

# ***Tracy Unified School District High School Handbook***







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**The Board Policies (BP) and Administrative Regulations (AR) cited throughout this handbook can be found on the Tracy Unified School District website under the Board of Education tab or can be requested from your school site.**

# *Academics*

### **Academic Standards (BP 6011)**

The Governing Board recognizes that district-wide desired learnings, benchmarks and performance standards are necessary to clarify for students, parents/guardians and staff what students are expected to know and be able to do at each grade level and in each area of study. The Board shall adopt high standards in student achievement that challenge all students to reach their full potential and ensure consistency of expectations among the district's schools and classrooms.

District standards shall be developed through a process that involves staff, students, parents/guardians and community members. Standards shall be based on an assessment of the skills that students will need in order to be successful in higher education and the workplace, including basic skills, problem-solving abilities, and conceptual thinking. Special care shall be taken to ensure the proper articulation of standards among district schools.

District standards shall guide Board and staff decisions regarding the curriculum to be adopted, the sequential courses of study to be offered, and the assessments to be given. Staff shall continually assess student's progress toward meeting the standards and shall offer remedial assistance as needed. The standards shall also provide a basis for evaluating the instructional program and, as required by law, for evaluating teacher performance.

While desiring district standards to be specific and comprehensive, the Board does not intend that these standards be so extensive as to describe everything that will be taught in the classroom. Staff shall have sufficient time and flexibility to determine the best instructional methods to use in preparing students to meet the standards. The Superintendent or designee shall ensure that district standards are regularly reviewed and updated as necessary in order to reflect changes in skills that will be needed by students and to ensure continuing support for the standards.

### **Aeries Parent Portal Information**

The Aeries Parent Portal is a system by which parents can keep track of their student's grades and attendance at school. To sign up, parents need the following items: an email account, your student's names, home phone number, permanent ID number, and VPC (verification pass code). If a parent has not previously signed up, they can come to the administrative office and see their child's counselor or the receptionist, show identification and receive the VPC number assigned to their student, then log on to <https://sisweb.tusd.net/ParentPortal> and click on "New?" to sign up for access to the information system.

### **Academic Honesty**

All work submitted by students should be a true reflection of their effort and ability. If it is not, then the student has demonstrated unacceptable behavior. The following instances are considered cheating:

- Claiming credit for work that is not the product of one's own honest effort.
- Providing unwarranted access to materials or information so that others may dishonestly claim credit.
- Submitting work done entirely or in part by another person.
- Giving test answers to another student or getting test answers from another student.
- Representation of another person's words or ideas as your own by not properly citing the source and giving the author credit.
- Copying from the internet.

- Copying from another student
- Knowledge and tolerating of the foregoing circumstances.

Any behavior, which can be defined as cheating, represents a violation of mutual trust and respect essential to education. Students who cheat should expect to be confronted by their teacher and be subject to the following penalties.

- A “zero” on submitted work.
- Possible disciplinary referral.
- Notification of parents.
- If a student is found to have cheated a second time or is involved in a particularly serious act of cheating, the student will be referred to the Principal/Designee for a formal hearing of those concerned (student, teacher, parents, counselor, administrator). Consequences may include suspension from class, school, or loss of class credits.

### **Assessments**

The Governing Board believes that the primary purpose of assessment is help students, parents/guardians and teachers identify individual students’ academic strengths, weaknesses and progress in order to inform instructional practices to increase learning. Assessment should also be an important component of the district’s program evaluation process.

The Governing Board recognizes that a variety of evaluation measures are needed in order to reach the above goals. To have validity, tests must correspond to the material being taught and measure the extent to which students meet clearly specified standards of achievement.

In addition to teacher created assessments, the District administers mandatory student assessments as provided by the State Board of Education.

California students take several mandated statewide tests. These tests provide parents/guardians, teachers, and educators with information about how well students are learning and becoming college and career ready. The test results may be used for local, state, and federal accountability purposes.

### ***California Assessment of Student Performance and Progress (CAASPP)***

The California Assessment of Student Performance and Progress (CAASPP) System was established in 2014. The CAASPP System includes the following:

- ***Smarter Balanced Assessment Consortium Assessments***

*The Smarter Balanced computer adaptive assessments are aligned with the Common Core State Standards (CCSS). English language arts/literacy (ELA) and mathematics tests are administered in grades three through eight and grade eleven to measure whether students are on track to college and career readiness. In grade eleven, results from the ELA and mathematics assessments can be used as an indicator of college readiness.*

- ***California Science Tests (CAST)***

*The computer-based CAST measures students’ achievement of the California Next Generation Science Standards (CA NGSS) through the application of their knowledge and skills of the Science and Engineering Practices, Disciplinary Core Ideas, and Crosscutting Concepts. The CAST is administered to all students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve).*

- ***California Alternate Assessments (CAAs)***

*Only eligible students—students whose individualized education program (IEP) identifies the use of alternate*

assessments—may participate in the administration of the CAAs. Test examiners administer the computer-based CAAs for ELA, mathematics, and science one-on-one to students. Students in grades three through eight and grade eleven will take the CAA for ELA and mathematics. Test items developed for ELA and mathematics are aligned with the CCSS and are based on the Core Content Connectors.

Students in grades five and eight and once in high school (i.e., grade ten, eleven, or twelve) will take the CAA for Science. The CAA for Science embedded performance tasks are based on alternate achievement standards derived from the CA NGSS. Students taking the CAA for Science will take three embedded performance tasks in spring 2019.

- **California Spanish Assessment (CSA) for Reading/Language Arts**

The optional CSA for Reading/Language Arts in Spanish is aligned with the California Common Core State Standards en Español. This computer-based test allows students to demonstrate their Spanish skills in listening, reading, and writing mechanics.

Pursuant to California Education Code Section 60615, parents/guardians may annually submit to the school a written request to excuse their child from any or all of the CAASPP assessments.

### ***The English Language Proficiency Assessments for California (ELPAC)***

California will transition from the California English Language Development Test (CELDT) to the English Language Proficiency Assessments for California (ELPAC) in 2017–18. The ELPAC is aligned with the 2012 California English Language Development Standards. It consists of two separate English Language Proficiency (ELP) assessments: one for the initial identification of students as English learners and the other for the annual summative assessment to identify students' English language proficiency level and to measure their progress in learning English.

#### ***Physical Fitness Test (PFT)***

The physical fitness test for students in California schools is the FitnessGram®. The main goal of the test is to help students in starting lifelong habits of regular physical activity. Students in grades five, seven, and nine take the fitness test.

California Department of Education | August 2018

For more information on these assessments, visit the

California Department of Education website at: <https://www.cde.ca.gov/ta/tg/ca/>

English Language Proficiency Assessment for California (ELPAC)

<https://www.cde.ca.gov/ta/tg/ep/>

Physical Fitness Test (PFT) <http://www.cde.ca.gov/ta/tg/pft>

The California Department of Education has a parent page that can be used to search for assessment data about schools and districts at <http://dq.cde.ca.gov/dataquest/DQP.asp>

### **Course Schedule/Class Changes**

Your student's course schedule of classes is determined during the spring prior to entering high school and each year thereafter, or at registration of new students. Class changes are difficult to accommodate because the overall master schedule of classes is based upon student requests made during pre-registration. Therefore, the best way to obtain the course that you want is to sign up for it during pre-registration. Program changes will only be made to accommodate the following situations:

- a. To balance class size.
- b. Credit has previously been earned in the course.

- c. Inappropriate placement in the class (i.e., level, subject). This category must have a teacher signature and comment.
- d. Scheduling errors (i.e., two second periods, no fourth period or course was not listed on registration sheet).
- e. Student has not taken the necessary pre-requisites to meet course requirements.
- f. Upper classmen need the course for graduation.
- g. Student is enrolling in work experience.
- h. Course is not needed/ no longer needed for graduation

Requests for the above situations must be made during the first 10 days of instruction. After the tenth (10th) day of instruction, class changes will be initiated only if a student is misplaced academically. In addition, changes to teacher and changes to periods cannot be accommodated.

To request a schedule change for one of the above circumstances, please do the following:

1. Pick up a class change form from the counseling office before school, during lunch or after school.
2. Complete the appropriate areas.
3. Have your parent/guardian sign the Schedule Review form.
4. Return the signed form to the counseling office for review.
5. Wait for your counselor to contact you regarding the Schedule Review.
6. Continue to attend the course(s) listed on your schedule until the counselor has made an official program change.

### **Early Graduation**

Early graduation petitions must be submitted to the school site administration in a timely manner. The student must be enrolled in all classes needed to graduate and have passed all proficiencies. The petition must be signed by the student, parent/legal guardian, counselor and the school principal, and must include:

1. A rationale for the request to graduate early;
2. An action plan for completing the required course work for early graduation;
3. A complete record of the student's grades and credits earned to date;
4. And the attendance record for the student.

Once completed, the petition to graduate early must be submitted to Student Services for review, then to the Board of Trustees for final approval. Students who graduate at the end of the first semester will not be allowed to participate in second semester senior activities. The student will be allowed to participate in the graduation ceremonies and post-graduation activities, subject to the approval of the principal. Students who graduate early must be in good behavior standing in order to participate in the graduation ceremony and any post-graduation activities.

American Government, Economics and English IV courses shall be primarily limited to twelfth grade students and to students who are age appropriate for twelfth grade. Enrollment of eleventh grade students in senior required courses will be based on space availability, student grades and attendance, and the ability of the student to graduate early.

## **Grading**

The purpose of grading is to communicate the level of achievement in the educational program to students, parents, institutions of higher learning, prospective employers, counselors and other schools the student might attend. The symbols used and the meaning of each symbol is as follows:

- A Excellent Achievement
- B Above Average
- C Satisfactory Achievement
- D Below Average, But Passing
- F Failure to Meet Minimum Standards

“NM” A No Mark (NM) is assigned when a student has been absent due to illness for an extended period of time, is absent during the final test, or is new to the school and has been enrolled for at least 20 school days. Students who receive a “No Mark” due to absences have the first 3 weeks of the next quarter to complete their incomplete work.

Failure to complete this work will result in the NM converted to an ‘F’.

“I” An Incomplete (I) is assigned if a student has outstanding work that was due during the grading period and which needs to be made up. If a student cannot make up the work, he/she will be assigned the appropriate grade. If the work can be made up, the student will receive an “I”. All “I” grades must be cleared by the end of the third week of the next grading period or they automatically become an “F”. For purposes of eligibility, an “I” counts as an “F”.

## **Graduation Requirements from High School**

A student must complete 220 credits and will normally carry a minimum of thirty credits each semester while in school. A standard class is worth 5 credits per semester, 10 credits per year. Students must complete the total number of credits in each of the areas listed below:

English	40 credits
Social Studies	30 credits
Science	30 credits
Math	20 credits
Fine Arts or Foreign Language	10 credits
Physical Education	20 credits
Required Course Total	150 credits
<u>Elective Courses</u>	<u>70 credits</u>
TOTAL	220 credits

All students must take and pass at least two years of math while enrolled in high school and one of the two classes must be Algebra I. This requirement may be completed in grade 8.

For high school students graduating in 2022 and after, three years of science is to include one course in biology, one course in chemistry, and one course in physics. All science courses must be aligned to the 2013 California Science Standards.

All students will demonstrate mastery of district identified technological skills.

### **Make-Up Work (BP 6154)**

The Governing Board believes that homework serves many purposes. Research supports that homework is an essential part of a student's academic achievement. Through their homework, students can reinforce academic skills taught in school, learn how to conduct research effectively, develop ideas creatively and become life-long learners.

The Board believes that homework is the responsibility of the student. It is the student's job to develop regular study habits and to do most assignments independently. The Board encourages teachers at all grade levels to use the parent as a contributing resource and to structure homework assignments so as to involve the parent to help oversee homework without diminishing the student's sense of responsibility. To be effective, homework assignments should not place an undue burden on students and families. Homework should reinforce learning objectives and state standards.

Homework reinforces student learning to meet state and district standards.

- Homework is planned, systematic, selectively checked and graded.
- Homework is clear, specific and relevant.
- Homework is a combination of skill reinforcement and exploration.
- Long-term homework assignments will have checkpoints for completion and while students may work on them over holidays and weekends, ample time will be allowed to complete them during the week and prior to holidays.
- Homework will be reviewed in class and returned in a timely fashion.
- K-5 students will not be required to complete homework on holidays and intercessions. K-5 students will not typically be given homework on weekends. 6-8 students will not be required to complete homework on intercessions. 6-8 students may be given limited homework on holidays and weekends.
- Unfinished classroom work may be sent home to be completed but should not be required in addition to homework. Unfinished classroom work can be done at recess and after school.
- Regular reading at home on a nightly basis is encouraged but not required in addition to the assigned homework.

### ***Homework Tips for Parents***

- When there is a specific assignment, the best way for parents to help a child learn is by offering support when it is requested. At the same time, limits need to be set so that children learn to work independently. Even when children do not have specific assignments due, parents can be helpful by listening when children talk about school and by expressing interest in class work and school activities.
- Talk with teachers if assignments seem to be causing students continuing problems.
- Share thoughts and ideas with children on many topics of interest.
- Read to your child.
- In helping students with homework, parents should:
  - Show interest in the student's work.
  - Encourage the child to work independently most of the time.
  - Provide a suitable place for study, free from distraction, and if possible, reserved for that student alone.
  - Check to see the homework assignments are completed, and reasonably neat and correct.
  - Assist in balancing school work with other activities.

If you feel that your student's teacher is not following Board Policy 6154: Homework, please take



the following steps: 1) Contact your student's teacher and discuss his/her homework practices, if it is not resolved then; 2) Contact your school principal, if it is not resolved, then 3) Mary Petty, Director of Student Services at 209- 830-3280.

### ***Make-up Work***

- Students shall be given the opportunity to make-up work missed because of an excused absence and shall receive full credit if the work is turned in according to a reasonable make-up schedule. Typically, each day of excused absence merits a make-up day.
- Teachers must provide work to any student who has been suspended for two or more school days upon the request from the student, parent, legal guardian, or other person holding the educational rights of the student. Work must be returned to the teacher by the student either upon the student's return to school or within the time frame prescribed by the teacher, whichever is later.
- Students who miss school work because of unexcused absences may or may not be given the opportunity to make-up missed work for full or reduced credit. Teachers may assign such make-up work as necessary to ensure academic progress, not as a punitive measure.
- Teachers need at least twenty-four hours to supply make-up work.
- Teacher's procedures and processes for make-up work should be clearly explained to both students and parents in the individual class syllabus.

### **Honors Course Designations**

Courses designated as honors courses and eligible to receive extra grade point weighting in the calculation of student grade point averages will be those classes that have been approved as honors level courses by the University of California. All honors courses will be identified as having an (H) adjacent to the course title. Please contact your child's counselor for a list of classes that have been approved as an honors level course by the University of California.

### **Limitations on Credits**

1. Except where specified, courses which are repeated earn credit one time only. In the instance where a course is repeated, the second set of grades will be included on the student's permanent record.
2. A maximum of forty (40) credits from any work experience education may be credited toward graduation requirements. Students may be enrolled in no more than two (2) periods of outside work experience.
3. A maximum of ten (10) credits from any combination of teachers' aide, office aide, tutor, library aide, etc., may be applied toward graduation. These credits can only be earned during the 11th or 12th grade.
4. A maximum of forty (40) credits of physical education may be credited toward graduation requirements.
5. Units of credit earned at all other accredited schools and correspondence schools may be transferred. Units from correspondence schools must have prior approval by the student's counselor and administrator before students enroll in these courses for High School credit.

6. By arrangement, and with prior approval, certain units earned concurrently at other institutions may also be accepted toward graduation. ROP/ROC classes and centers are examples and more information can be obtained from the counseling staff.
7. Units of credit earned on independent study must have prior approval of the student's counselor and administrator.
8. Units of credit earned at non-accredited schools are not accepted. Please see your counselor for the District's credit review process.
9. Units of credit received through Tracy Adult School must have prior approval of the student's counselor and/or administrator to be applied toward graduation from High School.
10. Units of credit earned from an institution of higher learning; i.e., an accredited community college or a four (4) year college; may be considered for graduation only if the following criteria are met:
  - a. The student must be currently enrolled at High School.
  - b. The student must obtain prior written approval from the High School principal and the junior college or college involved in order for units of college credit to be applied toward high school graduation.
  - c. The student must be enrolled in at least four classes at High School during the semester he/she is concurrently enrolled at a junior college or college.
  - d. Consideration for credit transfer will not be granted to former students who left High School before graduation and who are not age appropriate for re-enrollment.

### **Progress Reports**

In order to let you and your parents know if your work is below standard, progress reports are issued four times a year, mid-way through each quarterly grading period. These reports are sent to the parents of all students. Please note that if you receive a "D" or "F" or "in danger of failing" on your progress report, you should schedule an appointment with the teacher(s) of that class immediately in order to develop a plan of action to help you pass the course. The marks "D", "F" or "In Danger of Failing" on a progress report indicates that students are in danger of failing and that they need to take immediate action to improve their grade. Parents can view their student's attendance, schedule, transcript and grades from home via the Aeries Parent Portal.

### **Report Cards**

Report Cards are issued four times a year. They are issued approximately two weeks after the conclusion of each quarter/ semester.

### **Recognition Programs**

At TUSD we believe in recognizing and reinforcing positive behavior and academic excellence. Staff members choose a student for the recognition program. Students are chosen based on their attendance, leadership, citizenship, extra-curricular activity involvement and other criteria. All students who are recognized receive a letter of recognition and certificate.

The following recognition programs are offered at each high school campus:

### ***Academic Block Letter***

Students may earn an Academic Block Letter. The criteria is straight A's or GPA of 4.0 or higher as follows:

- Freshmen with straight A's or a GPA of 4.0 or higher in their first semester are eligible.
- Sophomores, Juniors, or Seniors with straight A's or a GPA of 4.0 or higher in either of their two most recent semesters are eligible.
- In order for students to earn their Block Letter using straight A's or a GPA of 4.0 or higher, they must take a minimum of three courses from the University of California A-G list during their straight A or GPA of 4.0 or higher semester.

### **Cumulative Academic Grade Point Average (ACA GPA) for the Academic Block Letter:**

At the end of the first semester of the school year, sophomores with an academic GPA (9-12) of 3.93 or higher on their transcript, juniors with an academic GPA (9-12) of 3.85 or higher on their transcript, and seniors with an academic GPA (9-12) of 3.75 or higher on their transcript are eligible.

- In order for students to earn their Academic Block Letter using their Academic Grade Point Average (9-12), they must have taken a minimum of three courses from the University of California A-G list each semester of high school they have completed. The A-G list is available in the Counseling Center.
- Academic Block Letters will be awarded once per year after the close of the first semester. For more information regarding the Academic Block Letter read your daily bulletin and the "Academic Block Letter Instructions for Candidates" application form. Applications must be picked up, completed, and returned to the Library.

### ***California Scholarship Federation (CSF)***

Students may apply to join the CSF during the first quarter of the school year. Specific deadline dates are announced in the daily bulletin. Applications are approved based on a point system, as follows:

"A" in any class	= 3 points
"B" in an honors class	= 2 points
"B" in any other class	= 1 points
"C" in any class	= 0 points
"D or F" in any subject bars membership	

Classes are divided into three "lists" according to their subject matter. Students list their five "best" classes on the CSF application using the list criteria, assigning them the appropriate points. A total of ten (10) points are needed to become a member.

### ***Honor Roll***

At the close of each semester, a student who has maintained a minimum of 3.5 GPA and has received no "F" grades will be placed on the Honor Roll. Students who maintain a minimum GPA of 4.1 and no "D's or F's" are placed on the Principal's Honor Roll.

Approximately three weeks after the grading period has ended the Honor Roll and Principal's Honor Roll lists are posted in the administrative building.

### ***Valedictorian and Salutatorian***

Valedictorians and salutatorians must meet the following requirements:

1. Take a minimum of 120 units at Kimball High School to be the Valedictorian or Salutatorian at Kimball High School.
2. Take a minimum of 120 units at Tracy High School to be the Valedictorian or Salutatorian at Tracy High School.
3. Take a minimum of 120 units at West High School to be the Valedictorian or Salutatorian at West High School.

For the purpose of valedictorian/salutatorian selection, successful completion of a course in the third quarter of the senior year will be considered successful completion of the second semester.

4. Take at least the minimum number of A-G classes required for admission to the University of California. Complete all A-G classes with a grade of "C" or better. Third quarter senior grades will be considered second semester senior grades for the purpose of valedictorian/salutatorian selection.
5. Take at least four semesters of honors classes during the junior year and at least four semesters of honors classes during the senior year.

Students who meet the three requirements above will be eligible to be the valedictorian or the salutatorian. The student with the highest grade point average using a four-point scale (calculated to two places after the decimal with honor points not included) will be declared valedictorian.

The student with the second highest grade point average using a four-point scale (calculated to two places after the decimal with honor points not included) will be declared the salutatorian. Grades earned during the third quarter of the senior year will count as second semester grades and must be averaged in to determine candidates' grade point averages. For the purpose of valedictorian/salutatorian selection, candidates must include all grades earned after August of the beginning of their freshman year. Candidates may exclude high school grades earned prior to the actual beginning of their freshman year.

In case of a tie, the tie will be broken in the following manner:

1. The student with the highest number of honors classes during his/her junior and senior year, at their respective high school, will be declared the winner. This number will include classes completed and classes being taken during the third quarter of the senior year.
2. If there is still a tie, the student with the highest GPA from honors classes only will be declared the winner.
3. If there is still a tie, the students will be declared co-vedictorians and therefore no salutatorian will be named.
4. The computerized report card/transcript ranking is not applicable.

### ***Scholarships and Financial Aid***

Practically all colleges and universities offer scholarships of varying amounts to deserving high school seniors. If you are interested in obtaining a scholarship from a particular college, ask the Career Center personnel or your counselor for information. Most scholarships are awarded on the basis of financial need and scholastic standing (grades). Seniors desiring a scholarship grant of financial aid for post high school education should begin the application process as soon as possible after the beginning of the school year.

Important information relating to scholarships and deadlines is communicated through the bulletin and on the Scholarship Board in the Career Center. It is each student's responsibility to listen to and/or to read the bulletin and often check the scholarship board. Questions regarding specific scholarships may be directed to the Career Center Clerk or your counselor.

### **Registrar**

The Registrar's Office ensures accurate student records are kept and is available to assist you with questions you may have regarding report cards or transcripts. The Registrar's Office also takes telephone, or other general or emergency information changes. Please see the Registrar to obtain the appropriate form. Students or parents may phone the Registrar's Office with any questions.

### **Required Information for Office Records**

Individual student office records must be kept accurate. Current telephone numbers, place of employment of parents and physician's names are all necessary in case of an emergency. Please include work phone numbers. All changes must be made in person at the school, by the legal guardian with the educational rights.

### **Review of Student Records**

During the course of your child's education, we will keep records as deemed necessary to provide a program that will meet his/her needs and interests. You have the right to inspect and review these records. This material is available for review at a mutually convenient time during the regular school day. Please contact your child's principal to obtain the form to be completed to establish your relationship to the child, if you wish to review these records.

### **Transcripts**

Parents may view their student's transcript and grades from home via the Aeries Parent Portal. Official transcripts may be requested by filing the request form located at the end of this handbook. You can also pick one up in counseling office, or visit our school web site and download a copy. The first 2 transcripts are free. All subsequent requests are charged a nominal cost recovery fee. Please remember - NO CHECKS WILL BE ACCEPTED. Money orders, cashier checks, or cash only.

### **Work Permits**

Students must have a minimum 2.0 GPA and no more than 15 hours of Saturday School accumulated. A student with a work permit who exceeds 15 hours of Saturday School will have their work permit suspended and there will be no grace period. A maximum of 15 hours of Saturday School will be allowed. Once the permit is suspended, the employer will be notified and the student will not be allowed to return to work without a new work permit. When the student's

Saturday School hours return to 15 or below, the work permit will be reissued. The reissue process will only be done one time per student.

# *Attendance*

## **ATTENDANCE**

### **Attendance**

All students are required to attend 6 classes or take 30 credits per semester. The Tracy Unified School District Board of Education expects all students to attend class on a daily basis each day that school is in session, unless they must be absent for an excused reason. The High School will maintain accurate records of student attendance and will notify parents of excessive student absences. Parents are expected to send students to school or to promptly notify the High School if their student is going to be absent. Parents are encouraged to check their students' attendance on a regular basis by telephoning the Attendance Office and/or accessing the Aeries Parent Portal account.

### **Absences (BP/AR 5113)**

#### ***Excused Absences***

The teacher will allow a student to make up the work during an excused absence to the extent it is possible. Students will have the same number of days that they were absent from school to make up their work. Excused absences will be granted for the following reasons:

1. Personal illness; a doctor's note is required if over 5 days.
2. Quarantine under direction of a county or city health officer.
3. Medical, dental, optometrist or chiropractic services. Students are strongly urged to make appointments during non-school hours.
4. Attending funeral services of an immediate family member, which shall be limited to one day if the service is conducted in California, or three days if the service is conducted out of state. For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household.
5. Jury duty.
6. Illness or medical appointment during school hours of a child to whom the student is the custodial parent.
7. Upon advanced written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to:
  - a. appearance in court
  - b. attendance at a funeral service
  - c. observation of a holiday or a ceremony of his/her religion; attendance at religious retreats, not to exceed four hours per semester
  - d. attendance at an employment conference
  - e. attendance at educational conference offered by a non-profit organization on the legislative or judicial process
8. Service as a member of a precinct board for an election pursuant to election codes 12302.
9. Participation in religious exercises or to receive moral and religious instruction in accordance with district policy.
  - a. In such instances, the student shall attend at least the minimum school day.
  - b. The student shall be excused for this purpose for no more than four days per school month.
10. Exclusion for not having been properly immunized; these absences will not be excused for more than 5 days.



11. \*Approved travel study. (See explanation of travel study on page 22)

Any pupil who is a dependent of military personnel shall be granted up to 5 days of excused absence or independent study when the parent is either deployed or returning from a deployment.

Students should not be dropped off any earlier than 5 minutes prior to the opening of the school breakfast program. Students should be picked up from school no later than 15 minutes after the dismissal bell. Inter/Intra-district transfers may be revoked due to violations of these times.

Students who are not participating in approved after-school extra-curricular or athletic programs must leave the campus within 15 minutes of dismissal. Continuous violation of this policy may result in the student being transported to Tracy Police Department for supervision and parent notification.

### ***Unexcused Absences***

Students may not be allowed to make up work missed if an absence is unexcused. Unexcused absences are generally those that are not excused absences. Listed below are the most common reasons given for absences that will be considered unexcused:

1. Family vacations and extended weekend trips.
2. Oversleeping
3. Ditching
4. Car trouble
5. Any absence considered excused which is not cleared by a parental or doctor's note within 48 hours of returning to school.

This list is not all-inclusive. If you have specific questions regarding unexcused absences, please contact the attendance office.

### **Attendance Procedures**

It is the student and parent/guardian responsibility to verify an absence, and they must do so within 48 hours upon returning to school. An auto dialer will notify parents/guardian when a student is absent from school a portion of the day.

1. Parents are responsible for notifying the school between 7:20 a.m. and 3:30 p.m. whenever their student is absent. Parents may call the attendance office and/or send a note with the student upon his/her return to school. All notes must contain the following information:
  - Name of student
  - Date(s) of absence
  - Specific reason for absence
  - Daytime phone number where a parent may be reached
  - Parent's signature
2. If a parent has called to report a student's absence, the student will not be required to obtain an admit slip, and the corresponding absence code will have been entered into the attendance program. Upon returning to school, if a student has a note, he/she must obtain an admit slip at the Attendance Office window before school starts. The attendance office window is open at 7:00 a.m. every day for the purposes of issuing admit slips to clear absences. A student must bring an absence note to the office early enough so that he/she will be in first period class by the time the tardy bell rings A student who is late to his/her first period class will

receive an unexcused tardy. A student returning to school after being absent will not be admitted to class without an admit slip or being cleared on the computer. Students needing to obtain an admit slip before school and after first period; need to report to the Attendance Office window. After leaving school for medical/illness/personal absence, a student must return their check out slip and any other required documentation (doctor's note).

3. Any student whose absence code is marked "A" for a particular class period must be sent to the Attendance Office to receive an admit slip for the designated period(s).
4. To clear an absence, a student must bring a note from a parent or doctor, or the student's parent may call the attendance office. Students have only 48 hours upon their return to school in order to clear an absence. NOTE: Students are not permitted to use office telephones to clear an absence. If the absence is not cleared within 48 hours, the absence becomes a truant.
5. A student returning to school without a call or a note from a parent or a note from a doctor will be considered truant and assigned to Saturday School. If a student brings in a note within 48 hours of returning to school, he/she will not be required to serve Saturday School. If a student does not bring in a note when first returning to school, but does bring in a note within 48 hours, he/she must take the note to the Attendance Office to obtain a second admit slip. A student must show the admit slip to all of his/her teachers in order to clear the absence and obtain make-up work.

**Please call the school on the date of the absence. If unable to do so, students should bring a note to school to clear the absence when they first return to school.**

6. Students enrolled in a zero period must also be enrolled in first through fifth periods. Students may take a sixth period or be excused for the day. Students enrolled in zero through fifth period must leave campus immediately after fifth period. Students with school obligations after school may return for the obligation. All students are required to attend six classes or take 30 credits per semester.

### **Attendance Consequences**

1. A student will receive four hours of Saturday School for being truant for two or more periods.
2. A student assigned to Saturday School must serve the Saturday School on either of the dates assigned (within two week interval). Failure to attend Saturday School after assignment will be considered defiance of authority (Education Code 48900) and will result in suspension from school. Continued failure to attend Saturday School will result in a referral to the School Attendance Review Board (S.A.R.B.).
3. Attendance letters will be mailed on a bi-weekly basis for students on the 24<sup>th</sup>, 48<sup>th</sup>, and 66<sup>th</sup> class period unexcused absence. A School Attendance Review Team (SART) will be recommended. Included in the meeting will be the student, parent(s), counselor, assistant principal and other school personnel as needed (e. g., school resource officer, school psychologist, nurse). The team will meet, even if the parent cannot be in attendance, to devise a plan to promote a positive change in the student's attendance. The parent will be advised of the plan and assistance will be requested. NOTE: An unexcused absence is considered 'truancy'.
4. A student with a work permit who exceeds 15 hours of Saturday School will have their work permit suspended.
5. Juniors and seniors who abuse off campus lunch privileges or who accumulate more than 15 Saturday School hours at any time during the year, will lose their off campus lunch privileges

- and may be subject to other disciplinary action.
6. After the 10th unexcused absence from a class in one quarter, the student will be referred to the Assistant Principal for the SARB process.
  7. A student owing more than 15 hours of Saturday School will be placed on Activity/Social Probation until Saturday School hours are reduced to 15 hours or below.
  8. A student who leaves class without permission will be marked truant and will be subject to disciplinary action. Failure to check out and receive an off-campus pass through the attendance office will result in being considered truant. Appropriate consequences will then be assigned.
  9. A maximum of 16 hours can accrue yearly from 9<sup>th</sup> through 12<sup>th</sup> grade. (With a maximum of 48 hours assigned at the beginning of 12<sup>th</sup> grade)
  10. Students assigned to Saturday School can only serve their hours:
    - (a) By attending regularly scheduled Saturday Schools. These are held every Saturday from 8:00 a.m. to noon in the cafeteria. Students receive 4 hours credit for attending. **STUDENTS MUST SHOW ID UPON ENTRANCE.**
    - (b) By having ten days of Perfect Attendance. Students who have ten days with no tardies or absences will have 12 hours of Saturday School cleared. To receive Perfect Attendance credit, students must serve one day of Saturday School during those 10 days of Perfect Attendance. It is the student's responsibility to notify the attendance office of having 10 days of perfect attendance.
    - (c) By participating in Trash on Wheels Program. Students are assigned on first come basis. Students receive 2 hours credit for each day of participation. To receive Trash on Wheels credit, students are directed to serve one day of Saturday School for each Trash on Wheels duty.

### **Saturday School Rules**

1. All TUSD Handbook rules must be followed.
2. Each student must present a Student ID Card (NO ID = NO ENTRY, NO EXCEPTIONS)
3. Each student must bring schoolwork or appropriate reading material.
4. Student handbook violations will result in early dismissal, parent contact, and referral to an Assistant Principal and may result in loss of hours served. Students who leave early will not receive credit for any hours served.
5. No hats, gum, sunglasses, food, drinks, or electronic devices are allowed.
6. Talking is not permitted.
7. A student must have permission to leave his/her seat for any reason.
8. Late arrivals will not be admitted.

Please note that pre-approved absences, illness verified by a doctor's note, or verified family emergencies are the only acceptable excuses to miss

### **Perfect Attendance to clear Saturday School Hours**

Students can clear Unexcused Absences (Saturday School Hours) with Perfect Attendance

Two weeks of perfect attendance (10 days without absences, tardies can be applied to clear up to twelve (12) hours of unexcused absences. However, a student **MUST APPLY** for this clearance. Applications may be obtained from the Attendance Office. Hours cannot be "banked" for future unexcused absences. To receive perfect attendance credit, students are to serve one day of Saturday School within the ten (10) days of perfect attendance.

### **Obtaining Attendance Information**

Parents who have concerns regarding a student's attendance habits may request an attendance printout from the attendance office, check the AERIES Parent Portal, and/or request a conference with an assistant principal. Attendance is updated daily; posting of grades to the system is at the discretion of the individual teachers.

### **Excessive Absences for Illness**

When a student has had 10 absences or an equivalent number of periods in the school year for illness, any further absences for illness shall be verified by a physician. This requirement will be enforced for one calendar year. (AR 5113)

### **Completion of Assignments**

The teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension. Teachers must provide work to any student who has been suspended for two or more school days upon the request from the student, parent, legal guardian, or other person holding the educational rights of the student. Work must be returned to the teacher by the student either upon the student's return to school or within the time frame prescribed by the teacher, whichever is later. (Education Code 48913).

### **Unexcused Tardies**

Every instructional minute counts and student tardiness interferes with the learning process. Please be respectful of your teacher and fellow classmates and be on time to class.

A tardy is defined as arrival to class after the tardy bell rings. Arrival to class more than 30 minutes late will constitute truancy in addition to the tardy consequences.

Teachers may give classroom consequences for tardies, which should include natural consequences. Teachers will outline their consequences in their syllabus.

School Messenger will automatically phone parents alerting them each time their student is tardy. If you feel you have received a message notifying you of a tardy, in error, please contact your child's teacher.

Students who reach the following cumulative number of tardies in a quarter will receive the following administrative consequence in addition to the teacher's consequence:

# TARDY	CONSEQUENCES
5	Conference with student and parent contact
10	Administrative Meeting, District Attendance Review Team (School Attendance Review Team) Contract for Tardies, Loss of off campus pass, assign Administrative Detentions
15+	Administrative Meeting, Activity Restriction, Administrative Detention

### ***Activity Restriction***

When a student reaches 15 cumulative tardies in one quarter they lose the privilege of participating

in extracurricular activities including but not limited to athletics, dances, clubs, extracurricular fieldtrips, etc. This will reset each quarter. For athletes, this restriction includes games.

NOTE: Failure to serve a teacher's assigned detention will be considered a defiance of authority and appropriate teacher consequences will be administered. (Education Code 48900 k)

### **Travel Study**

Travel Study is a program available to students who must leave school for 5 or more days. This program provides students with the opportunity to maintain their grades and credits in their classes. Students who fit the above criteria and who wish to utilize the Travel Study program should contact the Attendance Office more than 5 school days prior to leaving school to obtain and complete the appropriate forms. The contract must be approved by the Principal or his designee. The Principal's signature is required PRIOR to beginning Travel Study. Students not completing travel study forms and receiving approval in advance will not receive credit and will be considered unexcused. Upon returning to school, the homework should be attached to the travel study sheets and turned in immediately to the teachers to grade. When the work is graded, a bottom portion of the form is forwarded to Attendance and the absences are excused.

Student must return to school on the contracted return date and submit work to their teacher. If the student does not return to school on the contracted return date, the entire contract will be void, and absences will be considered unexcused and will count towards truancy limits.

### **Truancy**

A student who is absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof, is considered a truant and shall be reported to the attendance supervisor or to the Superintendent of the school district. (Education Code 48260)

### **School Attendance Review Team (SART)**

A School Attendance Review Team may be convened after a student has been declared truant. During this meeting a plan may be developed to correct a student's attendance.

A student who has been reported as a truant three or more times within the same school year, provided the district has made a conscientious effort to hold at least one conference with the student and his/her parent/guardian after either of the two previous reports is considered a habitual truant. (Education Code 48262, 48264.5)

A habitual truant will be referred to the School Attendance Review Board (SARB.)

### ***Pre-SARB Procedures***

<b>Number of Unexcused Absences</b>	<b>Consequence</b>
3 days/24 periods of unexcused absences	Initial Truancy Letter sent home
6 days/48 periods of unexcused absences	Second Truancy letter. Parent meets with the site administrator
9 days/66 periods of unexcused absences	Third Truancy letter. Parents meet with the site administrator.

### **School Attendance Review Board (SARB)**

The SARB is a panel comprised of teachers, administrators, counselors, law enforcement officials, and community representatives that utilize school/community services to help students resolve problems dealing with irregular school attendance or habitual truancy.

SARB is a strategy that utilizes school and community resources to help students improve their attendance and deal with barriers to school attendance. At the SARB hearing, the panel will decide which interventions they would like to implement in order to help resolve the students' attendance issues. The School Attendance Review Board also has the authority to refer habitually truant students, as well as their parents, to the District Attorney for appropriate legal action.

A student who has been absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, provided the district has met the requirements above, is considered a chronic truant. (Education Code 48263.6) A chronic truant may be referred to the jurisdiction of the juvenile court. (Education Code 48264.5; Welfare and Institutions Code 601)

*Behavior  
Expectations,  
Interventions, &  
Discipline*

### **Discipline Philosophy**

It is important that each individual develop sound social judgment and be allowed frequent opportunities to exercise this judgment and the self-discipline which must accompany it. Students and teachers are entitled to an environment in which maximum learning and teaching can take place. In order to guide students to become responsible, self-disciplined individuals who are free to pursue academic studies, an appropriate amount of external discipline might be necessary.

All societies have rules. All students are expected to obey all classroom and school rules. Our aim is to improve the learning environment through positive reinforcement of good behavior and consistently applied consequences for inappropriate behavior.

With the cooperation of parents, parent volunteers, students, and school personnel, we can maintain schools where teachers teach and children learn.

This document outlines behavior expectations for students and gives examples of possible consequences should rules be broken and constitutes the Student Conduct Code for the school. Parents and the school are partners in good discipline. The school will notify parents, whenever possible, if their student is having a behavior problem at school. We enjoy and anticipate good parent support for our discipline plan. State law and good parenting require parents to respond to all school requests for parent conferences. Notification of parents will include telephone calls and/or written communications.

Clarity of expectations and equality of treatment of students are important. The staff and Board of Trustees of Tracy Unified School District strive to clarify what is expected of students, help students develop their own sense of responsibility, assist students in understanding their own rights and establish the consequences for misbehavior.

The Student Conduct Code provides an indication of the types of violations and potential consequences that may apply to students whose behavior is related to school activity or attendance which occur at any time, including but not limited to the following:

- (1) While on school grounds
- (2) While going to or coming from school
- (3) During either lunch period, whether on or off the campus
- (4) During the period that school is in session when the student is truant from school, and
- (5) During, or while going to, or coming from a school sponsored activity.

It is important that students continue to respect the rights of private property owners when leaving and returning to campus. Students are responsible for not loitering on private property and keeping litter from neighboring streets.

Students are not allowed on other campuses without authorization during the school day (before school, during school, at lunch, after school).



**FOR MORE EFFECTIVE COMMUNICATION...**  
**WHEN YOU HAVE A QUESTION OR CONCERN REGARDING YOUR CHILD,**  
**PLEASE...**

1. Discuss matters with your child's ..... TEACHER(S)  
... if questions or concerns remain,
2. Discuss matters with the..... PRINCIPAL AND/OR ASSISTANT  
PRINCIPAL  
...then, if you wish,
3. Discuss matters with the..... DIRECTOR OF STUDENT SERVICES  
...and then, if you wish,
4. Request through..... THE SUPERINTENDENT

**Student Rights**

**The Right to an Education:** The High School will maintain an atmosphere in school, and at school activities, which enhances the potential for success of every member of the student body.

**The Right to Receive Instruction:** The right to the full use of class time for receiving instruction and for learning.

**The Right to Be Heard:** Students are encouraged to voice constructive criticism through available channels of communication (student government, school newspaper, conversations with teachers, counselors and administrators) as long as this process does not disrupt the orderly operation of the school.

**The Right to Fair Treatment:** The right to fair, consistent and respectful treatment by staff members and other students.

**The Right to Due Process:** The right to a hearing before a penalty is imposed. A student who is referred for a violation of the Student Conduct Code will be afforded the opportunity to offer his/her version of the incident to school authorities.

**The Right to Seek Redress:** The right to pursue remedies, through established district procedures, for alleged misapplication of the Student Conduct Code.

**Student Responsibilities**

**Obey School Rules:** Reasonable school rules and regulations are designed and enforced by the High School so that a productive school environment that is conducive to effective teaching and learning can be preserved.

**Courteous Treatment of Others:** All students and staff members are entitled to expect courtesy and respect from others. This includes the right of all students to receive an education.

**Attend School Daily:** Unless ill or legally excused, students are required to attend each class every day. In addition, students may lose the privilege of participating in extra-curricular activities due to unexcused absences, truants, or tardies.

**Be on Time and Come Prepared for Class:** Students who enter a classroom after instruction has begun or students who delay class activities because they do not have necessary books and materials are interfering with the right of others to learn.

**Complete All Assignments and Meet Deadlines:** The full responsibility for learning cannot be transferred from the student to the teacher. A meaningful education requires that students punctually complete all school assignments.

**Respect Public Property:** Carefully use and return all materials and equipment.

**Cooperate with School Staff Members:** All communities depend upon the willingness of citizens to play a part in upholding the rules to which everyone adheres. It is unreasonable to expect help when your rights have been violated when you have refused to help others protect their rights.

## **BEHAVIOR EXPECTATIONS/RIGHTS & RESPONSIBILITIES**

### **Each Student Has a Right to . . .**

- Be taught the required curriculum in a professional manner.
- Have a positive learning environment maintained in the classroom.
- Be treated respectfully.
- Attend school without harassment by other students.
- Discuss grades, assignments, and discipline with the teacher in private, provided such a discussion is conducted with courtesy and consideration.
- Fair treatment and due process.

### **Each Student Has a Responsibility to . . .**

As a part of the High School's discipline policy, all students will be informed of their teacher's individual classroom rules and expectations. These will be discussed thoroughly at the beginning of the school year. If students break these classroom rules, each teacher will have the option to handle the situation according to his/her professional judgment, which may include after-school detention. In serious cases and/or repeated offenses, the consequences can include a disciplinary referral to the office.

The Principal/Designee will talk with the pupil about the problem and, if the problem is serious enough, the pupil's parent will be contacted. Occasionally a pupil will be suspended from school if other means of discipline fail to improve conduct. Most of the students at the High Schools rarely have any serious problems, but if they feel that they might have trouble, it is much better to see the Principal/Designee BEFORE problems actually happen, rather than wait until they are in trouble. Additionally:

- Students are responsible to all authorized school employees, and are expected to obey instructions quickly, quietly, and courteously, the first time.
- Students will obey all classroom and school rules.
- Students will treat others with courtesy and respect. This includes keeping hands, feet and objects to oneself. No vulgarity.
- Dishonesty, teasing, or put-downs including but not limited to race, religion, ethnic origin, size, or handicap are not allowed.
- Students will attend school daily unless ill or legally excused.
- Students will come to class prepared to work and will remain until dismissed by the teacher.
- Each student will have a pencil and/or pen, paper and binder as required by the individual teacher.
- Students will remain seated until the bell rings and the teacher dismisses the class.
- Since tardies affect academic pursuits, a student will be considered tardy if he/she is not in his/her seat and prepared to work when the tardy bell rings.
- Students will complete all assignments and meet deadlines.
- No gum, food, candy, or drinks will be allowed in class without prior permission.

#### Each Parent Has a Right to . . .

- Be treated respectfully.
- Expect his/her child to attend a school which emphasizes learning and growing in an environment free of detrimental influences.
- Be informed of disciplinary problems and actions.
- Due process for his/her child.
- Visit the school and observe programs when prior arrangements have been made.
- Be provided with a qualified translator.
- Be provided with translated parent notifications when 15% of the students in the school speak that language.

#### **Each Parent Has a Responsibility to . . .**

- Be aware that he/she is legally obligated to share responsibility with the school for the behavior of his/her child while he/she is in transit or at school.
- Understand and support local school behavior standards.
- Help the child understand, accept, and respect all school rules.
- Cooperate with school officials in carrying out appropriate disciplinary actions and seek out appropriate community agencies for assistance when necessary.
- Bring all issues, problems, or concerns happening at school regarding other students to the site administration and NOT confront or address issues, problems, or concerns with other students.
- Reinforce educational achievement of his/her child and communicate achievements at home to school staff for reinforcement at school.
- Ensure regular and prompt attendance and notify the school in the event of an absence or tardiness.
- Read all communications which come from school and respond when requested.
- Be financially responsible for their children losing school materials/equipment and/or causing damage to school property or personal property of any school employee.
- Send children to school clean, rested, well-nourished, appropriately dressed, and ready to learn.

#### **Each Teacher Has a Right to . . .**

- Assign seats.
- Require detention for up to one hour after school.
- Give grades he/she considers appropriate.
- Require compliance with classroom and school rules.
- Expect students to obey directions.
- Be treated respectfully.
- Expect work to be completed on time.
- Suspend a student from class for violations of Ed Code 48900 (a) – (r) for up to two class periods (day of infraction plus one additional day). (Ed Code 48900.1)

**Each Teacher Has a Responsibility to . . .**

- Provide a safe, secure, positive learning environment.
- Review and enforce with students the district discipline policies and school rules.
- Communicate regularly with students, parents, and appropriate school personnel regarding behavior problems and proposed solutions, and/or academic progress, as well as outstanding student achievements.
- Inform parents of rules and policies related to behavior and discipline.
- Exhibit fair, consistent treatment of all students.

**Each Administrator Has a Right to . . .**

- Be treated respectfully.
- Expect students, parents, and teachers to cooperate with the administration of state laws, district policies, and school rules which govern the operation of the school.
- Expect parents to communicate their concerns, questions, and suggestions first with the teacher and then the school administrator.
- Give consequences for violation of the education code, state and federal laws.
- Investigate violations and question students without parental consent.
- Search and seizure with reasonable suspicion without parental consent.
- Inform law enforcement agencies and ask for assistance/collaboration regarding student violation of state and federal law.
- Request law enforcement agencies to investigate violations, and/or question students without parental consent.
- Release pupil directory information (per Education Code Section 49076.)

**Each Administrator Has a Responsibility to . . .**

- Create a safe, secure, positive teaching-learning environment by properly exercising authority assigned by the School Board, the Superintendent, and state laws.
- Communicate to parents, staff, and students the state laws, district policies, and school rules which govern behavior expectations.
- Assist students, parents, and staff in seeking solutions to problems.
- Establish procedures for encouraging and recognizing positive behavior.
- Be fair, firm, and consistent in enforcing district policies and school rules, and in decisions affecting students, parents, and teachers.
- Maintain open lines of communication between school and home.

**The School Board Has a Right to . . .**

- Be respected as the policy formulating body of the school district.
- Expect students, parents, teachers, and administrators to comply with state laws, and district policies as established by the Governing Board.
- Expect parents to communicate their concerns, questions, and suggestions first with the teacher, then the administration, then the Director of Student Services, and finally with the Governing Board.

### **The School Board Has a Responsibility to . . .**

- Establish policies and procedures which create a safe, secure, positive teaching-learning environment at each of the district's schools.
- Assist students, parents, and staff in seeking solutions to problems by directing them to the appropriate administrative office.
- Ensure that administrators are fair, firm, and consistent in enforcing district policies and school rules, and in decisions affecting students, parents, and teachers.
- Establish policies and procedures for encouraging and recognizing positive student behavior.
- Establish policies and procedures which maintain open lines of communication between school and home.

### **Alcohol and Drugs**

#### **Use/Possession (BP/AR 5131.6) SEE SMOKING/E-Cigarettes below**

Students are prohibited from using any drugs or consuming any alcohol or being under the influence of any drugs or alcohol or intoxicant of any kind while on school property, during school-sponsored activities and under school jurisdiction. Possession of drugs and/or alcohol or intoxicant of any kind, either actual or constructive, by students on school property, during school-sponsored activities, or under school jurisdiction is also expressly prohibited. Possession of drugs, alcohol or intoxicant of any kind—includes, but is not limited to, actual physical possession or control of such substances, possession of such substances in a student's car, locker, desk, backpack or other container or being in close proximity to such substances with the intent to use or possess such substances.

### **Bicycles**

Students may ride their bicycles to school. Care and cooperation from everyone will ensure the safety of all students and protect your bicycle too! Please adhere to these rules and procedures.

Students who ride bicycles to school must park them in the bike rack on campus. No one is allowed in the bicycle area except when parking their bicycle in the morning or when picking it up to go home in the afternoon. The following bicycles rules and suggestions are to be obeyed:

1. Bicycles must be walked to the racks from the street. Bicycle riding on campus is strictly prohibited.
2. Bicycles are to be placed in the bike rack.
3. Bicycles should be locked for your own protection. The school cannot be responsible for your bike.
4. Regular bicycle traffic laws are to be observed.
5. Accessories that can be easily removed should not be put on bikes.
6. Courtesy to pedestrians is expected from all students.

### **Bullying (BP/AR 5131.2)**

All students have a right to a safe and healthy school environment. The Tracy Unified School District 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. Bullying of any student is not tolerated and no student or group of students shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate cyber-bully, cause bodily injury to, or commit hate violence against any other student or school personnel.

Complaints of bullying will be investigated and 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. Bullying that may also constitute sexual and/or gender-based harassment will be investigated and addressed under the complaint procedures set forth in BP/AR 5145.7 Sexual and Gender-Based Harassment.

### **Cell Phones/Electronic Devices**

Students may possess or use on school campus personal electronic signaling devices including, but not limited to, pagers, beepers, and cellular/ digital telephones, as well as other mobile communication devices including, but not limited to, digital media players, portable game consoles, cameras, digital scanners and laptop computers, provided that such devices are not used for illegal or unethical activities such as cheating on assignments or tests. (Education Code 48901.5)

Cell phones and electronic devices as described above are allowed on the school campus and at school sponsored events under the following conditions:

1. Cell phones and electronic devices may be used before school, after school, at lunch, at break, and walking between classes.
2. During class periods or assemblies, cell phones and electronic devices, etc. must be turned off and out of visual sight in classrooms, assemblies, and in any other learning environment. Cell phones may not be used for any reason (including talking, listening, ringing, text messaging, checking the time, taking pictures, etc.) and must be powered off except with a classroom teacher's expressed permission. (BP/AR 6163.4)
3. Students displaying or using cell phones or electronic devices, etc. in the classroom or inappropriately will be subject to disciplinary measures and be considered in defiance.
4. Theft of any electronic items will not be investigated by school personnel. The District is not responsible for personal items, including cellular devices.
5. The use of any electronic listening or recording device in any classroom without the prior consent of the teacher and the Principal of the school disrupts and impairs the teaching process and such use is prohibited by law. (BP 5131; Education Codes 48901.5)

### **Confiscated Items**

Confiscated items must be picked up on or before the last day of school. Confiscated items not picked up will be discarded.

### **Delivery of Items to School**

Personal items related to school business (such as lunch (from home) or student work) may be accepted at the main office and students will be notified during passing periods. Students will not be called out of class to receive these items. To ensure the safety of students and staff and minimize interruption of our instructional programs, food deliveries from a delivery service will be denied by the office and security personnel. (i.e. DoorDash, Uber Eats, GrubHub, PostMates, etc.)

We understand the importance of recognizing a special day or event for our students but receiving gifts at the school to be sent to students disrupts the academic process. Should flowers, balloons, etc., be received at school for delivery to a student, they will not be accepted for delivery.

### **Disrupting a Learning Activity**

Students have the right to concentrate on learning activities without being interrupted. Please do not bring to school any disruptive or prohibited items. Administrators and teachers will confiscate these items and ask parents to pick them up. No pets or other animals are allowed on campus. This includes, but is not limited to, reptiles, birds, insects, and fish.

### **Dress Standards**

#### *Dress Standard Philosophy*

Tracy Unified School District's student dress code supports equitable educational access and is written in a manner that does not reinforce stereotypes. To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently and in a manner that does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size.

Our values are:

- All students should be able to dress comfortably for school and engage in the educational environment without fear of or actual unnecessary discipline or body shaming.
- All students and staff should understand that they are responsible for managing their own personal "distractions" without regulating individual students' clothing/self-expression.
- Student dress code enforcement should not result in unnecessary barriers to school attendance.
- School staff should use student/body-positive language to explain the code and to address code violations.
- Teachers should focus on teaching without the additional and often uncomfortable burden of dress code enforcement.
- Reasons for conflict and inconsistent and/or inequitable discipline should be minimized whenever possible. Our student dress code is designed to accomplish several goals:
- Maintain a safe learning environment in classes where protective or supportive clothing is needed, such as chemistry/biology (eye or body protection), dance (bare feet, tights/leotards), or PE (athletic attire/shoes).
- Allow students to wear clothing of their choice that is comfortable.
- Allow students to wear clothing that expresses their self-identified gender.



- Allow students to wear religious attire without fear of discipline or discrimination.
- Prevent students from wearing clothing or accessories with offensive images or language, including profanity, hate speech, and pornography.
- Prevent students from wearing clothing or accessories that denote, suggest, display or reference alcohol, drugs or related paraphernalia or other illegal conduct or activities.
- Prevent students from wearing clothing or accessories that will interfere with the operation of the school, disrupt the educational process, invade the rights of others, or create a reasonably foreseeable risk of such interference or invasion of rights.
- Prevent students from wearing clothing or accessories that reasonably can be construed as being or including content that is racist, lewd, vulgar or obscene, or that reasonably can be construed as containing fighting words, speech that incites others to imminent lawless action, defamatory speech, or threats to others.
- Ensure that all students are treated equitably regardless of race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size.

### *Dress Standards*

Tracy Unified School District expects that all students will dress in a way that is appropriate for the school day or for any school sponsored event. Student dress choices should respect the District's intent to sustain a community that is inclusive of a diverse range of identities. The primary responsibility for a student's attire resides with the student and their parent(s) or guardian(s). The school district is responsible for seeing that student attire does not interfere with the health or safety of any student, that student attire does not contribute to a hostile or intimidating atmosphere for any student, and that dress code enforcement does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size. Any restrictions to the way a student dresses must be necessary to support the overall educational goals of the school and must be explained within this dress code.

#### **1. Basic Principle:** Certain body parts must always be covered for all students.

Clothes must be worn in a way such that genitals, buttocks, chest, and torso are covered with opaque fabric. All items listed in the "must wear" and "may wear" categories below must meet this basic principle.

#### **2. Students Must Wear\*, while following the basic principle of Section 1 above:**

- A Shirt (with fabric in the front, back, and on the sides under the arms), AND
- Pants/jeans or the equivalent (for example, a skirt, sweatpants, leggings, a dress or shorts), AND
- Shoes.

\*Courses that include attire as part of the curriculum (for example, JROTC or FFA) may include assignment-specific dress but should not focus on covering bodies in a particular way or promoting culturally specific attire. Activity-specific shoes requirements are permitted (for example, athletic shoes for PE).

**3. Students May Wear, if these items do not violate Section 1 above:**

- Hats. They must allow the face to be visible to staff, and not interfere with the line of sight of any student or staff (if in the classroom, teacher must give permission to wear hats)
- Religious headwear
- Hoodie sweatshirts (wearing the hood overhead is allowed, but the face and ears must be visible to school staff).
- Fitted pants, including opaque leggings, yoga pants and “skinny jeans”
- Pajamas
- Ripped jeans, if underwear and buttocks are not exposed.
- Tank tops,
- Athletic attire
- Visible waistbands on undergarments or visible straps on undergarments worn under other clothing (if this is done in a way that does not violate Section 1 above).
- Tattoos. However, they must not violate any of the violations outlined in Section 4, otherwise be always covered .

**4. Students Cannot Wear:**

- Violent language or images.
- Crude or vulgar lettering or images of weapons, occult messages, drugs, tobacco, alcoholic beverages, racial/ethnic slurs, unauthorized group affiliation, sexually suggestive graphics, on shirts, sweatshirts and other apparel are not acceptable.
- Bullet proof vest, body armor, tactical gear, or facsimile.
- Hate speech, profanity, pornography.
- Sunglasses and hats are not to be worn in the classroom, unless permitted by the teacher and/or staff member.
- Images or language that creates a hostile or intimidating environment based on any protected class or consistently marginalized groups.
- Any clothing, apparel, or attire that fails to provide adequate coverage of the body.
- Any clothing that reveals visible undergarments (visible waistbands and visible straps are allowed)
- Swimsuits (except as required in class or athletic practice).
- Accessories that could be considered dangerous or could be used as a weapon.
- Any item that obscures the face or ears (except as a religious observance and/or health guideline such as face masks).

*Dress Code Enforcement*

To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently using the requirements below. School administration and staff shall not have discretion to vary the requirements in ways that lead to discriminatory enforcement.

- Students will only be removed from spaces, hallways, or classrooms as a result of a dress code violation as outlined in Sections 1 and 4 above. Students in violation of Section 1 and/or 4 will be provided three (3) options to be dressed more to code during the school day:

- Students will be asked to put on their own alternative clothing, if already available at school, to be dressed more to code for the remainder of the day.
- Students will be provided with temporary school clothing to be dressed more to code for the remainder of the day.
- If necessary, students' parents may be called during the school day to bring alternative clothing for the student to wear for the remainder of the day.
- No student should be affected by dress code enforcement because of racial identity, sex assigned at birth, gender identity or expression, sexual orientation, ethnicity, cultural or religious identity, household income, body size/type, or body maturity.
- School staff shall not enforce the school's dress code more strictly against transgender and gender nonconforming students than other students.
- Students should not be shamed or required to display their body in front of others (students, parents, or staff) in school. "Shaming" includes, but is not limited to:
  - kneeling or bending over to check attire fit;
  - measuring straps or skirt length;
  - asking students to account for their attire in the classroom or in hallways in front of others;
- calling out students in spaces, in hallways, or in classrooms about perceived dress code violations in front of others; in particular, directing students to correct sagged pants that do not expose the entire undergarment, or confronting students about visible bra straps, since visible waistbands and straps on undergarments are permitted; and,
- accusing students of "distracting" other students with their clothing.

These dress code guidelines shall apply to regular school days and summer school days, as well as any school-related events and activities, such as graduation ceremonies, dances and prom.

### **Driving**

All drivers of motorized vehicles are to observe existing vehicle code provisions, school regulations and common sense while operating their vehicles. Students who endanger the lives of others in the parking lots by speeding or reckless driving are subject to citation by local police and disciplinary action. The speed limit is 5 mph. Students must park in the student parking lot.

### **Eighteen-Year-Old Students**

Students eighteen years of age or older, who are having attendance and/or behavior problems, will be placed on an eighteen-year-old contract. Eighteen-year-old students who transfer to the Adult School may not be allowed to transfer back to high school.

### **Fees and Fines (BP/AR 3260)**

No student shall be required to pay a fee, deposit, or other charge for his/her participation in an educational activity which constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities unless specifically authorized by law and the Board of Trustees. (Education Code 49010, 49011; 5 CCR 350) In addition to other authorized fees, the Board has authorized fees and/or charges for lost or damaged books and/or library material and school meals.

**At the conclusion of each school year, all unpaid fees for lost or damaged books and/or library material are reported to the library. All negative balances on student meal accounts are reported to the Bookkeeper's Office. Students then receive a bill for these fees with the registration packets. Students must clear these fees prior to the beginning of the school year.**

Any student who owes fees and does not clear their fees prior to the beginning of the year will not be permitted to participate in, or attend any extra or co-curricular activities, purchase a yearbook and receive an off-campus lunch pass until such fees are paid. Furthermore, students will not be allowed to participate in any sport, pep squad, drill team, dance/prom activities, etc., until all fines are cleared. Students must also have a current ASB card.

To clear a fee or fine, the books or materials must be returned to school or the fee must be paid to the bookkeeper/librarian. This may be done prior to the school year at registration, or at any time after school begins. Students who owe fees will receive a "fines cleared" sticker as soon as their fines are cleared.

It is critical that all of the books or materials is returned promptly and/or that fees are paid to allow purchase of the necessary replacement items to meet students' academic needs.

Seniors need to have all fees cleared before participating in designated Senior Activities. (See Senior Activities in the Activity Section of this book). Juniors and seniors wishing to apply for an off-campus lunch pass must have cleared all fines.

#### **Gender Equity (BP/AR 5145.7)**

All students attending Tracy Unified School District have equitable access to facilities, opportunities to participate in and benefit from high quality curricular and extra-curricular activities regardless of nationality, immigration status, ethnicity, gender, gender identity, gender expression, sex, sexual orientation, religion, or any other characteristic contained in the definition of hate crimes in Penal Code.

#### **Gum, Food, and Drink**

To maintain high academic standards and clean classrooms, gum, food and drink are NOT to be brought into the academic setting.

#### **Hats and Sunglasses**

Students are welcome to wear hats and sunglasses on campus, but to maintain a classroom environment that is free of distractions and reflects an academic atmosphere, sunglasses, hats and other head coverings are only to be worn outdoors, unless permitted by the teacher and/or staff member.

#### **Liability for Use of School Property, Books and Equipment**

The school is not responsible for personal property brought to school. Parents are responsible for the replacement of any school property loaned to a student which is not returned upon demand by a school employee. The school is not responsible for lost or stolen articles.

#### **Library Fines and Restitution for Damage to School Property**

Any school site in Tracy Unified School District whose real or personal property has been willfully cut, defaced, or otherwise injured, or whose property is loaned to a pupil and willfully not returned

upon demand of an employee of the school authorized to make the demand may, after affording the pupil his or her due-process rights, diploma, transcripts and extracurricular activities of the pupil responsible for the damage until the pupil or the pupil's parent or guardian has paid for the damages thereto, as provided in Education Code 48900(f).

The school shall notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct before withholding the pupil's diploma, or transcripts, and extra-curricular activities pursuant to Education Code 48900(f). When the minor and parent are unable to pay for the damages, or to return the property, the school shall provide a program of voluntary work for the minor in lieu of the payment of monetary damages. Upon completion of the voluntary work, the grades, diploma, and transcripts of the pupil shall be released, and student will be able to participate in extra-curricular activities.

### **Litter**

Keep our campus clean. Please do not litter on school grounds or any areas in the community adjacent to the campus. Discipline steps may be applied if staff determines that a student has littered.

### **Lockers**

Book lockers are not provided in high school. Gym lockers will be assigned to students by their PE teachers. Materials missing from the locker are a student's responsibility. **TUSD is not responsible for personal items.**

The school retains the final control over all lockers and reserves the right to search as necessary in maintaining a safe school environment as per Education Code 44807.

### **Lost and/or Damaged Books**

Unless a student is exempt or has completed voluntary work in restitution for lost or damaged books, the student and his/her parents must compensate the District for damaged and/or lost library and textbooks as follows:

Description of Book Damage or Loss	Fee
Any Book Damaged Beyond Use	Replacement cost
Bar Code Missing or damaged/marked	\$5.00
Missing Pages (maximum of five pages)	\$2.00 per page
Missing/Torn page	Starts at \$5.00 per page
Missing/Torn Pages (more than five pages)	Replacement cost of book
Water Damage	Begins at \$10.00
Cover Damage	Begins at \$5.00
Marks/Scribbles	\$3.00 per page
Minimal Spine and/or Cover Damage	\$5.00
Abandoned During Textbook Check-in	\$10.00
Severe Spine and/or Cover Damage	Replacement cost of book
Stolen/Lost	Replacement cost of book

After receiving a textbook, the student must carefully inspect its condition. The student has five (5) school days after receiving a textbook to report damage to the library. After this grace period, the student and parent/guardian are liable for all damages.

It is required that all library books and/or textbooks be returned either at the end of the school year or at the time a student checks out of school during a school year. If a textbook is lost or stolen, the student will be charged the replacement cost of the book. If the book is found within one year from the date the book was marked lost, a student may get a refund if found in good condition minus any late fees. **All books not returned by the last day of school, or at the time a student checks out of school, will have an overdue charge of \$5.00 per book.** Students who change courses are responsible for returning the textbook/novel at the time of transfer. Students enrolled in semester-long courses must return their textbooks at the end of the semester and class novels must be returned on the scheduled return date for that class: failure to do so will result in a \$5.00 late fee. Students expelled or suspended from school may return their textbooks or library books to the District Instructional Media Center located at 1975 W. Lowell Ave., Tracy, CA. Failure to do so may result in the book being marked lost or having a late fee assigned.

The District cannot accept textbooks or library books purchased from outside sources, e.g., Amazon, Barnes and Noble.

Students owing fines are not allowed to participate in school sponsored after-school activities as o r co-curricular and extra-curricular events.

A student's grades, high school diploma, and transcripts will be held from students and parents/guardians until the lost or damaged book is either returned or the fee is paid. Upon return of the book in good condition or payment of the fee, the student's diploma will be released. If a book is misplaced and then found at a later date, the student may return it for release of the diploma only within one year's time (June of the following year). After a year, the student may receive his/her diploma only by paying the replacement cost of the book plus all fees. (Education Code 48904(b))

### **Nondiscrimination/Harassment (BP 5145.3)**

Members of the school community are expected to treat each other with dignity and mutual respect and to accept the rich diversity that makes up the community. Disrespect among members of the school community is unacceptable behavior which is disruptive to the learning environment and potentially damaging to self-esteem.

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

Complaints of discrimination and/or observed unlawful discrimination, including bullying, will be investigated as described in the Uniform Complaint Procedures (BP/AR 1312.3; Bullying Investigation Procedures AR 5131.2; and/or Sexual and Gender-Based Harassment BP/AR 5145.7)

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board Policy, or Administrative Regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion.

### **Parking**

Parking permits are required to park in school parking lots. Parking permits can be picked up at the bookkeeper's office. Parking permits must be prominently displayed on either the dash or the rear-view mirror. Students may not park in the spaces for "staff only" or any other unauthorized spaces. Cars parked on campus without a parking permit or illegally parked are subject to a parking ticket and towing charges. Drivers who continue to abuse parking regulations will lose their school vehicle use privileges and are subject to school disciplinary action. (Education Code 48900, Subsection k). Loitering is prohibited in all parking lots before, break, lunch, and after school.

### **Restrooms**

Restrooms are open for student use throughout the school day. During class time, students must obtain a hall pass from the teacher to use the restroom. Students using the restroom are to cooperate with staff members checking or supervising the area. Restrooms are not to be used for "social gathering." Food and loitering are not allowed in the restroom.

### **School Safety and Security Cameras on Campus (BP/AR 3516)**

Cameras are installed at the school sites for safety and security, and information will be shared with the Tracy Police Department for any violations of the law.

### **Skateboards**

Students who ride skateboards to school must lock them up in the skateboarding rack on campus. *Skateboards cannot be carried around on campus.* No one is allowed in the bicycle/skateboard storage area, except when parking bicycles or locking up skateboards in the morning or when picking it up to go home in the afternoon. The following rules and suggestions are to be obeyed:

1. Skateboards must be carried to the racks once on campus. Skateboarding on campus is strictly prohibited.
2. Skateboards are to be placed in the provided rack.
3. Skateboards should be locked for your own protection. The school is not responsible for your skateboard.
4. Courtesy to pedestrians is expected from all students.

### **Smoking/E-Cigarette (Vaping) (BP/AR 5131.62)**

Smoking, e-cigarettes, Vaping, or use of other tobacco products, are prohibited in all District buildings, outside on District property, and during activities such as concerts and sporting events on District property. Student possession or use of tobacco, e-cigarettes or tobacco products on school premises or at school-sponsored events is a violation of law and Board Policy and is not permitted.

Students violating this policy shall be subject to disciplinary procedures.

### **Student Identification Cards**

Students must always be able to identify themselves with a Student Body Identification Card. Students are required to show their I.D. Card to staff members if requested. Students who lose their I.D. Card may obtain a replacement from the Bookkeeper's Office for a replacement charge of \$5.00. Students need their I.D. Card for entry into all school activities, use of technology, late arrivals, absences, picking up of personal belongings etc. In the event of a school emergency, school I.D. Cards help with the safety of staff and students on our campus.

### **Student Services**

Parents and students wishing to learn about special counseling programs for drug/alcohol abuse and anger management should contact their high school counselor or the district prevention services office. Parents and students wishing to discuss school discipline rules and practices should contact their high school administration or the district student services office.

### **Student Safety Search/Seizure (BP 5145.12)**

As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property and/or District property under their control and may seize illegal, unsafe and prohibited items. School officials may search individual students and their property when there is reasonable suspicion that the search will uncover evidence that the student is violating the law or rules of the district or school. The Governing Board requires that discretion, good judgment and common sense be exercised in all cases of search and seizure. (Education Code 49050)

To ensure student safety, non-aggressive canines, breathalyzers, and metal detectors may be used. Non-aggressive canines may be used to keep campuses free of dangerous devices (including, but not limited to firearms and explosives) and illegal substances. Non-aggressive canines will not sniff students or staff. Breathalyzers will be used, including but not limited to, on campus and at school sponsored activities. Students will be subject to being searched or asked to use the breathalyzers when reasonable suspicion exists. In the event of school events that call for a higher need to ensure safety, such as but not limited to, senior overnight trips and Magic Mountain trip, all students participating in the event may be asked to use the breathalyzer or go through a metal detector search. These added safety precautions will heighten student safety and keep schools and school events safer for all students.

### **Student Technology Guidelines (BP/AR 6163.4)**

The Tracy Unified School District intends that the technological resources it provides be used in a safe, responsible and proper manner in support of its instructional programs and for the advancement of student learning. Before a student is authorized to use the district's technological resources, the student and his/her parent/guardian shall sign and return the Acceptable Use Agreement specifying user obligations and responsibilities.

Whenever a student is found to have violated Board policy, regulations, or the Acceptable Use Agreement, the principal or designee may cancel or limit a student's user privileges or increase supervision of the student's use of the district's equipment and other technological resources, as appropriate. Inappropriate use also may result in disciplinary action and/or legal action in accordance with law and Board policy.



### **Unauthorized Group Attire and Paraphernalia (BP/AR 5136)**

Jewelry, accessory, notebook or manner of grooming (including haircuts) which by virtue of its color, arrangement, trademark or any other attribute denotes membership in an unauthorized group or group is prohibited.

- Clothing or articles of clothing (including but not limited to gloves, bandannas, shoestrings, wristbands, belts, jewelry) related to unauthorized groups that may provoke others to acts of violence are prohibited.
- No belt buckles with initials, or red, blue, or brown web belts or belts hanging out of pants.
- No red, blue or other colored shoelaces.
- No bandanas of any type of color, either worn in hair or displayed in clothing.
- No Gloves, towels, suspenders or other items hanging from rear pants pockets or from belt.
- Excessive clothing items (more than 2) of predominately one color are prohibited.
- Old English style writing on clothing or notebooks is prohibited.

Because unauthorized group-related symbols are constantly changing, definitions of unauthorized group-related apparel may be reviewed and updated whenever related information is received by administrators and/or school safety committee. If a student is determined to have violated the dress code by wearing unauthorized group colors, he/she will be banned from wearing specific colors or any unauthorized group related apparel.

### **Unauthorized Group-Related Conduct/Activity (BP/AR 5136)**

Unauthorized Group-related Conduct/Activity on all school campuses and/or adjacent to the campus during all school sponsored events is a threat to the safety of others and is **STRICTLY PROHIBITED**.

### **Visitors to the School**

#### ***Not Having Official School Business***

Persons who are not students at or are not school employees and who do not have official business at school are not to be present and prohibited from being on campus during school hours, including lunch time. Students are not allowed to have guests at school. Students from other schools are not allowed on campus, unless they are on official school business.

#### ***Having Official School Business (BP 1250)***

All visitors, including parents/guardians for school or other appropriate business, are required to check in at the Assistant Principal's office to obtain a visitor's pass. All visitors are prohibited from entering classrooms or any area on campus without prior arrangements with the teacher or administration.

### **Work Experience**

In addition to the above rules, work experience students will be limited to the Tracy Unified School District's high school enrollment area or Livermore Outlets. Prior approval by the site principal or designee (work experience coordinator) is required for work outside of the TUSD high school attendance boundaries or Livermore Outlets.

## INTERVENTIONS

### ***Conflict Resolution***

The Tracy Unified School District believes that all students have a right to a safe and healthy school environment. Part of a healthy environment is the freedom to openly disagree. With this freedom comes the responsibility to discuss and resolve disagreements with respect for the rights and opinions of others.

To prevent conflict, each school within the School District will incorporate conflict resolution education and problem-solving techniques into the curriculum and campus programs. This is an important step in promoting respect and acceptance, developing new ways of communicating, understanding, and accepting differing values and cultures within the school community and helps ensure a safe and healthy learning environment.

The School District will provide training to develop the knowledge, attitudes, and skills that students will need to choose alternatives to self-destructive, violent behavior and dissolve interpersonal and intergroup conflict. The District has adopted a Student Code of Conduct to be followed by every student while on school grounds, when traveling to and from school or a school-sponsored activity, and during lunch period whether on or off campus.

The Student Code of Conduct includes, but is not limited to, the following:

- Students are to resolve their disputes without resorting to violence.
- Students, especially those trained in conflict resolution and peer mediation, are encouraged to help fellow students resolve problems peaceably.
- Students can rely on staff trained in conflict resolution and peer mediation strategies to intervene in any dispute likely to result in violence.
- Students needing help in resolving a disagreement, or students observing conflict may contact an adult or peer mediator.
- Students involved in a dispute will be referred to a conflict resolution or peer mediation session with trained adult or peer mediators. Staff and mediators will keep the discussions confidential.
- Conflict resolution procedures shall not supplant the authority of staff to act to prevent violence, ensure campus safety, maintain order, and discipline students.

### ***Alternatives to Discipline***

Alternatives to suspension may include:

- A conference between school personnel, the pupil's parent or guardian, and the pupil.
- Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
- Study teams, guidance teams, resource panel teams, or other intervention-related teams that assess the behavior and develop and implement individualized plans to address the behavior in partnership with the pupil and his or her parents.
- Referral for a comprehensive psychosocial or psychoeducational assessment when appropriate
- Enrollment in a program for teaching prosocial behavior or anger management.
- Participation in a restorative justice program.

- A positive behavior support approach with tiered interventions that occur during the school day on campus.
- Attending an after-school program that addresses specific behavioral issues or exposes students to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups. (Education Code 48900.5)
- Community service. (Education Code 49800.6)

### ***Community Service***

As part of or instead of disciplinary action, the principal or designee of a school may require a pupil to perform community service on school grounds or, with written permission of the parent/guardian of the pupil, off school grounds, during the pupil's non-school hours. "Community service" may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action. (Education Code 48900.6)

### ***Alternate Placement***

The Alternate Placement program provides the staff at the Middle Schools with an alternative to student suspension from school, thus allowing designated students to spend more days at school. Alternate Placement may include detention, Administrative Detention, or assignment to another classroom or office. Students assigned to Alternate Placement must bring an appropriate amount of assigned class work from their regular classes. Violation of Alternate Placement rules and regulations will result in an immediate referral to the office for appropriate disciplinary action.

### ***Student Success Team (SST)***

A Student Success Team (SST) meeting may be held in conjunction with other conduct or behavior related meeting to discuss the appropriate alternatives or interventions for a student that are aimed at improving student's academic and behavioral functioning.

### ***Discipline and Attendance Review Team (DART)***

At 10 days of suspension, a school site DART is utilized to develop a plan regarding student's discipline and behavior.

## **DISCIPLINE**

All school rules are enforceable on the way to school, leaving school, during school, at lunch time, during the period that school is in session when the student is truant from school, at school activities, to and from school activities on or off campus. The area of school supervision includes the campus, the perimeter of the campus and sidewalks on both sides of the streets adjacent to the school. All school rules are also in effect at ALL SCHOOL events and activities.

### ***Administrative Detention***

Administrative Detention is determined by the Principal or his/her designee.

It is defined as, but not limited to:

- Alternate Placement
- Community Service

- Campus Beautification
- Saturday School
- Before or After School Detention
- Incident Reflection
- In-House Suspension

### ***Classroom Discipline***

If a student is disruptive or violates school rules, the teacher may take the following action:

- Parent phone call or email.
- Warning, detention, or referral (teacher will contact the parents the same day on referrals).
- Automatic referral to the office for severe disruptions.
- Suspension from class for the day of the incident and the day following (Education Code 48910.)

Detention is to be served **within 5 school days**. For extension of time, students must bring a note from a parent. If a student does not serve the detention, the teacher will contact the parent and double the detention time. A student who continues to not serve detention ("no show") will receive a disciplinary referral.

## **SUSPENSION AND EXPULSION**

### ***Definition and Length of Suspension***

Suspension means removal of a student from on-going instruction for purposes of adjustment.

- **Suspension-** One to five days home. Teachers may or may not allow students to make up schoolwork, but schoolwork can be provided to student if requested.
- **In-House Suspension-** Held one day a week at school. Students are in IHS for the entire day. Students are given work by their teachers and given credit for the work they complete.
- **Teacher Suspension-** Removal from the suspending teacher's classroom for the day of the suspension and the following day. Students are given work by the teacher and given credit for completed work.

### ***Definition and Length of Expulsion***

Expulsion means the removal of a student from the immediate supervision and control, or the general supervision of school personnel. The expulsion shall remain in effect until the governing board orders the re-admission of the student. At the time of the expulsion, the governing board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred unless expulsion is based on the most serious violations, including possessing or selling a firearm, brandishing a knife at another person, selling drugs or committing or attempting to commit a sexual assault or battery. (Education Code 48915 (c), which may include a full year expulsion, before the student may apply for re-admission to school.

### ***Due Process***

Students facing major disciplinary action (such as suspension, expulsion, or transfer to another school) have a right to due process. The process requires that procedures be established to guarantee that penalties which deny access to educational opportunity are administered for a good and just cause.

Due process procedures entitle students to: 1) oral or written notification of the charges; 2) explanation of the evidence; 3) opportunity to present his/her side of the story; and 4) a right to appeal decisions resulting in major disciplinary action to the next higher authority.

Recommendations for expulsion provide further due process including a fair hearing before a Discipline Review Board, the right to be represented and to call witnesses. Students and their parent/guardian will have these rights explained to them at a pre-expulsion meeting.

Except for the more serious violations described below, the District will seek to correct the student's conduct through alternative means prior to recommending suspension or expulsion.

It is hoped that students will never place themselves in a situation requiring the protection of due process. However, if a student does become involved in a situation in which a suspension, expulsion or transfer might result, both the student and his/her parents will be given a more detailed description of the due process procedures.

## **GROUND S FOR S USPENSION AND EXPULSION**

### ***California Education Code 48900***

The following chart identifies the alternatives to suspensions and/or consequences for violations of *California Education Code* 48900. The chart has been developed in accordance with Tracy Unified School District Board Policy 5144 (Discipline).

<b>1. Acts of Violence [EC 48900(a)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
(1) Caused, attempted to cause, or threatened to cause physical injury to another person.	<b>X</b>	<b>X</b>	<b>X</b>
(2) Willfully used force or violence upon another person.		<b>X</b>	<b>X</b>
<b>2. Weapons and Dangerous Objects [EC 48900(b)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
(1) Possession, sale, or furnishing of weapons (knife, gun, sharp object, club, or an object that could inflict injury) or explosive.		<b>X</b>	<b>X</b>
(2) Explosives, use or possession.		<b>X</b>	<b>X</b>
<b>3. Drugs and Alcohol [EC 48900(c)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
(1) Possession, use, sale, or furnishing, or otherwise being under the influence of alcohol, controlled substances, or an intoxicant.		<b>X</b>	<b>X</b>

<b>4. Sale of “Look-Alike” Controlled Substance or Alcohol [EC 48900(d)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Offering, arranging, or negotiating to sell drugs, alcohol or any intoxicant and then substituting a look-alike substance intended to represent drugs, alcohol, or an intoxicant.		X	X
<b>5. Robbery or Extortion [EC 48900(e)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Committed or attempted to commit robbery or extortion.		X	X
<b>6. Damage to Property [EC 48900(f)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Caused, or attempted to cause damage to school or private property.	X	X	X
<b>7. Theft or Stealing [EC 48900(g)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Stealing, or attempting to steal school or private property.	X	X	X
<b>8. Tobacco [EC 48900(h)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Possessed or used tobacco or nicotine products.	X	X	
<b>9. Profanity, Obscene Acts, Vulgarity [EC 48900(i)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Directed at peers.	X	X	X

Directed at school personnel.	X	X	X
<b>10. Drug Paraphernalia</b> [EC 48900(j)]	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Possessed, offered, arranged, or negotiated to sell any drug paraphernalia.	X	X	X
<b>11. Willful Defiance or Disruption of School Activities</b> [EC 48900(k)(1)]	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Note: With the exception of classroom suspensions imposed by a teacher under <i>Education Code</i> 48910, no student enrolled in kindergarten through grade three may be suspended for violation of <i>Education Code</i> 48900(k)(1). Additionally, no student enrolled in kindergarten through grade twelve, regardless of age, may be recommended for expulsion for violation of <i>Education Code</i> 48900(k)(1) [EC 48900(k)(2)]			
Disrupting school activities.	X	X	
Refusing to follow the valid authority of school personnel, including supervisors, teachers, school officials or other school staff performing their duties.	X	X	
Failure to follow school rules.	X	X	
(4) Failure to follow directive or instruction of staff or teachers.	X	X	
(5) Failure to follow conduct code for school bus passengers.	X	X	
<b>12. Possession of Stolen Property</b> [EC 48900(l)]	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Knowingly received stolen school property or private property.	X	X	X
<b>13. Imitation Firearm</b> [EC 48900(m)]	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Possession of an imitation firearm that is substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude the replica is a firearm.		X	X
<b>14. Sexual Assault or Sexual Battery</b> [EC 48900(n)]	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Committed or attempted to commit a sexual assault or battery.		X	X
<b>15. Harassment of a Student Witness</b> [EC 48900(o)]	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Harassed, threatened, or intimidated a pupil who is a witness in a school disciplinary proceeding for the purpose of intimidation or retaliation.	X	X	X



<b>16. Prescription Drug Soma [EC 48900(p)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.	<b>X</b>	<b>X</b>	<b>X</b>
<b>Hazing [EC 48900(q)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Engaged or attempted to engage in hazing.	<b>X</b>	<b>X</b>	<b>X</b>
<b>Bullying and Bullying by Electronic Act [EC 48900(r)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, directed specifically toward a pupil.	<b>X</b>	<b>X</b>	<b>X</b>
<b>Aided or Abetted to Inflict Physical Injury [EC 48900(t)]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Aided or abetted in the infliction or attempted infliction of physical injury to another student.	<b>X</b>	<b>X</b>	<b>X</b>
<b>Sexual Harassment [EC 48900.2]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. Applies to grades 4-12.	<b>X</b>	<b>X</b>	<b>X</b>
<b>Acts of Hate Violence [EC 48900.3]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Students in grades 4-12 may be suspended or recommended for expulsion for causing, threatening, or attempting to cause, or participating in an act of hate violence defined as willfully interfering with or threatening another person's person or property rights because of race, ethnicity, national origin, religion, disability, or sexual orientation. Speech that threatens violence, when the perpetrator has the apparent ability to carry out the threat, may be considered an act of hate violence.	<b>X</b>	<b>X</b>	<b>X</b>

<b>Other Harassment [EC 48900.4]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Students in grades 4-12 may be suspended or recommended for expulsion for intentionally engaging in harassment, threats, or intimidation against a student or group of students when the harassment is severe and pervasive and disrupts classes or creates disorder or an intimidating or hostile educational environment.	<b>X</b>	<b>X</b>	<b>X</b>
<b>Terrorist Threats [EC 48900.7]</b>	<b>Alternative to Suspension</b>	<b>Suspension</b>	<b>Expulsion</b>
Making terrorist threats against school officials and/or property.	<b>X</b>	<b>X</b>	<b>X</b>

## **SUSPENSION**

### ***Teacher Suspension of a Student from Class***

A teacher may suspend, for any of the reasons contained in Education Code Section 48900, any student from his/her class for the day of the suspension and the following day.

1. When a teacher suspends a student for any of the reasons above, the teacher shall immediately report the suspension to the Principal/Designee for appropriate action.
2. As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent/teacher conference regarding the suspension. A counselor should attend the conference if it is practicable, and a school administrator may attend if either the parent/guardian or teacher so requests.
3. A suspended student shall not be returned to class during the period of suspension without the approval of the teacher of the class and the Principal/Designee. (Education Code Section 48910)

### ***Principal/Designee Suspension of a Student***

The Principal/Designee may suspend and/or place a student on probation for any of the reasons contained in Education Code Sections 48900 and/or 48915. Except for teacher suspensions from class, students in Kindergarten through grade 3 may not be suspended for disruption or defiance under Section 48900(k). A suspension may not exceed five (5) consecutive school days per offense.

1. Suspension shall be preceded by an informal conference between the student, a certificated school employee and whenever practicable, the teacher or supervisor who referred the student to the Principal/Designee. At the conference the student shall be informed of the reason(s) for the disciplinary action and the evidence against him/her and shall be given the opportunity to present his/her version and evidence in support of his/her defense. The conference may be omitted if the Principal/Designee determines that an emergency exists, in that there is a clear and present danger to the lives, safety or health of students or school personnel. If the pre-suspension conference is not held, then a meeting shall be held as soon as practicable, but not later than two (2) school days from the day the suspension is ordered unless the student is physically unable to attend due

to hospitalization, incarceration, etc., in which case the conference will be held as soon as the student is physically able to return to school unless the student waives the right to the conference.

2. At the time of suspension, a school employee shall make a reasonable effort to contact the student's parent/guardian in person or by telephone. A school employee shall also report the suspension of the student to the Director of Student Services.
3. A notice of the suspension shall be mailed by a school employee to the parent/ guardian in the primary language of the parent/guardian; if practicable, containing each of the following:
  - a. A statement of the facts leading to the decision to suspend.
  - b. The day and time the student will be allowed to return to school.
  - c. A statement of the parent's or the student's right to have access to the student's record,
  - d. A request that the parent/guardian attend a conference with school officials regarding the student's behavior, including notice that State law requires parents or guardians to respond to such request without delay.
4. While parents or guardians are required to respond without delay to a request for a conference regarding their child's behavior, no penalties may be imposed on the student for the failure of the parent/ guardian to attend such conference. In addition, the student's re-admission shall not be contingent on the attendance of the parents or guardian at such conference.
5. The pupil is in the complete custody and jurisdiction of his/her parents or legal guardian during the entire period of suspension.
6. The pupil is not to loiter on or near any school grounds at any time, or attend any school activities, no matter where such activities may be taking place.
7. The teacher of any class from which a student is suspended may require the suspended student to complete any assignments and tests missed during the suspension. In addition, a suspended student must be allowed to complete all assignments and tests missed during the suspension which can be reasonably provided, and upon satisfactory completion, given full credit, therefore. (Education Code 48913.)
8. Completion of Assignments: The teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension (Education Code 48913).

### ***In-House Intervention***

A pupil suspended from a school for any of the reasons enumerated in Sections 48900 and 48900.2 may be assigned, by the principal or the principal's designee, to a supervised suspension classroom for the entire period of suspension if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel the pupil has not been initiated.. Teachers shall provide all assignments and tests that the pupil will miss while serving in our In-House Suspension (Education Code 48911.1).

### **Appealing Suspension (BP 5144.1)**

The student or the student's parent/guardian may appeal the suspension and/or conditions of probation imposed by the Assistant Principal to the Principal of the school. This appeal must occur within ten school days of the incident. If the appeal is not resolved at the school site by the Principal, then the student or the student's parent/guardian may appeal the suspension and/or conditions of probation to the Superintendent or the Superintendent's designee. A meeting, if requested, must be held within three (3) school days of the time that the Superintendent or the Superintendent's designee receives the request for an appeal.

The District has established the following procedures for appealing a suspension imposed by the school:

- 1) The student or the student's parent or guardian may appeal a suspension and/or other disciplinary action imposed by the assistant principal to the principal of the school. The appeal shall be filed within ten (10) school days of the time that the suspension and/or other disciplinary action took place. A meeting, if requested, must be held within three (3) school days of the time that the principal received the request for an appeal. The principal shall make a decision regarding the appeal within two (2) school days.
- 2) If the appeal is not resolved at the school-site principal level, then the student or the student's parent or guardian may appeal the suspension and/or other disciplinary action to the superintendent or the superintendent's designee. The appeal shall be filed within ten (10) school days of the time that the principal renders his/her decision. A meeting, if requested, must be held within three (3) school days of the receipt of the request by the superintendent or the superintendent's designee. The procedure shall be as follows:
  - a) The Superintendent or the Superintendent's designee shall determine if there was sufficient evidence to find that the alleged violation occurred, and whether the penalty was appropriate for the violation.
  - b) The pupil may designate a representative to be present with him/her at the meeting, but the representative shall not serve as legal counsel unless the district has a legal counsel present to represent the school district.
  - c) At the meeting, the Superintendent or the Superintendent's designee shall review all written documents in the case; and the pupil and the pupil's parent/guardian and representative may address the superintendent or the superintendent's designee on the evidence and the appropriateness of the penalty.
  - d) The Superintendent or Superintendent's designee shall make a decision within five (5) school days. If the Superintendent or Superintendent's designee determines that no violation occurred, all record and documentation regarding the disciplinary proceedings and suspension shall be immediately destroyed and no information regarding the meeting

shall be placed in the student's permanent record file. If the Superintendent or Superintendent's designee determines that the penalty imposed was inappropriate for the violation, all records and documentation concerning the suspension and/or other disciplinary action shall be revised to indicate only the facts leading to the penalty imposed by the Superintendent or the Superintendent's designee.

### **Rights of Suspended Pupil to Complete Assignments and Tests**

The teacher of any class from which a pupil is suspended may require the suspended student to complete any assignments and tests missed during the suspension. In addition, a suspended pupil must be allowed to complete all assignments and tests missed during the suspension which can be reasonably provided, and upon satisfactory completion, given full credit therefore. Teachers must provide work to any student who has been suspended for two or more school days upon the request from the student, parent, legal guardian, or other person holding the educational rights of the student. Work must be returned to the teacher by the student either upon the student's return to school or within the time frame prescribed by the teacher, whichever is later. (Education Code 48913)

## **EXPULSION FROM TRACY UNIFIED SCHOOL DISTRICT**

### ***Authority to Expel (BP/AR 5144.1)***

The governing board may expel students for any of the reasons contained in Education Code 48900 (except for Section 48900(k)), and/or 48915. Such action, except for single acts of a serious nature, is usually reserved for application where there is a history of misconduct and where other forms of discipline, including suspension, have failed.

The Principal may recommend expulsion for the following acts (Education Code 48915 (s), (b), (d), and (e)). The Principal is required to recommend expulsion for more serious acts listed in Education Code 48915 (c). Policies and Regulations can be found on the TUSD website, or requested from your school site.

### ***District Disciplinary Review Board (DRB)***

Rather than conducting an expulsion hearing itself, the governing board may appoint an impartial hearing panel composed of three (3) or more certificated personnel of the district, none of whom shall be on the staff of the school in which the student is enrolled. Tracy Unified School District has elected to establish the District Disciplinary Review Board to serve as a hearing panel on expulsion referrals and to serve as a review board on requests for reinstatement.

### ***Procedures for Expulsion***

When the Principal or the Assistant Principal determines that a student should be recommended for expulsion, the student will be suspended utilizing the regular suspension procedures. The principal or the assistant principal will then prepare a report of the case to include:

- a. The student's academic/attendance records;
- b. A chronological account of the development of the case and a statement of the conduct

- which led to the decision to recommend expulsion;
- c. A description of actions taken by the school to correct the student's previous misbehavior when the expulsion recommendation is based on violation of subdivision (f), (g), or (h) of Section 48900;
- d. Any record of contacts with other agencies and the results of such contacts.

### ***Pre-Expulsion Meeting***

The student and the student's parent or guardian will be given an opportunity to meet with the superintendent or the superintendent's designee prior to the expulsion hearing to discuss the facts and charges upon which the recommended expulsion is based and review required expulsion procedures and due process regulations.

The superintendent or the superintendent's designee may also extend the suspension until the governing board has made a decision regarding the recommended expulsion if he/she determines that the presence of the student at school would cause a danger to persons or property or a threat of disrupting the instructional process.

### ***Written Notice of Hearing***

The student and the student's parent or guardian shall be entitled to a hearing before the District Disciplinary Review Board to determine whether the student should be expelled.

Written notice of the hearing shall be forwarded by certified mail to the student at least ten (10) calendar days prior to the date of the hearing. The notice shall include:

1. The date, time and place of the hearing;
2. A statement of the specific facts and charges upon which the proposed expulsion is based;
3. A copy of the disciplinary rules of the district and Student Conduct Code which relate to the alleged violation;
4. The opportunity of the student or the student's parent or guardian to;
  - a) Appear in person or to employ and be represented by counsel,
  - b) Inspect and obtain copies of all documents to be used at the hearing,
  - c) Confront and question all witnesses who testify at the hearing, and
  - d) Question all evidence presented, and present oral and documentary evidence on the student's behalf, including witnesses.

### ***Decision to Expel***

If the District Disciplinary Review Board decides not to recommend expulsion, the expulsion proceedings shall be terminated, and the student shall be immediately permitted to return to school. The decision not to recommend expulsion shall be final.

If the District Disciplinary Review Board recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the governing board. If the governing board accepts the recommendation for expulsion, acceptance shall be based either upon a review of the findings of facts and recommendations, or upon the results of any supplementary hearing that the governing board may order.

The decision of the governing board to expel a student shall be based upon substantial evidence relevant to the charges given at the expulsion hearing or hearings. The final action to expel a student shall be taken only by the governing board in a public session.

***Appealing an Expulsion Action***

If a student is expelled from school, the student or the student's parent or guardian may file an appeal with the County Board of Education within thirty (30) days of the board's decision to expel.

***Athletics / Extra- and  
Co- Curricular Activities***



## **ATHLETICS, EXTRA-and CO-CURRICULAR ELIGIBILITY**

### **Definition of Extra and Co-Curricular Activities (BP/AR 6145)**

For the purpose of this policy, extracurricular activity means a program that has all of the following characteristics:

- a. The program is supervised or financed by the school district.
- b. Students participating in the program represent the school district.
- c. Students exercise some degree of freedom with the selection, planning and control of the program.
- d. The program includes both preparation for performance and performance before a public audience.
- e. The activity is not part of the regular curriculum, is not graded, does not offer credit and/or does not take place during classroom time.

For the purpose of scholastic eligibility, co-curricular activity means a program that may be associated with the curriculum in a regular classroom (Education Code 35160.5).

Examples of such extra-curricular/co-curricular activities/programs shall include but are not limited to the following:

1. All interscholastic athletics.
2. Instrumental music activities not included as part of the required program.
3. Pep squads, drill team.
4. Student government.
5. Class officers.
6. Club officers.
7. Drama activities not included as part of the required program.
8. Choral productions not included as part of the required program.
9. Competitive speech activities not included as part of the required program.
10. Out-of-class student newspaper presentations and competitions.
11. Out-of-class student yearbook, presentations and competitions.
12. Other performances or competitive groups.
13. All Agricultural/Scientific Academy Job Shadowing.

In order to participate in extra/co-curricular activities, students in grades 6 through 12 must demonstrate satisfactory educational progress in meeting the requirements for graduation, must be in good behavior standing and attendance.

### **Scholastic Eligibility**

Participation in extra-curricular activities is a privilege. It is presumed that students who are representing their school in various activities are maximizing the educational opportunities that are available to them.

Students who intend to participate in extra/co-curricular activities such as, but not limited to, sports teams, student government, class office, drill team, pep squad, homecoming or other rally activities, newspaper or yearbook staff, and drama, will be held to the Scholastic Eligibility standards.

Eligibility for participation in extra/co-curricular activities is contingent upon the student's maintaining at least a 2.0 grade point average with no F grades, unless a TUSD Extra and Co-Curricular Activity

Probation Request Form waiver is signed (See #2 below).

If a student becomes academically ineligible during a sport season, the coach has a choice of keeping the student on the team to practice with the team and not participate in contests or remove the student from the team (coach's option).

In order for students to maintain Scholastic Eligibility, they must maintain a 2.0 grade point average, or be excluded from participation, until he/she achieves a 2.0 grade point average as per first quarter; first semester, third quarter; second semester. (When grades are printed and made available to parents by the registrar.)

Students who intend to participate in extra/co-curricular activities must meet eligibility guidelines:

1. A minimum of a "C" average (2.0 on a 4-point scale) for all classes. High School District students must be currently enrolled in at least 6 classes or the equivalent of 30 credits.
2. Students in grades 9-12 may be placed on academic probation if they receive one "F" during a grading period affecting eligibility. A student on academic probation is allowed to compete or perform in extra and co-curricular activities while on academic probation. The terms of a student's academic probation must be agreed upon by the student, their parent/guardian and their coach/advisor. The terms of a student's academic probation will also include sound interventions designed to help students succeed. Students may be on academic probation only two times during their high school career. Once a student has been on academic probation two times in their high school career, they must maintain a 2.0 average on a 4.0 scale and have no course failures (no F grades) in any eligibility period thereafter in order to compete or perform. The two times in which a student is allowed to be on academic probation may not be in consecutive grading periods affecting their eligibility. If you are interested in applying for academic probation, please see your high school's Athletic Director or Activities Director/Advisor.

The Governing Board also requires that participating students be satisfactorily progressing towards the District's graduation requirements in order to participate in a sport or activity. Satisfactory progress is hereby defined as the ability to graduate with one's class within conventional timelines, i.e.: eight (8) consecutive semesters from freshman entrance, including summer sessions. C.I.F. rules require that semester grades be used to determine eligibility at the end of the 2<sup>nd</sup> and 4<sup>th</sup> quarters (1<sup>st</sup> quarter, 1<sup>st</sup> semester, 3<sup>rd</sup> quarter, 2<sup>nd</sup> semester, and/or summer school grades).

For the school year, the eligibility policy (ability or inability to participate) begins when the registrar publishes the list of ineligible students based on their marks received on the previous grading period.

The same procedure will be used for the remaining quarters. The eligibility will always be determined by the previous quarter or semester grades (Summer school grades can also be used for the fall eligibility).

In the event a student receives below a 2.0 grade point average on the 2<sup>nd</sup> Semester report and hence

would be ineligible in the fall, but said student goes to summer school and in essence raised his/her grade and the grade is acceptable to Tracy/West/Kimball High School, it may be counted. A passing summer school grade may be substituted for a failing grade in the same subject matter. Other courses in summer school become an extra class to be calculated into the overall GPA. If, in the re-computing of the student's grade point average, it raises to 2.0 or above, the student is eligible for participation in the fall quarter. The student shall remain ineligible until the grades are received by the registrar of Tracy/West/Kimball High School. Summer school students would be permitted to practice but not participate in games until the eligibility is determined by the receipt of the summer school grades. Official transcripts are due to the registrar's office thirty (30) calendar days after the first day of school.

All incoming 9<sup>th</sup> graders are academically eligible to participate in extra/co-curricular activities. At the end of the first grading period, 9<sup>th</sup> graders must be eligible. They must have earned a "C" average (2.0 on a 4-point scale) and no course failures.

Any special case or extenuating circumstances surrounding disputed eligibility of a student shall be reviewed by the principal at each site.

An F grade, an incomplete or a No Mark (NM) will automatically cause a student to be ineligible if it causes the GPA to be below a 2.0. Once the incomplete or the No Mark is changed to a passing grade, eligibility will be re-examined.

The Tracy Unified School District and the C.I.F. Sac-Joaquin Section set the standards for student eligibility for all athletic participation. Please visit the following link for details:  
<http://www.cifsjs.org/about-cifsjs/constitution/bylaw2-eligibility.pdf> Athletes will be an amateur in the sport in which they compete.

### **Good Behavior Eligibility**

Good behavior standing means that the student has cleared all fines and does not owe more than 15 hours of Saturday School in the current year. Students with 15 or more cumulative tardies in a quarter will be placed on activity restriction.

Students truant and/or suspended on Friday or the last day of the week will be excluded from all extra-curricular activities until the following Monday or the next full day of school.

Students leaving school may not attend any school activities during the current school year if they still owe more than 15 hours of Saturday School or fines. The eligibility list for Saturday School hours will be updated every Tuesday and will be in effect for the next seven calendar days. Hours cleared on Monday will be posted for the following, not current, week.

### **Attendance Eligibility**

Students also need to have current school identification cards and have been in attendance at school for all six periods on the day of the activity, unless absent for the reasons provided for excused absences under BP/AR 5113 and that have been pre-approved by administration. For example, medical appointments, attending funeral services of an immediate family member, or appearance in a court of law.

A parent may not excuse an athlete except for reasons stated above.

### **Behavior Expectations**

Each student, as a representative of our school, will be encouraged to be well-groomed. Students will follow training rules developed by each athletic coach or advisor with emphasis upon adequate rest, nutrition, cleanliness, safety and physical fitness.

In keeping with well-established national standards covering all high school athletic activities, athletes will abstain from the use and possession of alcoholic beverages, tobacco and illegal drugs or substances at all times.

### **Citizenship**

A coach or advisor may impose rules of behavior or conduct for his/her team which has not been addressed elsewhere. Violations of such rules may be handled by the coach/advisor or the assigned administrator for disciplinary action. Violations should be documented and may be cumulative. Appeals may be made to the Athletic Director or the Assistant Principal.

### **Coaching and Community Responsibility**

The Advisor, Director of Athletics, and the Director of Student Activities, who have been trained for leadership, have the prime responsibility for the implementation of these standards; however, it is clearly recognized that all school employees, parents, patrons and local citizens must also share in this important community responsibility.

The team physician and coach are jointly responsible for the well-being of the athletes and for preparing them for competition so they can play with safety and meet the demands of the sport. The coach is responsible for imparting individual and team skills, game rules and strategy, as well as developing in athletes the ability to cope with the psychological aspects of competition.

The athletic coaches and athletics can have a very positive influence on athletes outside the athletic arena as well; therefore, coaches should strive to use their influence to do whatever they can to guide and assist the athletes in their charge.

### **Code of Conduct for Athletic Activities**

The Tracy Unified School District believes that each of its athletic activities provides a unique forum for the development of discipline, individual sacrifice and teamwork for interested students. After thorough consideration, the governing board of the District has adopted the following standards for athletes participating in interscholastic activities in keeping with recommendations developed by the State Department of Education, the California Interscholastic Federation (CIF), and the athletic coaching staff activities advisors, and local citizens. Refer to the High School Athletics Handbook for further information.

### **Athletic League Sportsmanship**

As stated in the Athletics Code of Conduct and emphasized in the annual Spirit Leader Workshops, the Athletic League schools believe the qualities of good sportsmanship, including ethical behavior, concern for others, integrity and generosity, are of primary importance to the activity programs within our league. The quality of every competition is not just determined by the intensity of the activity and/or who wins or loses. In our Athletic Leagues, QUALITY in competition always includes the atmosphere of sportsmanship demonstrated by players, spectators, and the school staffs at the activity.

### **School Spirit**

Be a positive member of our student body and show your school spirit daily. All Fridays are school spirit days; wear your favorite school colors to show your school spirit. Remember, you can make your school the best high school in the State of California. You can show that you care with the following:

1. Courtesy - Toward staff, fellow students, and the officials at school athletic activities.
2. Pride - In everything our school endeavors to accomplish and has accomplished.
3. Sportsmanship - The ability to win and lose gracefully. School spirit means loyalty to all functions of the school.
- 4.

### **Student Responsibilities While Competing**

Because participation in activities is a privilege, the school advisor has the authority to revoke that privilege when the student does not to comply with the rules.

1. Athletic Leagues and the High Schools will not allow athletes to wear any non-uniform item during competition (headbands, towel messages, etc.).
2. All athletes must remain on their sideline during any disruptions in the game. If an athlete or coach is ejected, it will be for the remainder of that game and the entire next contest.

### **Team Responsibility**

Students will share common goals and group loyalties with other team members. Team membership will demand subordination of self-interests to team values. Each athlete will exercise self-discipline and make the personal sacrifice necessary to the attainment of such team goals. The foregoing standards are based upon a fundamental premise that athlete is in a position of school leadership and should responsibly represent his/her team, school and community in the highest order.

Students are expected to participate in all practices and games. A student who misses a practice or a game without the coach's prior permission will be subject to disciplinary action from a verbal warning up to dismissal from the team. Missed practices or games due to events such as, but not limited to, Winter Ball, Prom, Magic Mountain, rescheduled games, or club sports are prohibited.

### **Violations - Extracurricular Activities**

It is the responsibility of the advisor to aid and to guide athletes. Discipline will be handled with this thought in mind. Consequences for violations will be based upon considerations the coach, the advisor, or a school administrator feels are in the best interest of the students and squad. The advisor or coach has the right to impose stricter rules of behavior on his/her squad. (Violations will be handled on a cumulative basis.)

## **ACTIVITIES**

### ***Clubs/Activities***

Clubs are an important part of life on a high school campus. Clubs perform many important functions and provide an opportunity for students to participate in a wide range of fun and interesting activities.

You may create and sign up for a club by seeing the advisor. Consult the Daily Bulletin for club activity information. The Student Bulletin is also available online at the school website: [www.tracy.k12.ca.us](http://www.tracy.k12.ca.us)

All clubs/activities must be approved by the site ASB and administration. All financial activities must be approved by both the ASB and site administration. All monies from these activities must be documented through ASB accounts.

### ***Dances***

If a High School holds a dance, that dance is for that school's students only (with the exception of the Winter Ball and Prom). Students wishing to bring a guest to Winter Ball must complete a Guest Registration form, available in the Bookkeeper's Office. The completed form must be submitted to the Bookkeeper's office by 3:30 pm one week prior to the dance. All guests must be pre-approved by the assistant principal before they will be allowed to attend. Guests may not be over 20 years of age. Guests must be in good standing: no more than 15 hours of Saturday School, all fines cleared and good citizenship.

Regular School Dance requirements (Times may vary depending on school)

1. Regular dances are from 9:00 pm/end of football game to midnight.
2. Students must have a current student picture ID card. Off campus passes not accepted.
3. Students must leave campus by 12:15 am.
4. NO students will enter dances after 10:45 pm.
5. Once a student leaves the dance, he/she may NOT return and must leave campus.
6. If required by your school, a signed dance contract must be on file.

Winter Ball Requirements for student and guest (Times may vary depending on school)

1. Dances are from 9:00 pm to midnight.
2. Students must have a current student picture ID card. Off campus pass not accepted.
3. Guests must have a picture ID with date of birth.
4. No guests over the age of 20 will be allowed.
5. Students must leave by 12:15 am.
6. Students may not have more than 15 hours of Saturday School on day of ticket purchase.
7. Students must not own any fines or fees.
8. NO students will enter dances after 10:45 pm.

Dance Guidelines

1. Dance moves may not overtly imitate any sexual act.
2. Any individual removed from the dance will not receive a refund of their money.
3. Students are to conform to the school dress code at regular dances.
4. Students who fail to follow guidelines may have their dance privileges rescinded.
5. Students removed from a school dance for extreme defiance may be prohibited from

attending all school dances for the remainder of the school year, including the Winter Ball.

### ***Eligibility Requirements for Senior Activities***

Senior activities are school sponsored events that seek to recognize and reward four years of hard work. They are a privilege extended to deserving and graduating seniors. Seniors participating in these events represent their High School and are expected to uphold the highest standards of conduct and behavior. Accordingly, criteria for participation follow:

<u>Activity</u>	<u>Criteria for Participation</u>
Senior Trips/ Magic Mountain / Beach Day/ Senior Breakfast/ Senior Grad Nite/ Senior Sober Nite	Senior status with 190 completed credits at fourth quarter progress report posting. All non-T.U.S.D. credits that are required for the student to graduate must be posted by May 1 <sup>st</sup> . Good Behavior Standing: All Saturday School cleared, and all outstanding consequences satisfied from previous referrals. Cannot be in danger of failing any courses required for graduation, according to most recent report card and/or progress report. All fees cleared.
Graduation Ceremony	Name on the final graduation list and positive participation in all graduation practices. Good Behavior Standing: All Saturday School cleared, and all outstanding consequences satisfied from previous referrals. All fees cleared.
Prom	15 Saturday School hours or less; no library or ASB fines. Good behavior standing.
Social Probation	Any senior on Probation #1 or #2 may not participate in any senior social/extracurricular activity, including but not limited to the following: Prom/Dances Senior Grad Night Trip Senior Banquet/Breakfast Senior Beach Day Graduation Ceremonies

NOTE: Students who graduate at the end of the first semester will not be allowed to participate in second semester senior activities.

### ***Field Trips***

During your four years in High School, your class or club may schedule a field trip. For you to participate, you must obtain the signatures of all of your classroom teachers and your parents on the field trip permission form. Students must go and return on the bus and/or district transportation.

There are two types of field trips and two types of permission forms: those as part of the academic curriculum of classes and those considered enrichment through clubs and other extracurricular activities. If you are not performing well in one or more of your classes or have poor attendance, your teacher(s) may choose to not approve your participation in the enrichment field trip. They may refuse to sign the permission form. If the field trip is of an academic nature and tied to classroom curriculum, the signed permission form is required as evidence of notification of your upcoming absence.

### ***Intramural/Lunch Time Activities***

Intramural and lunch time activities are available to all students. During these activities, all school rules are in effect. Inappropriate behavior is unacceptable. Violation of the school rules may result in being removed from the activities/ intramurals in addition to permanently losing the privilege to participate.

### ***Student Government***

The Student Council is made up of elected officers and appointed commissioners. All student body officers, and appointed commissioners must be enrolled in the Leadership class per the Associated Student Body bylaws. The Council works on desired projects for the Associated Student Body (ASB).

The procedures for running for Student Council Office are quite simple. Potential candidates can pick up an application and petition from the Student Activity Office. Completed applications and petitions should be turned in to the Activities Director in the Student Activity Office. All students running for Student Council Office must meet Scholastic Eligibility Requirements (maintain a 2.0 G.P.A. and no F's in the grading period previous to the one in which the election is going to be held and, if elected, every following grading period and the subsequent elected term.) See the Scholastic Eligibility Policy in this handbook.



# *Physical Education & Health*

## **PHYSICAL EDUCATION**

### **Physical Education (BP/AR 6142.7)**

The District's physical education program strives to build interest and proficiency in movement skills and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities teaches students how to cooperate in the achievement of common goals.

### ***Facilities***

We are fortunate to have one of the best physical education facilities of any school district in the San Joaquin Valley. Let us do our best to keep our facilities looking great! Students can help us maintain the facilities in "showcase shape" by observing the guidelines below:

1. Gym shoes or stocking feet only on Main Gym floor for supervised PE activity.
2. Writing on or defacing any surface in a PE facility will result in suspension from school. Repair or removal costs will be billed to parents as they are legally liable for any such infraction for up to \$18,700.00 per incident. (This also applies to the Sub Gymnasiums).
3. Jumping off carpeted walls or hanging on rims or nets will result in appropriate disciplinary action. This also applies to Sub Gymnasiums.
4. Climbing or sitting on bleachers in the stacked position will result in disciplinary action. Bleachers are motorized and such activity damages mechanisms.
5. No food, drink, gum, or sunflower seeds are allowed at any time in the weight room or gyms.
6. All physical education facilities, including locker rooms, gymnasiums, stadium, athletic fields, etc., are off limits at all times except when supervised by an employee of the District. Students may be suspended for being in an unauthorized area without supervision.

### ***PE Uniforms***

PE uniforms are required to be worn during PE classes. PE uniforms are sold in the Physical Education department and at Registration in August. No grade of a pupil participating in a physical education class, however, may be adversely affected due to the fact that the pupil does not wear standardized physical education apparel where the failure to wear such apparel arises from circumstances beyond the control of the pupil. (Education Code Section 49066. Contact your PE teacher at the beginning of school year if you have any questions or concern.

## **HEALTH**

### **Accidents and Illness**

#### ***Accident Insurance (BP 5143)***

The school district does not provide insurance for students in the district. Insurance is available to the parents, at a minimal cost, through the Student Accident Insurance Program as underwritten by Pacific Educators.

Parents and students should be aware that the student accident insurance is secondary to the health insurance policy that the family carries. For example, if the student's family insurance pays 80% coverage, then the student insurance policy would pay the additional 20% (less any applicable deductibles). Also, if purchased by the parents, this insurance would come into play in the event a student is injured and does not carry any other health insurance. In any event, the important fact is that this insurance is purchased by the family for the student and is not provided for the student by the school district. Application forms were included in the pre-registration packets. Should you need assistance or additional forms, contact TUSD Business Services, 830-3230.

Some pupils may qualify to enroll in no-cost or low-cost local, state, or federally sponsored health insurance programs. Information about these programs may be obtained by calling the Healthy Families and Medical Programs Information Line at 1-800-880-5305.

#### ***Accident and Illness Procedures***

In the event you are involved in an accident, report it immediately to the nearest teacher or supervising adult, obtain a pass, and go directly to the Attendance Office to be seen and a parent to be called. If the accident requires first aid treatment, additional aid will be provided by the Bookkeeper/Nurse. *If you are ill, you are to report to the Attendance Office at once.* A school official will notify the parent/guardian and ask that the student be picked up by a responsible adult. The student will remain in the attendance office until picked up or sent back to class.

In case you witness an accident where another student may be injured, report the accident to the nearest teacher, supervising adult, or go to the office for help. Even minor accidents or injuries should be reported so that care can be given and the proper accident report forms can be filled out on line or in hard copy.

In the event of a serious or potentially serious accident, at least three attempts to contact parents will be made directly after the incident. Contact will be attempted through the home phone number, cell phone number, work number and emergency number. The principal, assistant principal, teacher in charge, or secretary will make the calls. In cases where serious or potentially serious injury is apparent or suspected, these staff members will also notify the emergency unit (911) directly, and/or the school district nurse. Parents and students are responsible for informing the school Attendance Office of any changes in home and emergency phone numbers or address

changes.

Students who become ill will report to the Attendance Office with a pass from their teacher. Arrangements will be made with a family member for the student to go home. Under no circumstances should the student leave campus without permission. If a parent or anyone on the emergency contact form cannot be reached and school officials deem it an emergency, 911 will be called to obtain medical assistance.

### **Health Examinations (BP 5141.3)**

The Governing Board recognizes the importance of periodic health examinations conducted according to state health regulations.

To determine the health status of students, facilitate the removal of handicaps to learning, and determine whether special adaptations of the school program may be necessary, the Board shall require that periodic examinations be conducted which include tests for vision, and hearing. All personnel employed to examine students shall exercise proper care of each student being examined and shall ensure that the examination results are kept confidential.

A parent/guardian may annually file a statement with the principal withholding consent to any physical examination of his/her child. The child shall be exempt but shall be subject to exclusion due to a suspected contagious or infectious disease.

The principal of each school shall notify parents/guardians of the rights of students and parents/guardians relating to health examination.

### **Interscholastic Athletic Competition**

All students who participate as cheerleaders, song leaders, or athletes in interscholastic sports are required to file a current medical examination. Compliance with the medical examination requirement is not necessary for participants in a play day or a field day activity occurring occasionally during a school year in which students of one or more particular grade levels from two or more schools in the district participate in athletic contests.

If a student sustains an injury or serious illness, the student may be required by school personnel to have another examination prior to further interscholastic competition.

A student who has been excused from the physical education program because of a medical reason may not participate in any interscholastic athletic competition.

All students engaging in interscholastic athletic competition are required to meet accident insurance requirements prescribed by law.

### **Administration of Medications (BP/AR 5141.21)**

If it becomes necessary for you to take medication at school, we must have our Medical Form completed by your parent and your doctor prior to bringing the medication to school. This includes both over the counter and prescription drugs. You may obtain this form from the Attendance Office. You should return the signed form and the medication to the Bookkeeper's office right away. Do not keep medication with you or in your locker. This applies to all medications, both prescription and non-prescription. Exception: Medication prescribed by a Doctor that always requires student to carry. Copy of the prescription must be maintained in the office.

### ***Administration of Epilepsy Medication***

A parent or guardian of a pupil with epilepsy who has been prescribed an emergency anti-seizure medication by the pupil's health care provider may request the pupil's school to have one or more of its employees receive voluntary training, as specified, in order to administer the anti-seizure medication, as defined, in the event that the pupil suffers a seizure when a nurse is not available.

### ***Anaphylaxis Treatment***

School districts are authorized to provide epinephrine auto-injectors (epi-pens) to provide emergency medical aid by trained personnel to persons suffering from an anaphylactic reaction.

Anaphylaxis is a rapid, severe allergic response triggered by insect stings, foods, medications, latex materials, exercise, or, in rare cases, by unknown causes. This is a life-threatening allergic condition requiring immediate treatment. Administering an epinephrine to students during a medical emergency may help to ensure the student's health and safety at school. Therefore, Tracy Unified School District has adopted AR 5141.21 and BP 5141.21 for standing orders to provide life-saving epinephrine to students who need such treatment effective January 1, 2015.

BP/AR 5141.21 state that a credentialed, licensed school nurse (District Nurse), licensed nurse (LVN), or trained, unlicensed school staff under direct supervision of the credentialed school nurse may administer epinephrine in the form of an epi-pen during a severe, life-threatening allergic reaction. The epi-pen rapidly delivers a pre-measured, sterile, single dose of epinephrine by direct injection through the skin.

### **Immunizations**

Students enrolling for the first time in a district secondary school must present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law. Upon registration, parents/guardians are provided a written notification summarizing the state immunization requirements. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Starting in the 2019-2020 school year, the regulations require, but are not limited to:

- Two (rather than 1) doses of chickenpox (varicella) vaccine at TK/Kinder entry, 7<sup>th</sup> grade advancement and TK/Kinder through 12<sup>th</sup> grade new admissions or transfers

- Two MMR doses and 3 Hepatitis B vaccine doses at admission or transfer throughout TK/K-12 (age restrictions are removed)
- Medical exemptions for new admissions may be signed only by a California-licensed medical doctor (MD) or Doctor of Osteopathic Medicine (DO)
- Temporary medical exemptions may be issued for no more than 12 months.

For questions, please call your primary care physician today or the San Joaquin County Public Health Services Immunization Program at (209) 468-3481.

### ***Immunization for Pertussis***

All students entering 7<sup>th</sup> through 12<sup>th</sup> grades in the coming school year must have proof of a Tdap booster shot. Documentation must state the shot was given on or after their 7<sup>th</sup> birthday. **This means that ALL current 6<sup>th</sup>-11<sup>th</sup> graders must be up to date.**

Schools will turn away students who do not have up to date pertussis immunizations.

Remember to ask your physician about other vaccines your child may need and bring your child's yellow immunization card to the visit. Please return a copy of ALL up to date immunizations to your child's school.

For questions, please call your primary physician today or call the San Joaquin County Public Health Services Immunization Program at (209) 468-3481.

**No students will be allowed to attend school, without up to date immunizations.**

### **RIDE (Regional Immunization Data Exchange)**

We are now authorized users of RIDE (Regional Immunization Data Exchange). RIDE is a computer-based program that helps us keep track of your child's shots and contact you when shots are due. The information in RIDE is confidential. Your information will only be shared with authorized users such as (a) Doctor, clinic, or hospitals (b) School or Day Care centers (c) WIC (d) Health Care Plans (e) California Department of Public Health Immunization Branch

As the parent/legal guardian of your child, you do have the right to refuse to participate in this program. For more information please call your healthcare provider.

RIDE Immunization Registry is a program of  
San Joaquin County Public Health Services  
(209) 468-2292 [www.izride.com](http://www.izride.com)

### **Type 2 Diabetes Information**

The California Department of Education developed this type 2 diabetes information in collaboration with the California Department of Public Health, American Diabetes Association,

California School Nurses Organization, and Children's Hospital of Orange County. Also see available translations of this information.

Type 2 diabetes is the most common form of diabetes in adults.

Until a few years ago, type 2 diabetes was rare in children, but it is becoming more common, especially for overweight teens. According to the U.S. Centers for Disease Control and Prevention (CDC), one in three American children born after 2000 will develop type 2 diabetes in his or her lifetime.

Type 2 diabetes affects the way the body is able to use sugar (glucose) for energy.

The body turns the carbohydrates in food into glucose, the basic fuel for the body's cells. The pancreas makes insulin, a hormone that moves glucose from the blood to the cells. In type 2 diabetes, the body's cells resist the effects of insulin, and blood glucose levels rise. Over time, glucose reaches dangerously high levels in the blood, which is called hyperglycemia. Hyperglycemia can lead to health problems like heart disease, blindness, and kidney failure.

Risk Factors Associated with Type 2 Diabetes

It is recommended that students displaying or possibly experiencing the risk factors and warning signs associated with type 2 diabetes be screened (tested) for the disease.

Risk Factors- Researchers do not completely understand why some people develop type 2 diabetes and others do not; however, the following risk factors are associated with an increased risk of type 2 diabetes in children:

**Being overweight.** The single greatest risk factor for type 2 diabetes in children is excess weight. In the U.S., almost one out of every five children is overweight. The chances are more than double that an overweight child will develop diabetes.

**Family history of diabetes.** Many affected children and youth have at least one parent with diabetes or have a significant family history of the disease.

**Inactivity.** Being inactive further reduces the body's ability to respond to insulin. **Specific racial/ethnic groups.** Native Americans, African Americans, Hispanics/Latinos, or Asian/Pacific Islanders are more prone than other ethnic groups to develop type 2 diabetes.

**Puberty.** Young people in puberty are more likely to develop type 2 diabetes than younger children, probably because of normal rises in hormone levels that can cause insulin resistance during this stage of rapid growth and physical development.

Warning Signs and Symptoms Associated with Type 2 Diabetes

Warning signs and symptoms of type 2 diabetes in children develop slowly, and initially there may be no symptoms. However, not everyone with insulin resistance or type 2 diabetes develops these warning signs, and not everyone who has these symptoms necessarily has type 2 diabetes.

Increased hunger, even after eating

Unexplained weight loss

Increased thirst, dry mouth, and frequent urination

Feeling very tired  
Blurred vision  
Slow healing of sores or cuts  
Dark velvety or ridged patches of skin, especially on the back of the neck or under the arms  
Irregular periods, no periods, and/or excess facial and body hair growth in girls  
High blood pressure or abnormal blood fats levels

### Type 2 Diabetes Prevention Methods and Treatments

Healthy lifestyle choices can help prevent and treat type 2 diabetes. Even with a family history of diabetes, eating healthy foods in the correct amounts and exercising regularly can help children achieve or maintain a normal weight and normal blood glucose levels.

**Eat healthy foods.** Make wise food choices. Eat foods low in fat and calories. **Get more physical activity.** Increase physical activity to at least 60 minutes every day.

**Take medication.** If diet and exercise are not enough to control the disease, it may be necessary to treat type 2 diabetes with medication.

The first step in treating type 2 diabetes is to visit a doctor. A doctor can determine if a child is overweight based on the child's age, weight, and height. A doctor can also request tests of a child's blood glucose to see if the child has diabetes or pre-diabetes (a condition which may lead to type 2 diabetes).

### Types of Diabetes Screening Tests That Are Available

**Glycated hemoglobin (A1C) test.** A blood test measures the average blood sugar level over two to three months. An A1C level of 6.5 percent or higher on two separate tests indicates diabetes.

**Random (non-fasting) blood sugar test.** A blood sample is taken at a random time. A random blood sugar level of 200 milligrams per deciliter (mg/dL) or higher suggests diabetes. This test must be confirmed with a fasting blood glucose test.

**Fasting blood sugar test.** A blood sample is taken after an overnight fast. A fasting blood sugar level less than 100 mg/dL is normal. A level of 100 to 125 mg/dL is considered pre-diabetes. A level of 126 mg/dL or higher on two separate tests indicates diabetes.

**Oral glucose tolerance test.** A test measuring the fasting blood sugar level after an overnight fast with periodic testing for the next several hours after drinking a sugary liquid. A reading of more than 200 mg/dL after two hours indicates diabetes.

Type 2 diabetes in children is a preventable/treatable disease and the guidance provided in this information sheet is intended to raise awareness about this disease. Contact your student's school nurse, school administrator, or health care provider if you have questions.



### **Athletic Head Injury/Concussion/Cardiac Arrest (BP 6145.2)**

An athlete who is suspected of sustaining a concussion or head injury in an athletic activity shall be immediately removed from the activity for the remainder of the day, and shall not be permitted to return to the activity until he or she is evaluated by a licensed health care provider, trained in the management of concussions, acting within the scope of his or her practice. The athlete shall not be permitted to return to the activity until he or she receives written clearance to return to the activity from that licensed health care provider. (Education Code 49475)

On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the athlete and the athlete's parent or guardian before the athlete's initiating practice or competition.

The district will also distribute the California Interscholastic Federation (CIF) information sheet on sudden cardiac arrest to all student athletes who will be participating in a CIF-governed athletic activity and to their parents/guardians. The student and parent/guardian shall sign and return the information sheet prior to the student's participation in the athletic activity. If an athletic activity is not covered by the CIF, the student and his/her parent/guardian shall, prior to participating in the athletic activity, sign and return an acknowledgement that they have received and reviewed the sudden cardiac arrest information posted on the California Department of Education's web site. (Education Code 33479.2, 33479.3)

### **Suicide Awareness (BP/AR 5141.52)**

Each year, the Tracy Unified School District provides Suicide Prevention Awareness instruction to all 8th and 10th grade students. This instruction occurs during the National Suicide Prevention Awareness week, which is typically scheduled in September.

This is a voluntary awareness lesson for students that aims to help them to better identify the signs of suicidal risk. If you do not wish for your child to participate in this awareness campaign, please communicate this, in writing, and give it to your student's school front office.

### **Sexual Health and HIV/AIDS Prevention (BP/AR 6142.1)**

The district provides comprehensive sexual health and HIV/AIDS prevention instruction which is aligned with state health standards and frameworks for students in grades 7-12. Parents/guardians will be notified annually about the sexual health and HIV/AIDS prevention instruction planned for the coming year. The notice advises parents/guardians that written and audiovisual educational materials to be used are available for preview prior to use with students. Prior to providing instruction in sexual health or HIV/AIDS prevention, the district will notify parents/guardians of the instruction and of the opportunity to request that their child not receive the instruction.

Parents/Guardians of students in grades 7-12 may request in writing that his/her child be excused from participating in HIV/AIDS prevention or sexual health education. Parents/Guardians of students in grades 5 and 6 will be notified and must give positive written consent for his/her child to participate in HIV/AIDS prevention and Adolescent Growth and Development instruction.

### **Medical Care Consent for Minors**

A minor who is 12 years of age or older and who may have come into contact with an infectious, contagious, or communicable disease may consent to medical care related to the diagnosis or treatment, if the disease or condition is one that is required by law or regulation adopted pursuant to law to be reported to the local health officer, or is a related sexually transmitted disease, as may be determined by the State Public Health Officer.

A minor who is 12 years or older may consent to medical care related to the prevention of a sexually transmitted disease. The minor's parents or guardian are not liable for payment for medical care provided pursuant to this section. (Family Code section 6926)

### **California Healthy Kids Survey**

The District will administer the California Healthy Kids Survey bi-annually to students in grades 5, 7, 9 and 11. In accordance with California Education Code 51937-51938, students in grade 5 must have an active parental consent in order to participate. For grades 7, 9, 11 and other secondary grade levels, the survey must be administered using a passive consent. The California Healthy Kids Survey is sponsored by the California Department of Education this school year. The anonymous survey will help promote better health and well-being among our youth, improve the school learning environment and combat problems such as drug abuse and violence by gathering information. Your adolescent does not have to take the survey as it is completely voluntary. If you do not want your adolescent to complete the survey, you must notify your adolescent's school in writing excusing them from the survey/evaluation.

### **Tracy Family Center**

The Tracy Family Center is a collaborative of public, private non-profit and service organizations established to improve the health of children and their families in the Tracy community, and is part of the Tracy Unified School District. The focus of the community efforts is to help families enroll in the Healthy Families Insurance Program and enroll families in Medi-Cal if they qualify. The Healthy Families Insurance plan is a low-cost plan covering, medical, dental, and vision for children from age one until age nineteen for a low monthly premium. The Tracy Family Center has persons qualified to help the family sign up for this plan as well as answer questions that you might have. They can be reached at: 209-831-5570.

# *Forms*

**Tracy Unified School District**  
**HIGH SCHOOL FIGHT CONTRACT**

Student's Name \_\_\_\_\_ DOB \_\_\_\_\_

School \_\_\_\_\_ Grade \_\_\_\_\_ Aeries ID# \_\_\_\_\_

Parent's Primary Language \_\_\_\_\_

The student named on this Fight Contract recently engaged in a fight while under the school's jurisdiction. The action of fighting is a violation of Education Code 48900 (a)(1), and/or (a)(2) and the 9-12 Student Conduct Code. The rules regarding student conduct state:

*"When a student has been involved in a fight while under the school's jurisdiction, the administration shall initiate significant interventions by requiring parent and student to attend a meeting at school to review and sign a Fight Contract and a referral to conflict management and/or a school counselor upon the student's return to school from suspension. Additionally, a student suspended for fighting shall be placed on social probation for 15 school days."*

*Students who are involved in two (2) fights in any academic year or who are involved in three (3) fights within their high school career (grades 9-12) and for whom a Fight Contract has been executed, shall be recommended for expulsion unless the principal finds that expulsion is inappropriate due to the particular circumstances.*

As the student named on this Fight Contract, I have been informed by the school's administration:

- That fighting is prohibited while on school grounds; while going to or coming from school; during the lunch period whether on or off the campus; and during, or while going to or coming from, a school-sponsored activity.
- That there are decisions I can make to avoid fighting, including, but not limited to, refusing to engage in verbal or non-verbal conduct that may lead to fighting; walking away from a situation; going to an administrator, counselor, or other school official for assistance; refusing to go to a fight/conflict and refusing to associated with students who engage in verbally or physically aggressive behavior toward others.
- That if I am involved in another fight this school year, I will be recommended for expulsion.

Student's Signature \_\_\_\_\_ Date \_\_\_\_\_

As the parent/guardian of the student named on this Fight Contract, I have been informed by the school's administration that my child will be recommended for expulsion if he/she is involved in another fight this school year or if he/she is involved in a third fight in his/her high school career. I also agree to discuss with my child the importance of following all school rules and treating others with respect.

Parent Signature \_\_\_\_\_ Date \_\_\_\_\_

As a District interpreter, I explained the Fight Contract to the parent in his/her primary language.

District/Site Interpreter's Signature \_\_\_\_\_ Date \_\_\_\_\_

As the Administrator implementing this Fight Contract, I have reviewed its contents with this student and parent/guardian.

Administrator's Signature \_\_\_\_\_ Date \_\_\_\_\_

Note: Parent refused to sign this contract. \_\_\_\_\_ / \_\_\_\_\_

Administrator's Signature

Witness

Note: Student refused to sign this contract. \_\_\_\_\_ / \_\_\_\_\_

**TRACY UNIFIED SCHOOL DISTRICT**  
**ACCEPTABLE USE AGREEMENT (AUA) NETWORK AND COMPUTER RELATED**  
**RESOURCES**  
**(BP/AR 4040 and BP/AR 6163.4)**

In exchange for the use of the Tracy Unified School District (“district”) district technology, including, computer systems, and data communication networks, either locally attached or through remote connection on or near school property, in school vehicles and buses, and at school-sponsored activities, the following Acceptable Use Agreement will apply. This is a legally binding agreement when signed. **Please read this document carefully.**

Each student who is authorized to use district technology and his/her parent/guardian shall sign this Acceptable Use Agreement as an indication that they have read and understand the agreement. The guardian/parent must sign when the user is under 18 years of age. The district authorizes students to use technology owned or otherwise provided by the district as necessary for instructional purposes. The use of district technology is a privilege permitted at the district’s discretion and is subject to the conditions and restrictions set forth in applicable district Board policies, administrative regulations, and this Acceptable Use Agreement. The district reserves the right to suspend access at any time, without notice, for any reason. The district expects all students to use district technology responsibly and appropriately consistent with district Board policies and regulations, California Education Code, and other local, state and federal laws and regulations governing the applicable matter in order to avoid potential problems and liability.

**Definitions**

*District technology* includes, but is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smartphones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through district-owned or personally owned equipment or devices.

**Student Obligations and Responsibilities**

The district’s network/computer system (“district system”) is shared and available to all registered users. The district system may not be used in a way as to disrupt or interfere with its use by others.

Students are expected to use district technology safely, responsibly, and for educational purposes only. Student users will ONLY use authorized accounts they have been personally issued. The student in whose name district technology is issued is responsible for its proper use at all times. All student users must keep their account passwords confidential. Students shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned.

Students are prohibited from using district technology for improper purposes, including, but not limited to, use of district technology to:

1. Access, post, submit, publish, display, or otherwise use harmful or inappropriate material that is discriminatory, libelous, defamatory, obscene, sexually explicit, disruptive, harassing, or that could be construed as harassment or disparagement of others based on their race/ethnicity, national origin, sex, gender, gender identify, gender expression, sexual orientation, age, disability, religion, or political beliefs
2. Bully/cyberbully, harass, intimidate, or threaten other students, staff, or other individuals
3. Disclose, use, or disseminate personal identification information (such as name, address, telephone number, Social Security number, or other personal information) of yourself, or another student, staff member, or other person with the intent to threaten, intimidate, harass, or ridicule that person
4. Infringe on copyright, license, trademark, patent, or other intellectual property rights
5. Intentionally disrupt or harm district technology or other district operations (such as destroying district equipment, placing a virus on district computers, adding or removing a computer program without permission from a teacher or other district personnel, changing settings on shared computers)
6. "Hack" into the district system to manipulate data of the district or other users
7. Steal services, including connection of unauthorized network/computer equipment to the system
8. Install non-approved software/programs, and/or the download and install software/programs on district computers and/or network communication systems
9. Use district technology to communicate unlawful information or to transmit computer viruses.
10. Use of the district system for anonymous access or communication of information
11. To send "junk", "mass", or "spam" email
12. Engage in other conduct deemed objectionable by the Tracy Unified School District
13. Engage in or promote any practice that is unethical or violates any classroom rules, school conduct code, or any law or Board policy, administrative regulation, or district practice, including any communication advocating, encouraging or supporting illegal activities.
14. Access, delete, move, or alter anyone else's files and/or data.
15. Communicate using inappropriate language, including swearing and use of vulgarities.

## **Privacy**

Since the use of district technology is intended for educational purposes, students shall not have any expectation of privacy in any use of district technology.

The district reserves the right to monitor and record all use of district technology, including, but not limited to, computer files, access to the Internet or social media, email, text messages, instant messaging, and other electronic communications sent or received from district technology, or through the use of district technology. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Students should be aware that, in most instances, their use of district technology (such as web searches and emails) cannot be erased or deleted.

All passwords created for or used on any district technology are the sole property of the district. The creation or use of a password by a student on district technology does not create a reasonable expectation of privacy.

## **Personally Owned Devices**

If a student uses a personally owned device to access district technology, he/she shall abide by all applicable Board policies, administrative regulations, and this Acceptable Use Agreement. Access to district technology from personal technology is limited to wireless access points on the school campuses. Access to the district technology from personal technology is not available via hardwire connections. The district assumes no liability for personally owned devices, including computers and smart phones, if such devices are damaged, lost, or stolen. The student and parent/guardian, shall indemnify and hold the district harmless from any losses sustained as the result of use or misuse of the district's technology by the student, and/or the loss or damage of personally owned devices.

## **Reporting**

If a student becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of district technology, he/she shall immediately report such information to the teacher or other district personnel.

## **Consequences for Violation**

Violations of the law, district Board policies and regulations governing the use of district technology, or this Acceptable Use Agreement may result in revocation of a student's access to district technology and/or discipline, up to and including suspension or expulsion. In addition, violations of the law, Board policy/regulation, or this Acceptable Use Agreement may be reported to law enforcement agencies as appropriate.



**TRACY UNIFIED SCHOOL DISTRICT**  
**ACCEPTABLE USE AGREEMENT (AUA) NETWORK AND COMPUTER**  
**RELATED RESOURCES**

(Based on BP/AR 6163.4)

The Tracy Unified School District computer system is intended for the exclusive use of its registered users who are responsible for their password and their accounts. Any problems, which arise from the use of the account, are the responsibility of the account holder. Any misuse of the account or system will result in disciplinary action and/or the suspension or cancellation of privileges. Use of the account by someone other than the registered user will be grounds for cancellation and/or may result in disciplinary action. Students shall report any misuse of district technology to their teacher or principal.

The district shall not be held responsible for any damages suffered by the user of district technology, including those arising from non-deliveries, mis-deliveries, service interruptions, unauthorized use, loss of data and exposure to potentially harmful or inappropriate material sustained or incurred in connection with the use, operation, or inability to use district technology. The district specifically denies any responsibility for the accuracy or quality of information obtained electronically.

**The following two sections are for students and their parents and REQUIRE SIGNATURES.**

**STUDENT AGREEMENT**

I have received, read, understand, and agree to abide by this ACCEPTABLE USE AGREEMENT and other applicable laws and district policies and regulations governing the use of district technology. I understand that there is no expectation of privacy when using district technology. I accept responsibility for the appropriate use of district technology and further understand that any violation may result in loss of user privileges, disciplinary action, and/or appropriate legal action.

_____	_____	_____	_____	_____
Student (PRINT NAME)	Student ID #	School Site	Signature	Date

**If the student is under 18 years of age, a parent/guardian must also read and sign the Agreement.**

**PARENT/GUARDIAN AGREEMENT**

As a parent/guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of this **ACCEPTABLE USE AGREEMENT**. By signing this Agreement, I give permission for my child to use district technology and/or to access the school's computer network and the Internet. I understand that, despite the district's best efforts, it is impossible for the district/school to restrict access to all offensive and controversial materials. I agree to release from liability, indemnify, and hold harmless the school, district, and district personnel against all claims, damages, and costs that may result from my child's use of district technology or the failure of any technology protection measures used by the district. Further, I accept full responsibility for supervision of my child's use of his/her access account if and when such access is not in the school setting.

_____	_____	_____
Parent/Guardian (PRINT NAME)	Signature	Date



# OFFICIAL TRANSCRIPT REQUEST FORM FOR CURRENT STUDENT

## TRACY UNIFIED SCHOOL DISTRICT

1875 W Lowell Avenue  
Tracy, CA 95376  
875 W Lowell Avenue

**Turnaround time is 2-4 Days.**

1. Name		2. Date of Birth	3. Student ID Number			
Last	First	Middle				
4. Send Transcript To			5. Type of Records Requesting ( <i>Indicate Quantity &amp; Total Cost</i> )			
<b>•Name of Institution:</b>		Transcript Type	Fee	Quantity		Cost
Attention:		Official High School Transcript	\$ 3.00		=	\$
Number and Street:						
City:	State:	Zip Code:	Special Services- Fees are in addition to cost of the transcript			Cost
<b>•Name of Institution:</b>		Same Day Service	\$ 10.00		=	\$
Attention:		Faxing of Documents	\$ 5.00		=	\$
Number and Street:						
City:	State:	Zip Code:	Total Fees Enclosed			\$
<b>NO PERSONAL CHECKS ACCEPTED • FEES ARE PAYABLE BY CASH OR MONEY ORDER</b>						
<b>6. Authorization for Release</b>						
<i>The signature below verifies that I have completed all sections accurately and enclosed the correct fee. I understand that the fees are nonrefundable. I also understand that this application will not be processed if it is incomplete.</i>						
Signature	Date	For requests being picked up by student Initial:                      Date				



## Extra and Co-Curricular Activity Probation Request Form

Students in grades 9-12 may be placed on academic probation if they receive one "F" during a grading period affecting eligibility. A student on academic probation is allowed to compete or perform in extra and co-curricular activities while on academic probation. The terms of a student's academic probation must be agreed upon by the student, their parent/guardian and their coach/advisor. The terms of a student's academic probation will also include sound interventions designed to help students succeed. Students may be on academic probation only two times during their high school career. Once a student has been on academic probation two times in their high school career, they must maintain a 2.0 average on a 4.0 scale and have no course failures (no F grades) in any eligibility period thereafter in order to compete or perform. The two times in which a student is allowed to be on academic probation may not be in consecutive grading periods affecting their eligibility. If you are interested in applying for academic probation, please see your high school's Athletic Director or Activities Director. (AR 6145 and BP 6145 Extra and Co-Curricular Activities) The terms of academic probation will include the participation or completion of one or more of the following interventions:

- ☐ Attend Mandatory Study Hall
- ☐ Attend Before or After School Labs
- ☐ Peer Tutoring
- ☐ Turn in Signed Weekly Grading Reports to Coach
- ☐ Sign Up for Site Intervention Organizations
- ☐ Before or After School Help From Teacher
- ☐ Other \_\_\_\_\_

By signing below I agree to the above interventions.

Student Signature \_\_\_\_\_ Date: \_\_\_\_\_

Parent/ Guardian Signature \_\_\_\_\_ Date: \_\_\_\_\_

Coach/ Advisor Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Student, parent, coach and the teacher of failed course must sign the Probation Request Form. Once completed, this form must be turned in to the Athletic Director/ Activities Director for final approval.**

### For Administrative Use Only

☐ Probation 1 Grading Period \_\_\_\_\_ Date: \_\_\_\_\_

☐ Probation 2 Grading Period \_\_\_\_\_ Date: \_\_\_\_\_

Athletic Director Activities Director Approved By: \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

# *Board Policies*

**UNIFORM COMPLAINT PROCEDURES, BP 1312.3**

The Governing Board recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The Board encourages early resolution of complaints whenever possible. To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulation.

**Complaints Subject to the UCP**

The district's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging district violation of applicable state or federal law or regulations governing the programs listed below and any other district-implemented program which is listed in Education Code 64000(a) (5 CCR 4610)

All programs and activities that are subject to the UCP:

- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- American Indian Education Centers and Early Childhood Education Program Assessments
- Bilingual Education
- California Peer Assistance and Review Programs for Teachers
- Career Technical and Technical Education; Career Technical; Technical Training
- Career Technical Education
- Child Care and Development
- Child Nutrition
- Compensatory Education
- Consolidated Categorical Aid
- Course Periods without Education Content
- Economic Impact Aid
- Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, and Children of Military Families
- English Learner Programs
- Every Student Succeeds Act/No Child Left Behind (Titles I-VII)

- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- Special Education
- State Preschool
- Tobacco-Use Prevention Education

2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating 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 status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

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)

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)

5. Any complaint alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (Education Code 52075)

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)

7. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student or a child of a military family as defined in Education Code 49701 who transfers into the district after his/her second year of high school 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)

8. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 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)

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

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

The Board recognizes that alternative dispute resolution (ADR) can, depending on the nature of the allegations, offer a process to reach a resolution to the complaint that is acceptable to all parties. ADR such as mediation may be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. The Superintendent or designee shall ensure that the use of ADR is consistent with state and federal laws and regulations.

The district shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if he/she is different from the complainant, confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the district's UCP.

The Superintendent 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.

The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints in accordance with applicable law and district policy.

### **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.

2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.

3. Any complaint alleging fraud shall be referred to the Legal, Audits and Compliance Branch of the California Department of Education.

Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment.

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 shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186)

Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination  
222 Reasonable accommodations; lactating students  
8200-8498 Child care and development programs  
8500-8538 Adult basic education  
18100-18203 School libraries  
32280-32289 School safety plan, uniform complaint procedures  
33380-33384 California Indian Education Center  
35186 Williams uniform complaint procedures  
44500-44508 California Peer Assistance and Review Program for Teachers  
48853-48853.5 Foster youth  
48985 Notices in language other than English  
49010-49013 Student fees  
49060-49079 Student records  
49069.5 Rights of parents  
49490-49590 Child nutrition programs  
49701 Interstate Compact on Educational Opportunity for Military Children  
51210 Courses of study grades 1-6  
51223 Physical education, elementary schools  
51225.1-51225.2 Foster youth, homeless children, and former juvenile court school students; and military-connected students; course credits; graduation requirements  
51226-51226.1 Career technical education  
51228.1-51228.3 Course periods without educational content  
52060-52077 Local control and accountability plan, especially:  
52075 Complaint for lack of compliance with local control and accountability plan requirements  
52160-52178 Bilingual education programs  
52300-52490 Career technical education  
52500-52616.24 Adult schools  
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

HEALTH AND SAFETY CODE

104420 Tobacco-Use Prevention Education

PENAL CODE

422.55 Hate crime; definition

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 2

11023 Harassment and discrimination prevention and correction

CODE OF REGULATIONS, TITLE 5

3080 Application of section

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 of the Education Amendments of 1972

6301-6577 Title I basic programs

6801-7014 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

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

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

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy Act

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

104.7 Designation of responsible employee for Section 504

CODE OF FEDERAL REGULATIONS, TITLE 34

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

110.25 Notification of nondiscrimination on the basis of age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Sample UCP Board Policies and Procedures

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

Dear Colleague Letter: Title IX Coordinators, April 2015



Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

#### U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 2002

#### WEB SITES

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

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

Family Policy Compliance Office: <http://familypolicy.ed.gov/>

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

U.S. Department of Justice: <http://www.justice.gov/>

**UNIFORM COMPLAINT PROCEDURES, AR 1312.3**

Except as the Governing Board may otherwise specifically provide in other district policies, these uniform complaint procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

(Complaints Concerning District Employees)  
(Complaints Concerning Instructional Materials)  
(Williams Uniform Complaint Procedures)  
(Nondiscrimination in Employment)

**Compliance Officers**

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee(s) to handle complaints regarding unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The individual(s) shall receive and coordinate the investigation of complaints and shall ensure district compliance with law.

(Nondiscrimination/Harassment)  
(Sexual Harassment)

Director of Student Services and Curriculum (209) 830-3280  
Or Director of Curriculum, Accountability and Continuous Improvement Continuous  
Improvements, State & Federal Programs (209) 830-3210  
Associate Superintendent for Education Services (209) 830-3202

1875 W. Lowell Avenue, Tracy, CA 95376

[mpetty@tusd.net](mailto:mpetty@tusd.net)  
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The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned to the complaint.

In no instance shall a compliance officer be assigned to a complaint in which he/she has a bias or conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint against a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve

complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures. Assigned employees may have access to legal counsel as determined by the Superintendent or designee.

(Staff Development)  
(Attorney)

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the result of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement one or more interim measures. The interim measures shall remain in place until the compliance officer determines that they are no longer necessary or until the district issues its final written decision, whichever occurs first.

## **Notifications**

The district's UCP policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

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)

(School Plans/Site Councils)  
(Local Control and Accountability Plan)  
(Citizen Advisory Committees)  
(Fees and Charges)  
(Employee Notifications)  
(Parental Notifications)  
(Education for Homeless Children)  
(Education for Foster Youth)  
(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.

(District and School Web Sites)  
(District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant

information provided in the district's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal antidiscrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
  - d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint.
  - e. If a complaint is not filed in writing but the district receives notice of any allegation that is subject to the UCP, the district shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.

If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the district will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.

f. 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.

g. 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.

h. 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.

i. 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

j. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.

In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the district's decision.

k. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.

l. Copies of the district's UCP are available free of charge.

#### District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

### **Filing of Complaints**

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing (Please see attached Uniform Complaint Procedures form, which can also be found on the District Website) and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing 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)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when he/she is not the complainant, requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

## **Mediation**

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

## **Investigation of Complaint**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or his/her representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or his/her representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and

review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. He/she shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

#### Report of Findings

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

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

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



In resolving any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent also shall be sent the district's decision and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

### **Final Written Decision**

The district's decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631)

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

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:
  - a. Statements made by any witnesses
  - b. The relative credibility of the individuals involved
  - c. How the complaining individual reacted to the incident
  - d. Any documentary or other evidence relating to the alleged conduct
  - e. Past instances of similar conduct by any alleged offenders
  - f. Past false allegations made by the complainant
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following:

- a. How the misconduct affected one or more students' education
  - b. The type, frequency, and duration of the misconduct
  - c. The relationship between the alleged victim(s) and offender(s)
  - d. The number of persons engaged in the conduct and at whom the conduct was directed
  - e. The size of the school, location of the incidents, and context in which they occurred
  - f. Other incidents at the school involving different individuals
5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

- a. The corrective actions imposed on the respondent
  - b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.
  - c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
6. Notice of the complainant's and respondent's right to appeal the district's decision to the CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil

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

## Corrective Actions

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

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law

7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

If a complaint alleging noncompliance with 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)

If a public school or LEA finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), the public school or LEA shall provide a remedy.

In the case of complaints regarding: Course Periods without Educational content, Reasonable Accommodations to a Lactating Pupil, and Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, the remedy shall go to the affected pupil.

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

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

A complainant may appeal an LEA's Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP.

Any complainant who is dissatisfied with the district's final written decision may file an appeal in writing with the CDE within 15 calendar days of receiving the district's decision. (Education Code 222, 48853, 48853.5, 49013, 49069.5, 51223, 51225.1, 51225.2, 51228.3, 52075; 5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, he/she, in the same manner as the complainant, may file an appeal with the CDE.

The complainant or respondent shall specify the basis for the appeal of the decision and whether

the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant 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 written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE



**BULLYING PREVENTION POLICY, BP 5131.2**

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide a safe school environment that protects 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 individual or group shall, through physical, written, verbal, or other means, harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code 48900. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Strategies for addressing bullying in district schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, and may be incorporated into the local control and accountability plan, and other applicable district and school plans.

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

**Bullying Prevention**

To the extent possible, district schools shall focus on the prevention of bullying by establishing clear rules for student conduct and implementing strategies to promote 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 engaging in bullying.

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

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, or any other individual bias or prejudice.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the district and its employees to prevent discrimination, harassment, intimidation, and bullying of district students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences

2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

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

### **Intervention**

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

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

When appropriate based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

### **Reporting and Filing of Complaints**

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the district compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

When the circumstances involve cyber-bullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another



student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

### **Investigation and Resolution of Complaints**

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3.

If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

### **Discipline**

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

#### **Legal Reference:**

##### **EDUCATION CODE**

200-262.4 Prohibition of discrimination

32282 Comprehensive safety plan

32283.5 Bullying; online training

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

48900-48925 Suspension or expulsion

48985 Translation of notices

##### **PENAL CODE**

422.55 Definition of hate crime

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

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

4600-4687 Uniform complaint procedures

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

254 Universal service discounts (e-rate)

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

110.25 Notification of nondiscrimination on the basis of age

## COURT DECISIONS

Wynar v. Douglas County School District, (2013) 728 F.3d 1062

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

Final Guidance: AB 1266, Transgender and Gender Nonconforming Students, Privacy, Programs, Activities & Facilities, Legal Guidance, March 2014

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

Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

Building Healthy Communities: A School Leaders Guide to Collaboration and Community Engagement, 2009

Cyber bullying: Policy Considerations for Boards, Policy Brief, July 2007

### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California's Social and Emotional Learning: Guiding Principles, 2018

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

Bullying at School, 2003

### CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

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

Guidance to Schools: Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Bullying of Students with Disabilities, August 2013

Dear Colleague Letter: Guidance on Schools' Obligations to Protect Students from Student-on-Student Harassment on the Basis of Sex; Race, Color and National Origin; and Disability, October 26, 2010

Dear Colleague Letter: Harassment and Bullying, October 2010

## WEB SITES

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

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lss/>

California Office of the Attorney General: <http://oag.ca.gov>  
Center on Great Teachers and Leaders: <http://gtlcenter.org>  
Collaborative for Academic Social and Emotional Learning: <http://casel.org>  
Common Sense Media: <http://www.common sense media.org>  
National School Safety Center: <http://www.schoolsafety.us>  
Partnership for Children and Youth: <http://www.partnerforchildren.org>  
U.S. Department of Education: <http://www.ed.gov>

**BULLYING INVESTIGATION PROCEDURES, AR 5131.2****Bullying Investigation Procedures****A. Purpose and Scope**

To provide guidance and direction for all District employees regarding Bullying / Harassment, including cyberspace and tech bullying.

**B. Definition**

Bullying means 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 as defined in Education Code 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupil's 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 substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience 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 Web site, including, but not limited to:

Adopted 02.12.13

**Bullying Investigation Procedures**

- (I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).
  - (II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “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.
  - (III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “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.
- (B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.
- (3) “Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average 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.

When bullying acts or conduct are based on the actual or perceived characteristics of gender, gender identity, gender expression or sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, staff members should address and refer complaints about such acts for consideration and investigation under the District’s Sexual Harassment Policy (BP 5145.7).

When bullying acts or conduct are based on the actual or perceived characteristics of disability, nationality, race or ethnicity or religion or association with a person or group with one or more of these actual or perceived characteristics, staff members should address such acts and refer complaints about such acts for consideration and investigation under the District’s Nondiscrimination/ Harassment Policy (BP 5145.3).

**C. Forms Used and Additional References**

Bullying /Harassment Claim Interview Sheet

Bullying /Harassment (Informal versus Formal Complaint –Summary of Procedures)

Adopted 02.12.13

**Bullying Investigation Procedures****D. Procedures**

The Tracy Unified School District expects students and/or staff to immediately report incidents of Bullying / Harassment to the principal or designee. Staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of Bullying / Harassment shall be promptly investigated. This policy applies to students whose behavior is related to school activity, students on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity.

**General Procedures - Students**

Any student who feels he or she is being bullied or harassed should immediately report such conduct to his or her teacher, the principal, or any other school administrator, without fear of reprisal. The student need not first report the Bullying/Harassment to his or her teacher, especially if the student believes the teacher engaged in or knowingly tolerated any Bullying/Harassment of the student. The student may make this report alone or with his or her parent/guardian.

An employee who receives a report of Bullying/Harassment of a student or who witnesses the Bullying/Harassment of a student shall immediately report the incident first to the site administrator or site designee then to the Assistant Superintendent for Educational Services and Human Resources (if alleged Bullying/Harassment is by an employee). Administrators, upon receiving a report of Bullying/Harassment from a student, shall provide the student with a copy of the Bullying/Harassment policy as well as the Administrative Regulation which contains procedures for filing complaints regarding Bullying/Harassment, parents/guardians of the student (victim) shall be contacted.

Each complaint of Bullying / Harassment shall be promptly investigated in a way that attempts to respect the privacy of all parties concerned. If the student requests that his or her name not be disclosed to the alleged harasser, an informal investigation of the allegations shall be conducted to the extent possible without disclosing the complainant's name. In order to file a formal complaint of Bullying/Harassment, the student must be willing to disclose his or her name to the alleged harasser. Parent or legal guardian shall be informed of the investigation.

Adopted 02.12.13

**Bullying Investigation Procedures****General Procedures - Any Other Persons**

Any person who alleges Bullying / Harassment by any employee or student in the District may file a complaint under the complaint procedures contained in Administrative Regulation 4119.11; 4219.11; and 5145.7.

**E. Formal Complaint Procedures**

The Board designates the following compliance officers to receive and investigate complaints and ensure compliance with law:

~~Superintendent or designee~~

~~830-3200 ext. 1004, or [e-mail: jfranco@tusd.net](mailto:jfranco@tusd.net)~~

~~Assistant Superintendent of Educational Services and Human Resources~~

~~830-3260 ext. 1304, or [e-mail: sjharrison@tusd.net](mailto:sjharrison@tusd.net)~~

~~Director of Student Services and Curriculum~~

~~830-3280 ext. 1601, or [e-mail: phall@tusd.net](mailto:phall@tusd.net)~~

Superintendent or designee

830-3200 ext. 1004, or [e-mail: stephens@tusd.net](mailto:stephens@tusd.net)

Associate Superintendent of Human Resources

830-3260 ext. 1304, or [e-mail: tjalique@tusd.net](mailto:tjalique@tusd.net)

Associate Superintendent of Educational Services

830-3202, or [e-mail: jstocking@tusd.net](mailto:jstocking@tusd.net)

Director of Student Services and Curriculum

830-3280 ext. 1601, or [e-mail: mpetty@tusd.net](mailto:mpetty@tusd.net)

Principal or site designee please calls site number, for e-mail please see

site: <https://www.tracy.k12.ca.us/>

All complaints can be mailed to: Tracy Unified School District, 1875 W. Lowell Ave. Tracy, and CA. 95376

It is desirable that complaints of Bullying / Harassment be resolved in a prompt and appropriate manner. If possible, such complaints should be resolved in an informal manner. If the complaint cannot be resolved informally, the following procedures shall be followed for filing a formal complaint of Bullying / Harassment.

Adopted 02.12.13



**Bullying Investigation Procedures****Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged Bullying/Harassment.

The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate compliance officer.

The Superintendent or designee will maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints of Bullying / Harassment must be initiated, in writing within sixty (60) calendar days of the date the alleged violation occurred.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, superintendent or designee shall help him/her to file the complaint.

**Step 2: Investigation of Complaint**

Within sixty (60) school days of receiving the complaint, excluding summer session, when the alleged violation occurred during the regular school year, the Superintendent or designee shall complete the investigation of the complaint. This time period may be extended by written agreement of the complainant.

**Step 3: Response**

Within sixty (60) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, as described in Step 4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within fifteen (15) calendar days, file his/her complaint, in writing, with the Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting.

The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within seven (7) calendar days or within the time period that has been specified in a written agreement with the complainant.

Adopted 02.12.13

**Bullying Investigation Procedures****Step 4: Final Written Decision**

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

- \* The findings and disposition of the complaint.
- \* Notice of the complainant's right to appeal the decision to the Tracy Unified School District Board of Trustees and procedures to be followed for initiating such an appeal.

If an employee or student is disciplined as a result of the complaint, this report shall simply state that appropriate action was taken and that the employee or student was informed of the District's Bullying Policy. The report shall not give any further information as to the nature of the corrective or disciplinary action. However, when a student is expelled as a result of a substantiated charge of bullying, the expulsion record shall be a non-privileged, disclose-able public record.

The Tracy Unified School District board decision is the final decision.

**F. Corrective Action**

A substantiated complaint of Bullying / Harassment may subject the offending employee or student to corrective action, up to and including suspension and discharge/expulsion. Such corrective action shall be consistent with the California Education Code and any collective bargaining agreement or student discipline code, if applicable.

In the event of harassment by an individual who is not an employee or student of the District, the District will take whatever legal corrective action is reasonable and appropriate under the circumstances.

Even if the reported conduct is not considered Bullying / Harassment under this policy, it may be in violation of other rules and standards of conduct of the District. The District may discipline an employee or student for any inappropriate conduct discovered in investigating reports made

Adopted 02.12.13

### **Bullying Investigation Procedures**

Under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. Supervisors may be held personally liable under the law for acts of harassment.

#### **G. Retaliation and Confidentiality**

The District forbids retaliation against anyone for reporting Bullying / Harassment, filing a complaint pursuant to this policy, assisting in making a Bullying / Harassment complaint, or cooperating in a Bullying / Harassment investigation. Anyone experiencing or witnessing any conduct that believe to be retaliatory are to immediately follow the procedures outlined above. In an investigation and in imposing discipline, the District will attempt to preserve confidentiality to the extent the circumstances permit.

#### **H. Notification – Students and Parents**

A copy of the Bullying / Harassment Policy and Administrative Regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the Bullying / Harassment Policy and the Administrative Regulation which contains the complaint procedures will be distributed to all students of the District at the beginning of the first trimester or semester of the school year, and to any new student at the time that the new student is enrolled. A copy of the Bullying / Harassment Policy and Administrative Regulation shall also appear in any publication of the District that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution

##### **Notification – Students**

A copy of the Bullying / Harassment Policy and Administrative Regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the Bullying / Harassment Policy and Administrative Regulation which contain the complaint procedures will be sent to all students and parents or guardians upon enrollment and annually thereafter. A copy of the Bullying Policy and Administrative Regulation shall be provided as part of any orientation program conducted for new students at the beginning of each trimester, semester, or summer session, as applicable. Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of Bullying / Harassment.

Adopted 02.12.13

**Bullying Investigation Procedures**

Students may also file a separate claim of Bullying / Harassment with the Office of Civil Rights (OCR). The address and telephone number of the OCR is listed under the notifications section for employees.

- I. Reports Required Investigation report regarding allegations of harassment.
- J. Record Retention Student and Personnel file when appropriate.
- K. Responsible Administrative Units Human Resources Student Services
- L. Approved By
  - Assistant Superintendent of Educational Services and Human Resources
  - Director of Student Services & Curriculum

**UNAUTHORIZED GROUPS, AR 5136****A. Purpose and Scope**

The Governing Board desires to give school sites and district guidelines that keep schools free from threats and harmful influence of any unauthorized group activity which advocate drug use, disruptive behavior, such as, but not limited to violence, intimidation, threats, coercion, congregating in mass.

**B. Prevention and Intervention Measures**

In order to discourage the influence of unauthorized groups, school staff shall take the following measures:

1. Any student displaying behavior, gestures, apparel or paraphernalia indicative of unauthorized group affiliation shall be referred to the principal or designee.
  - a. The student's parent/guardian shall be contacted and may be asked to meet with school staff.
  - b. The student may be sent home to change clothes if necessary.
2. Staff members shall be provided with the names of known unauthorized group members.
3. Students who seek help in rejecting unauthorized group associations may be referred to community-based unauthorized group suppression and prevention organizations.
4. Any unauthorized group graffiti on school premises shall be removed, washed down or painted over as soon as discovered.
  - a. Daily checks for graffiti shall be made throughout the campus.
  - b. Graffiti shall be photographed before it is removed. These photographs shall be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.
5. Classroom and after-school programs at each school shall be designed to enhance individual self esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of constructive activities. These programs shall also:
  - a. Explain the dangers of unauthorized group membership
  - b. Provide counseling for targeted at-risk students

**UNAUTHORIZED GROUPS**

- c. Include lessons or role-playing workshops in unauthorized group avoidance skills and nonviolent conflict resolution, including communication skills, anger management, ethnic/cultural tolerance, and mediation skills
- d. Assign individual unauthorized group members to cooperative learning groups in which they may work toward common goals with students who are not members of their unauthorized group
- e. Provide school-to-career instruction
- f. Provide positive interaction with local law enforcement staff

Unauthorized group prevention lessons may be taught jointly by teachers and law enforcement staff.

- 6. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging, including:
    - a. Positive sports and cultural activities and affiliations with the local community
    - b. Structured, goal-oriented community service projects Community Outreach
- Unauthorized group prevention classes or counseling offered for parents/guardians shall address the following topics:
- 1. The dangers of unauthorized group membership
  - 2. Warning signs which may indicate that children are at risk of becoming involved with unauthorized groups
  - 3. The nature of local unauthorized group apparel and graffiti
  - 4. Effective parenting techniques
  - 5. Conflict resolution techniques

**C. Discipline Process**

Staff will use the following techniques and procedures to discourage the influence of unauthorized groups:

- 1. Upon a first offense, when a student causes, attempts to cause or threatens to cause physical injury to another student as a part of any unauthorized group activity, the following shall result:
  - a. Parent/guardian contact.
  - b. A five (5) day suspension and recommendation for an expulsion for a minimum period of nine (9) weeks.

**UNAUTHORIZED GROUPS**

- c. A requirement that the student must apply for readmission to school after he/she has served the minimum expulsion period.
- d. A recommendation for a rehabilitation program that is subject to review at a time of application for readmission. The plan shall include, but is not limited to:
  - (i) Community Service minimum of 20 hours - maximum of 80 hours, to be recommended by the District Discipline Review Board based upon the seriousness of the violation of the Education Code.
  - (ii) A minimum of eight (8) weeks of counseling.
  - (iii) Prohibited from violating any of the sub-sections (a) through (q) contained in Education Code 48900 associated with school attendance.
  - (iv) Prohibited from participating in unauthorized group related activities, flying colors, or displaying unauthorized group paraphernalia.
- e. A recommendation for an extension of the suspension to the expulsion hearing date.
- f. Unauthorized Group Contract

2. Upon a first offense, when a student causes, attempts to cause physical injury to classified or certificated staff member as part of any unauthorized group activity, the following shall result:

- a. Parent/guardian contact.
- b. A five (5) day suspension and recommendation for an expulsion for a minimum period of the balance of the semester in which the violation occurred plus one additional semester.
- c. A requirement that the student must apply for readmission to school after he/she has served the minimum expulsion period.
- d. A recommendation for a rehabilitation program that is subject to review at the time of application for readmission. The plan shall include, but is not limited to:
  - (i) Community Service minimum of 20 hours - maximum of 80 hours, to be recommended by the District Discipline Review Board based upon the seriousness of the violation of the Education Code.
  - (ii) A minimum of eight (8) weeks of counseling.
  - (iii) Prohibited from violating any one of the sub-sections (a) through (q) contained in Education Code 48900 associated with school attendance.
  - (iv) Unauthorized Group Contract and Law Enforcement Contact.

**UNAUTHORIZED GROUPS**

- e. Contact with law enforcement agency.
3. Upon a first offense, when a student wears or carries any apparel, jewelry, accessory, notebook, or makes gestures that symbolize unauthorized group membership, the following shall result:
- a. Referral to the principal or designee.
  - b. Student sent home to change clothes or provided with alternative clothing.
  - c. Confiscation of unauthorized group related jewelry, accessory, notebook, etc.
  - d. Parent/guardian contact.
  - e. Documented counseling with a “No Unauthorized Group Contract” and Law Enforcement contact.
4. A second offense of #3 above will result in the following:
- a. Parent/guardian conference.
  - b. One to five day suspension.
5. A third offense will result in the following:
- a. Parent/guardian contact.
  - b. A minimum five day suspension.
  - c. Contact with law enforcement agency.
  - d. Possible recommendation for expulsion.
6. A fourth and subsequent offenses will result in the following:
- a. Parent/guardian contact.
  - b. A minimum five day suspension and recommendation for expulsion
  - c. Contact with law enforcement agency.
  - d. Possible recommendation for expulsion.
7. Any unauthorized group graffiti on school premises shall be removed, washed down or painted over as soon as discovered.
- a. Daily checks for graffiti shall be made throughout the campus, including restroom walls and doors.
  - b. Graffiti shall be photographed before it is removed. These photographs will be shared with local law enforcement authorities and used in future disciplinary or criminal action against the offenders.
8. Classroom and after-school programs at each school shall be designed to enhance individual self-esteem, provide positive reinforcement for acceptable behavior, and foster interest in a variety of positive activities.
9. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging.
10. Each school within the Districts shall develop an action plan that includes but is not limited to the following.



**UNAUTHORIZED GROUPS**

- a. Inservice for all staff on signs and symptoms of unauthorized group activity.
- b. Techniques and procedures to discourage the influence of unauthorized groups.
- c. Campus safety and supervision.
- d. Unauthorized group prevention education.
- e. Outreach program for students identified as unauthorized group-oriented students as well as actual members of existing unauthorized groups.
- f. Parent support program. Unauthorized Group Prevention Education
  1. Explain the dangers of unauthorized group membership
  2. Include lessons or role-playing workshops in nonviolent conflict resolution and unauthorized group avoidance skills.
  3. Promote constructive activities available in the community.
  4. Involve students in structured, goal-oriented community service projects.
  5. Encourage positive school behavior.

Unauthorized group prevention lessons may be taught jointly by teachers, law enforcement staff, and contracted organizations.

**Community Outreach**

Unauthorized group prevention classes or counseling offered for parents/guardians shall address the following topics:

1. The dangers of unauthorized group membership.
2. The nature of local unauthorized group apparel and graffiti.
3. Ways to deal effectively with one's children.
4. Warning signs which may indicate that children are at risk of becoming involved with an unauthorized group.
5. Resources available to them for further assistance.

Community programs offered for staff, parents/guardians, churches, city officials, business leaders and the media shall address:

1. The scope and nature of local unauthorized group problems.

**UNAUTHORIZED GROUPS**

2. Ways that each segment of the community can help to alleviate these problems.

**Intervention Measures**

Staff shall make every effort to engage unauthorized group-oriented students into the academic, extra-curricular and social mainstream and into work experience programs. To this end:

1. Staff members shall be provided with updated information regarding unauthorized group activities which advocate drug use, disruptive behavior, such as but not limited to violence, intimidation, threats, coercion, congregating in mass.
2. Classroom teachers shall refer individual unauthorized group oriented students for individual and/or group counseling.
3. Students who seek help in rejecting unauthorized group associations may be referred to community-based unauthorized group suppression and prevention organizations.

**C. Forms Used and Other References**

None

**D. Procedure**

Outlined in school discipline handbooks and consistent with Board Policy.

**E. Reports Required**

Suspension Documents Expulsion Documents

**F. Record Retention**

Expulsion Documents

**G. Responsible Administrative Unit**

Student Services

**H. Approved by the Administrator of the Division Educational Services**

**UNAUTHORIZED GROUPS, BP 5136 (a)**

TUSD Adopted: 6/9/98

TUSD Revised: 5/13/08

The Governing Board desires to keep district schools and students free from the threats or harmful influence of any unauthorized groups which advocate drug use, or disruptive behavior, such as but not limited to violence, intimidation, threats, coercion, congregating in mass. The principal or designee shall maintain continual, visible supervision of school premises so as to deter unauthorized group intimidation of students and confrontations between members of different unauthorized groups.

The Superintendent or designee shall establish open lines of communication with local law enforcement authorities so as to share information and provide mutual support in this effort.

The Superintendent or designee shall in cooperation with law enforcement provide in-service training which helps staff to identify various symbols, recognize early manifestations of disruptive activities, and respond to inappropriate behavior. Staff and selected students shall be trained in the use of conflict management techniques and alerted to intervention measures and community resources, which may help our students.

The Board realizes that many students become involved in unauthorized groups without understanding the consequences of unauthorized group association. Early intervention is a key component of efforts to break the cycle of unauthorized group association. Therefore, Violence prevention education in the schools may start with enrollment in TUSD.

The Board prohibits the presence of any apparel, jewelry, accessory, notebook, tattoos or manner of grooming which, by virtue of its color, **or** combination of color, arrangements, trademark, or any other attribute, denotes membership in any unauthorized group, which advocates disruptive behavior such as but not limited to violence, intimidation, threats, coercion and congregation in mass. This policy shall be applied as the need for it arises at individual school sites.

If a student exhibits signs of unauthorized group affiliation, staff shall so inform the parent/guardian.

**Legal Reference:****EDUCATION CODE**

32239.5	School Violence Prevention and Response Act of 1999
32282	School Safety Plans
35183	Gang-related apparel
35294.10 – 35294.15	School Safety and Violence Prevention Strategy Program
48907	Student exercise of free expression
51264	Educational inservice training; CDE guidelines

**Students****BP 5136 (b)****UNAUTHORIZED GROUPS**

TUSD Adopted: 6/9/98  
TUSD Revised: 5/13/08

51265	Gang violence and drug and alcohol abuse prevention inservice training
51266-51266.5	Model gang and substance abuse prevention curriculum
41511	Gang Risk Intervention Programs

**PENAL CODE**

186.22	Participation in criminal street gang
13826-13826.7	Gang violence suppression

**UNITED STATES CODE, TITLE 20**

7101-7143	Safe and Drug-Free Schools and Communities Act of 1994
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**Management Resources:**

On Alert:

Gang Prevention in School and Inservice Guidelines, January 1994

**CDE PUBLICATIONS**

Protecting Our Schools:	Governing Board Strategies to Combat School Violence, 1996
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**CSBA PUBLICATIONS**

**SEXUAL AND GENDER-BASED HARASSMENT, AR 5145.7****A. Purpose and Scope**

The Governing Board is committed to maintaining an environment free of sexual harassment.

**B. General**

1. Prohibited sexual or gender-based harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by a district employee to a student or another district employee, or when made by a student to another student, of the same or opposite sex in the educational setting, where:
  - a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status or progress; or
  - b) Submission to or rejection of the conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
  - c) The conduct has the purpose or effect of having a negative impact on the individual's academic or work performance or of creating an intimidating, hostile or offensive educational or work environment.
  - d) Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school or any district program or activity.
2. Other types of conduct which are prohibited in the district and which may constitute sexual or gender-based harassment include, but are not limited to:
  - a) Unwelcome leering, sexual flirtations, or propositions.
  - b) Sexual suggestions or obscene letters, notes, invitations, unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
  - c) Attempts to pull down pants or gym shorts or flip up skirts.
  - d) Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures or computer-generated images of a sexual nature
  - e) Graphic verbal comments about an individual's body or overly personal conversation
  - f) Teasing, name-calling or sexual remarks about an individual's gender identity, gender expression or sexual orientation.
  - g) Massaging, grabbing, fondling, stroking, or brushing the body
  - e) Spreading sexual rumors.
  - f) Touching an individual's body or clothes in a sexual way.
  - g) Impeding or blocking normal movements.
  - h) Purposefully limiting a student's access to educational tools.
  - i) Displaying sexually suggestive objects in the educational or work environment.

**SEXUAL AND GENDER-BASED HARASSMENT**

- j) Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual or gender-based harassment.)
- k) Implying or withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation or other discipline will be used. Within the educational environment, implying will withhold or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
- l) Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee. Within the educational environment, engaging in coercive sexual behavior to control influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- m) Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

In determining whether the alleged conduct constitutes sexual or gender-based harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be considered.

**C. Forms & Additional References**

None

**D. Procedures****1. Student Harassment**

Any student who feels that he or she is being sexually harassed or harassed based on gender, by an employee, another administrator or faculty member and report the harassment without fear of reprisal. The student does not have to report the harassment to his or her teacher, especially if the student believes that the teacher is the harasser. The student can make this report along or with his or her parent/guardian. An individual who believes a student has been subject to harassment, or witnessed or has knowledge of such harassment may also file a complaint.

Title IX prohibits retaliatory behavior against any complainant or any participant in the complaint process.

A district employee who receives a report of sexual or gender-based harassment of a student or who witnesses the sexual or gender-based harassment of a student shall immediately report the harassment to the Assistant Superintendent of Education Services and Human Resources (if alleged harassment is by a district employee) or the principal or principal's designee (if the alleged harassment is by another student). Administrators, upon receiving a sexual or gender-based harassment report from a student, shall inform the student of his or her rights and shall make every effort to assist the student in securing those rights. The administrator shall provide the student with a copy of the sexual and gender-based harassment policy as well as the

**SEXUAL AND GENDER-BASED HARASSMENT**

Administrative Regulations which contains procedures for filing complaints regarding sexual and gender-based harassment.

Each complaint of sexual or gender-based harassment shall be promptly investigated in a way that attempts to respect the privacy of all parties concerned. Formal complaints of sexual or gender-based harassment filed in accordance with the complaint procedures found herein under “7. Complaint Procedures” will be investigated in accordance with “Step 2” of those procedures.

If the complaint requests that his or her name not be disclosed to the harasser, an informal investigation of the allegations shall be conducted to the extent possible without disclosing the complainant’s name. In order to file a formal complaint of sexual or gender-based harassment, however, the student must be willing to disclose his or her name to the alleged harasser. Measures should be taken to evaluate the appropriateness of limiting interactions between the harassing students and the students who were subject of the harassment.

Students who allege sexual or gender-based harassment by their teacher may request to be transferred out of the teacher’s class. The district will attempt to accommodate such requests to the extent practicable. Students who believe that a district employee (e.g., teacher, staff member, etc.) has touched them inappropriately or made inappropriate comments to them of a sexual nature should report such conduct immediately. Even if such behavior is not considered sexual or gender-based harassment under this policy, it may be in violation of other rules and standards of conduct of the district.

**2. Harassment of Employees/Staff/Applicants for Employment**

Any employee or applicant for employment who feels he or she has been sexually harassed based on sex or gender should immediately report such incidents to his or her supervisor, the Assistant Superintendent of Education Services and Human Resources, or any other member of the Administration, without fear of reprisal. An employee or staff member need not first report the harassment to his or her supervisor, especially if the employee or staff member believes the supervisor engaged in or knowingly tolerated any harassment policy and Administrative Regulation which contains complaint procedures for filing a formal sexual harassment complaint will be provided to the complainant and to any other individual upon request.

Any supervisor or administrator who receives a sexual or gender-based harassment complaint shall notify the Superintendent or the Assistant Superintendent of Education Services and Human Resources, who shall ensure that the complaint is appropriately and promptly investigated. (See complaint procedures which are included Administrative Regulation 4118.11 and 4218.11 for the necessary steps: in filing a formal complaint of sexual harassment.)

**3. Any Other Persons Alleging Harassment By A District Employee, or Student**

Any person who alleges sexual or gender-based harassment by any employee, or student in the district may file a complaint under the complaint procedures contained in Administrative Regulation 5145.7 under “7. Complaint Procedures”

**4. Sanctions**

A substantiated charge of sexual or gender-based harassment against an employee of the district shall subject the employee to disciplinary action, up to and including discharge. Such discipline shall be consistent with the California Education Code and any collective bargaining agreement,

**SEXUAL AND GENDER-BASED HARASSMENT**

if applicable. If the conduct complained of constitutes sexual or gender-based harassment under this policy, a charge of such conduct will be substantiated where a preponderance of evidence supports the allegations.

A substantiated charge against a student in grades 4 through 12 in the district shall subject that student to student disciplinary action, up to and including suspension or expulsion, consistent with the student discipline code and the California Education Code. If the conduct complained of constitutes sexual or gender-based harassment under this policy, a charge of such conduct will be substantiated where substantial evidence supports the allegations.

**5. Notifications – Employees**

A copy of the sexual and gender-based harassment policy and administrative regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the sexual and gender-based harassment policy and the administrative regulation which contains the complaint procedures will be circulated to all employees of the district at the beginning of the first quarter or semester of the school year, and to any new employee at the time that the new employee is hired. A copy of the policy and administrative regulation shall also appear in any publication of the district that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the instruction.

All employees additionally shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing ("DFEH") that includes information in sexual harassment, including the legal remedies and complaint process available through the DFEH and directions on how to contact this agency. A notice advising employees of the DFEH's requirements, including the prohibition against unlawful harassment based on sex, shall be posted at the main administrative building. The address and telephone number of the DFEH are as follows:

Department of Fair Employment and Housing  
2000 O Street, Suite 120  
Sacramento, CA 95814  
(916) 455-9918

Federal agencies enforcing the prohibition of sexual harassment are the Equal Employment and Opportunity Commission ("EEOC") and the Office of Civil Rights ("OCR"). The addresses and telephone number of these agencies are as follows:

Office of Civil Rights  
Old Federal Building  
50 United Nations Plaza, Room 239  
San Francisco, CA 94102  
Equal Employment Opportunity Commission  
1265 West Shaw Avenue, Room 103  
Fresno, CA 93711

TUSD Acknowledged 03.24.15



**SEXUAL AND GENDER-BASED HARASSMENT****6. Notifications – Students**

A copy of this policy shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the sexual and gender-based harassment policy and administrative regulation which contains the complaint procedures will be given to all 6-12 students and parents or guardians upon enrollment and annually thereafter. A copy shall be provided as part of any orientation program conducted for new students at the beginning of each trimester, semester, or summer session, as applicable. Notification of policy will be given to parents. Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual and gender-based harassment.

Students may also file a separate claim of sexual or gender-based harassment with the OCR. The address and telephone number of the OCR is listed under the notifications section for employees. The time limit for filing a complaint with the OCR is 180 days from the date the act of sexual or gender-based harassment occurred, or if a student decides to file a complaint internally with the district under the complaint procedures outlined in Administrative Regulation 5145.7, sixty (60) days after that complaint process is exhausted.

**7. Complaint Procedures**

The Governing Board designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

Superintendent

1875 W. Lowell Ave., Tracy CA 95376

830-3200

Assistant Superintendent of Educational Services and Human Resources

1875 W. Lowell Ave., Tracy CA 95376

830-3260

Director Student Services and Curriculum

1875 W. Lowell Ave., Tracy CA 95376

830-3280

It is desirable that problems and complaints of alleged sexual or gender-based harassment brought by students, employees, parents or other members of the community be resolved in a prompt and equitable manner. If possible, such problems and complaints should be resolved in an informal manner. Although preferred, informal resolution is not a pre-requisite to filing a formal complaint.

If the complaint cannot be resolved informally the following procedures shall be followed for filing a formal complaint of sexual or gender-based harassment:

**Step 1: Filing of Complaint**

Any individual, public agency or organization may file a written complaint of alleged noncompliance.

TUSD Acknowledged 03.24.15

**SEXUAL AND GENDER-BASED HARASSMENT**

The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate compliance officer. The Superintendent or designee will maintain a log of complaints received, providing each with a code number and date stamp.

All types of complaints regarding sex equity and sexual or gender-based harassment must be initiated, in writing, within one hundred and eighty (180) calendar days of the date the alleged violation occurred, or the date the complainant first obtained knowledge of the facts of the alleged violation.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint.

**Step 2: Investigation of Complaint**

Within sixty (60) school days from receipt of the complaint, excluding summer session, when the alleged violation occurred during the regular school year, the Superintendent or designee shall complete the investigation of the complaint. This time period may be extended by written agreement of the complainant.

The Superintendent or designee will conduct an adequate, reliable and impartial investigation, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence. The investigation will be conducted by a trained investigator that will interview all relevant parties and witnesses; the District is required to implement any interim measures, if deemed necessary, and that minimizes the burden on the individual(s) targeted by the bullying/harassment.

Consideration of counseling and other support services for any person found to have been subjected to prohibited harassment; and identification of any other students who were negatively affected by the harassing behavior and a determination of whether they were subject to a hostile environment. If so, the Recipient will consider whether remedial actions would be appropriate for those students.

**Step 3: Response**

Within sixty (60) days of receiving the complaint, the compliance officer shall prepare and send to the complainant and alleged perpetrator a written report of the district's investigation and decision, as described in Step 4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within fifteen (15) calendar days, file his/her complaint, in writing, with the Governing Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within seven (7) calendar days or within the time period that has been specified in a written agreement with the complainant.

**Step 4: Final Written Decision**

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

1. Statement of allegation(s) and issues(s).

**SEXUAL AND GENDER-BASED HARASSMENT**

2. The findings and disposition of the complaint to include whether or not harassment occurred; and any individual remedies offered or provided to the complainant or any sanctions imposed on the perpetrator that directly relate to the complaint, and other steps the school has taken to eliminate the hostile environment. If the school finds one to exist, and prevent recurrence. The perpetrator should not be notified of the individual remedies offered or provided to the complainant.
3. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal.

If an employee or student is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee or student was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action. However, when a student is expelled as a result of a substantiated charge of sexual harassment, the expulsion record shall be a non-privileged, dis-closable public record.

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals.

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (Title 5, Section 4652)

**E. Record Retention**

None

**F. Reports Required**

Sexual Harassment (student log)

**G. Responsible Administrative Unit**

Human Resources

Educational Services

Student Services

**H. Approved by:**

Assistant Superintendent of Educational Services and Human Resources

Director of Student Services and Curriculum

TUSD Acknowledged: 03.24.14

TUSD Acknowledged 03.24.15

**SEXUAL AND GENDER-BASED HARASSMENT, BP 5145.7**

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits sexual and gender-based harassment of any employee, student, or other person at school or at any school-related activity. Sexual and gender-based harassment is a form of sex discrimination under Title IX of the Education Amendments of 1972 and is prohibited by both federal and state law.

It shall be a violation of this policy for any district employee to harass another district employee, applicant or student through conduct or communications of a sexual nature as defined in Administrative Regulation 4119.11. It shall also be a violation of this policy for students to harass other students or district employees through conduct or communications of a sexual nature as defined in Administrative Regulation 5145.7.

**Information**

The Superintendent or designee shall ensure that students receive age-appropriate information related to sexual and gender-based harassment. Such information shall include:

1. Examples of acts and behavior which constitute sexual and gender-based harassment.
2. Students shall be assured that they need not endure any form of sexual conduct or communication, including harassment because of sexual orientation, gender identity, or gender expression.

They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school.

Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual or gender-based harassment.

3. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual or gender-based harassment should be made.

Students shall be informed that they should immediately contact the principal or designee if they feel they are being harassed.

4. Students shall be encouraged to report observed instances of sexual or gender-based harassment, even where the victim of the harassment has not complained.

**Complaint Process**

The Board expects students or staff to immediately report incidents of sexual or gender-based harassment to the principal or designee, to another district administrator or a faculty member. Any student who feels that he/she is being harassed should immediately contact the principal or designee at his/her school.

## **SEXUAL AND GENDER-BASED HARASSMENT**

Staff shall immediately report complaints of sexual or gender-based harassment to the principal or designee or to another district administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

The Superintendent or designee shall ensure that any complaints regarding sexual or gender-based harassment are immediately investigated. The investigation shall include identification of any other students, in addition to the complainant, who may have been subjected to the prohibited harassment and who may have been subjected to a hostile environment.

If a situation involving sexual or gender-based harassment is not promptly investigated and remedied by the principal or designee, a complaint of harassment can be filed in accordance with AR 1312.1 – Complaints Concerning District Employees or AR 1312.3 – Uniform Complaint Procedures. The principal or designee or district administrator shall determine which procedure is appropriate. A complaint filed under the UCP can be filed at any time and does not have to first be filed with the school site.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process.

### **Confidentiality**

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

Information related to a complaint of sexual or gender-based harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

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

### **Disciplinary Actions**

Any student who engages in sexual or gender-based harassment of anyone at school or at a school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion.

Any employee who engages in, permits or fails to report sexual or gender-based harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual and gender-based harassment also may be considered a violation of laws relating to child abuse.

### **Effects of Sexual Harassment**

The Superintendent or designee shall ensure that if sexual or gender-based harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim(s). The types of actions will vary depending on the circumstances, but may include discipline



## **SEXUAL AND GENDER-BASED HARASSMENT**

of the harasser, counseling and/or other support services for any person found to have been subjected to prohibited harassment, or separation of the victim(s) and the harasser. When separation of the victim and harasser is warranted, the Superintendent or designee shall not unduly burden the victim.

Legal Reference: CIVIL CODE

51.9 Liability for sexual harassment; business, service and Professional relationships

1714.1 Liability of parents/guardians for willful misconduct of Minor

EDUCATION CODE

200-264.2 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

Additional grounds for suspension or expulsion; sexual harassment 48904

Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended 2000h-2et seq. Title IX, 1972 Education Act Amendments

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

TUSD Adopted: 03.24.15

**NONDISCRIMINATION/HARASSMENT, BP 5145.3**

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

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

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

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

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

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



recommendations to the Board after each review.

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

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

#### Record-Keeping

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

#### Legal Reference:

##### EDUCATION CODE

200-262.4	Prohibition of discrimination on the basis of sex, especially:
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	GOVERNMENT
CODE		
11135	Nondiscrimination in programs or activities funded by state	

##### PENAL CODE

422.55	Definition of hate crime
422.6	Crimes, harassment

##### CODE OF REGULATIONS, TITLE 5

432 Student record  
4600-4670 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  
12101-12213 Title II equal opportunity for individuals with disabilities

#### UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

#### UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended  
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments  
6101-6107 Age Discrimination Act of 1975

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

#### CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information  
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  
110.25 Prohibition of discrimination based on age

#### 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:

##### CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students  
Against Sex Discrimination, July 2016

##### CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model  
Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

##### FIRST AMENDMENT CENTER PUBLICATIONS

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

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

##### PUBLICATIONS

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016  
Dear Colleague Letter: Title IX Coordinators, April 2015  
Dear Colleague Letter: Harassment and Bullying, October 2010  
Notice of Non-Discrimination, Fact Sheet, August 2010

#### WEB SITES

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

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

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

California Office of the Attorney General: <http://oag.ca.gov>

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

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

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

***KNOW YOUR EDUCATIONAL RIGHTS***

**Sports and Gym Class**

Transgender students shall not be denied the opportunity to participate in physical education, nor shall they be forced to have physical education outside of the assigned class time. Generally, students should be permitted to participate in gender-segregated recreational gym class activities and sports in accordance with the student's gender identity that is exclusively and consistently asserted at school. Participation in competitive athletic activities and contact sports will be resolved on a case-by-case basis.

The schools may provide girls and boys with separate shower rooms and sex education classes when appropriate in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

**Dress Codes**

School sites can enforce dress codes that are adopted pursuant to Education Code 35291. Students shall have the right to dress in accordance with their gender identity that is exclusively and consistently asserted at school, within the constraints of the dress codes adopted at their school site. This regulation does not limit a student's right to dress in accordance with the District and/or site Dress/Appearance standards.

**Gender Segregation in Other Areas**

As a general rule, in circumstances where students are separated by gender for school activities (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity exclusively and consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns.

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

**Grievance Procedures**

The Board hereby designates the following position(s) as Coordinator(s) for Nondiscrimination to handle complaints regarding discrimination and inquires regarding the district's nondiscrimination policies:

School Principals  
Director of Student Services and Curriculum  
Director of Special Projects and Curriculum  
Director of Special Education and Curriculum

Assistant Superintendent of Educational Services  
1875 W. Lowell Avenue  
Tracy, CA 95376  
Phone: 832-3200

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

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

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

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

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures.

Where the Coordinator finds that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

The Coordinator shall also advise the victim of any other remedies that may be available. The Coordinator shall file a report with the Superintendent or designee and refer the matter to law enforcement where required.

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

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

### **Retaliation**

It is a violation of District policy to retaliate against any person who reports incident(s) of alleged harassment or testifies, assists or participates in an investigation, proceeding or hearing relating to

such alleged harassment. An alleged harasser may be found to have violated this anti-retaliation provision even if the underlying complaint of harassment is subsequently not found to be in violation of this policy.

Retaliation includes, but is not limited to, an adverse action, intimidation, threats, reprisal or harassment, against a complainant or someone acting on the complainant's behalf, who complained about or otherwise protested about harassment. Retaliation may be readdressed through application of the same reporting, investigation and enforcement procedures as for harassment.

Retaliation against the complainant, the alleged harasser, and/or any witnesses, by breach of confidentiality or otherwise, is strictly prohibited, will not be tolerated, and will be dealt with by appropriate disciplinary consequences including expulsion and/or referral to legal authority. Any person who knowingly makes a false report may be subject to the same action that the district may take against any other individual who violates this policy. The term "false report" refers only to those made in bad faith and does not include a complaint that could not be corroborated, or which did not rise to the level of unlawful harassment.

### **Definitions**

- a) **School Community:** Includes, but is not limited to, all teachers, support staff, administrators, students, coaches, volunteers, school board members and agents of the school site or district.
- b) **Unlawful Harassment:** Includes verbal, visual or physical conduct based on a student's sex, actual or perceived sexual orientation, gender identity/expression identification, ethnic group, race, national origin, age, marital status, religion, color, mental or physical disability, or physical size or characteristics which has the purpose or effect of substantially interfering with a student's academic performance or otherwise creating an intimidating, hostile or offensive educational environment. Harassment can include any verbal, visual or physical conduct that offends, denigrates or belittles any individual because of any of the actual or perceived characteristics described herein:
- c) **Racial/Color Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived skin color, race or ethnic characteristics.
- d) **Religious/Creed Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived religious practices, beliefs, clothing or other religious expression.
- e) **National Origin Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived national origin, body features, clothing or other expression or display reflecting national origin.

- f) **Marital Status Harassment:** Includes any of the above unlawful acts on a person's actual or perceived marital status including a women's pregnancy or parenthood of family members.
- g) **Age Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived chronological age, including appearance or abilities.
- h) **Disability Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived disability, mental or physical, including mode of ambulating, intelligence, or abilities.
- i) **Size Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived physical size, including height, weight, abilities, or perceived physical characteristics.
- j) **Sexual Orientation Harassment:** Includes any of the above unlawful acts on account of a person(s)' actual or perceived sexual orientation, including mannerisms or family composition including gay, lesbian, bisexual, transgender and questioning youth.
- k) **Gender Identity/Expression:** Includes any of the above unlawful acts based on an individual's gender identity/expression, which includes mannerisms and/or atypical gender roles. In addition to all of the above actual or perceived characteristics, transgender and gender non-conforming students must be protected from discrimination and harassment in the public school system.
- l) **Harassment of a General Nature:** Includes any comments or actions towards others that, lead to embarrassment, a feeling of inferiority or personal discomfort.

Staff must respond appropriately to ensure that schools are free from any such discrimination or harassment.

Legal Reference:

#### EDUCATION CODE

200-262.4	Prohibition of discrimination on the basis of sex, especially:
221.5	Prohibited sex discrimination
221.7	School-sponsored athletic programs; prohibited sex 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

49020-49023 Athletic programs

51006-51007 Equitable access to technological education 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

#### CODE OF REGULATIONS, TITLE 5

4621 District policies and procedures

4622 Notice requirements

#### PENAL CODE

186.21 Street terrorism; legislative findings and declarations

422.55 -422.86 Interference with constitutional right or privilege

628-628.1 School Crime Reporting

11410-11414 Terrorism

13023 Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability

13519.6 Hate crimes, training courses and guidelines

#### UNITED STATES CODE, TITLE 18



245 Federally protected activities

#### UNITED STATES CODE, TITLE 42

[2000d-2000e-17](#) Title VI & VII Civil Rights Act of 1964 as amended

[2000h-2-2000h-6](#) Title IX, 1972 Education Act Amendments

#### 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

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

Management Resources:

#### OFFICE OF CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January, 1999

Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 FR 47, March, 1994

#### WEB SITES

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

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

## **Know Your Educational Rights**

### ***Your Child has the Right to a Free Public Education***

- All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students' parents or guardians.
- In California:
  - All children have the right to a free public education.
  - All children ages 6 to 18 years must be enrolled in school.
  - All students and staff have the right to attend safe, secure, and peaceful schools.
  - All students have a right to be in a public-school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
  - All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

### ***Information Required for School Enrollment***

- When enrolling a child, schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency.
- You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

### ***Confidentiality of Personal Information***

- Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.
- Some schools collect and provide publicly basic student "directory information." If they do, then each year, your child's school district must provide parents/guardians with written notice of the school's directory information policy, and let you know of your option to refuse release of your child's information in the directory.

### ***Family Safety Plans if You Are Detained or Deported***

- You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.
- You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

### ***Right to File a Complaint***

- Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status.