warnings, mandatory training, counseling, suspension, transfer, or expulsion for students. Such disciplinary action shall be in accordance with Board Policy, Administrative Regulation and state law. Suspension and recommendations for expulsion shall follow applicable law.

Staff members who are found to have engaged in discriminatory conduct toward students shall be subject to discipline up to and including dismissal. Disciplinary action may include oral warnings, written warnings, mandatory training, counseling, suspension, transfer, demotion, or termination of employees. Such disciplinary action shall be determined by site and District Administration in accordance with applicable policies, laws, and/or collective bargaining agreements.

*(cf. AR 4218 – Dismissal/Suspension/Disciplinary Action; Education Code 44932 et seq.)*

In identifying appropriate disciplinary action, repeated incidents and/or multiple victims will result in more severe penalties.

Individuals who knowingly file false complaints of discrimination, including discriminatory harassment, intimidation, and/or bullying or give false statements in an investigation shall be subject to discipline up to and including suspension, expulsion, and or dismissal, as shall any individual who is found to have retaliated against another in violation of this policy.

#### **II. Complaints Alleging Noncompliance with Other Federal or State Laws**

A complaint alleging district violation or noncompliance with federal or state laws or regulations governing specific educational programs, such as 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 may be filed by any individual, public agency, or organization.

*(5 CCR 4630)*

Any complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may also be filed under this procedure or may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred.

*(Education Code 49013, 52075; 5 CCR 4630)*

If a complaint alleging noncompliance with federal or state laws or regulations governing specific educational programs or the laws regarding student fees, deposits, and other charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians, subject to procedures established by regulation of the State Board of Education.

*(Education Code 49013, 51223, 52075.)*

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint.

*(Education Code 49013 and 5 CCR 4600.)*

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## **Appeals to the California Department of Education**

Any complainant who is dissatisfied with the district's decision under this procedure, may file an appeal in writing with the CDE within 15 days of receiving the district's decision.

*(Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.2, 51228.3, 52075; 5 CCR 4600)*

The complainant 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)*

In any complaint alleging unlawful discrimination including discriminatory harassment, (such as sexual harassment, sexual violence or harassment based on a protected characteristic), intimidation or bullying, the respondent also shall have the right to file an appeal with the CDE in the same matter as the complainant if the respondent is dissatisfied with the district's decision.

Upon notification by the CDE that the complainant or respondent 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 the complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including cases in which the district has not taken action within 60 calendar days of the date the complaint was filed with the district.

## **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, including discriminatory harassment, intimidation, bullying, or sexual harassment 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 the 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.

Complaints alleging discrimination based on race, color, national origin, sex/gender, disability or age may also be filed with the U.S. Department of Education, Office for Civil Rights. [Instructions for filing a complaint](https://www2.ed.gov/about/offices/list/ocr/docs/howto.html) can be found at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. Such complaints must generally be filed within 180 calendar days of the alleged discrimination

## **Williams Uniform Complaint** **Administrative Regulation 1312.4**

The district shall use the following procedures described in this administrative regulation only to investigate and resolve complaints when the complainant alleges that any of the following has occurred:

*(Education Code [2]35186; [2] 5 CCR 4680-1, 4682, 4683)*

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:
  - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
  - b. A pupil does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
  - c. Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials) [3]*

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- d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
  2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:
    - a. A semester begins and a teacher vacancy exists.
    - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.  
(cf. 4112.22 - Staff Teaching Pupils of Limited English Proficiency) [4]
  3. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

*Teacher vacancy* means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester.  
(Education Code 35186 [2]; 5 CCR 4600)

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

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

(Education Code 35186; [2] 5 CCR 4600)

(cf. 4112.2 - Certification) [5]

(cf. 4113 - Assignment) [6]

3. Complaints regarding the condition of school facilities, including any complaint alleging that:
  - a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

*Emergency or urgent threat* means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to or staff; structural damage creating a hazardous or uninhabitable condition, or any other condition deemed appropriate.

(Education Code [7]17592.72) [7]

2. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

*Clean or maintained school restroom* means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

(Education Code 35292.5) [8]

*Open restroom means* the school has kept all restrooms open during school hours when students are not in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs.

(Education Code [8]35292.5) [8]

(cf. 3514- Environmental Safety) [9]

(cf. 3517- Facilities Inspection) [10]

### **Filing of Complaint**

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days.

(Education Code 35186 [2]; 5 CCR 4680)

### **Investigation and Response**

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received.

(Education Code 35186 [2]; 5 CCR 4685)

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Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee.

*(Education Code 35186 [2]; 5 CCR 4680, 4685)*

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed.

*(Education Code 35186) [2]*

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Board of Education at a regularly scheduled meeting.

*(Education Code 35186 [2]; 5 CCR 4686)*

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

*(Education Code 35186 [2]; 5 CCR 4687)*

All complaints and written responses shall be public records.

*(Education Code 35186 [2]; 5 CCR 4686)*

*(cf. 1340 - Access to District Records) [11]*

### **Reports**

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

*(Education Code [2]35186 [2]; 5 CCR 4686)*

### **Forms and Notices**

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint.

*(Education Code 35186; [2]5CCR 4680)*

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes.

*(Education Code 35186) [2]*

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186.

*(Education [2] [2]Code [2] 35186) [2]*

*Adopted: Tuesday, August 31, 2010; Tuesday, August 25, 2015*

*PALO ALTO UNIFIED SCHOOL DISTRICT, Palo Alto, California*