SEPARATE COVER ITEM

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Document: ELEMENTARY HANDBOOK

Tracy Unified School District

1875 W. Lowell Avenue Tracy, CA 95376

Elementary (K-5) School Safety and Violence Prevention Handbook

The future belongs to the educated.

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HEALTH

All students registering for Kindergarten must have up to date immunization records, physical or waiver, and oral health assessment or waiver prior to enrollment.

Vision and hearing screenings will be done for grades K, 2, 5 & 8.

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.

Vision & Hearing

Students shall have their vision and hearing tested by qualified personnel authorized by the district upon first enrollment in elementary school. Further examination shall take place every three years until the student has completed 8th grade. The results of the vision and hearing exam shall be entered into the student's health record. All students shall be tested for visual acuity and hearing. Color vision shall be tested once and only in male students. External observations of the student's eyes, visual performance and perception shall be done by the school nurse and the classroom teacher.

Visual and hearing defects shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. The written report shall not include a referral to any private practitioner. The student may be referred to a public clinic, or diagnostic and treatment center operated by a public hospital or by the state, or county department of public health.

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.

Child Health and Disability Prevention Program

When parents/guardians enroll their children in kindergarten, the district shall inform them about their obligation to obtain or waive a health screening for their children before they enter first grade. The district shall also inform them about the availability of free health screening for low-income children, as provided under the Child Health and Disability Prevention Program, and about the evaluation services and other benefits provided under Division 106, Part 2, Chapter 3, Article 6 of the Health and Safety Code. The district shall encourage parents/guardians to arrange for their children to obtain their health screening prior to or during their kindergarten year.

Legal Reference:

EDUCATION CODE

48211-48214 Persons excluded

49400-49410 General powers-school boards (re: pupil health)

49450-49457 Physical examinations (of pupils)

HEALTH AND SAFETY CODE

121475-121520 Tuberculosis tests for pupils

124100, 124105 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

590-596 Vision screening

ATTENTION PARENTS

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 contacts you when shots are due.

The information in RIDE is confidential. Your information will only be shared with <u>authorized</u> 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

PERTUSSIS

On September 29, 2010, a new law was passed (AB 354) that changed California immunization requirements for students entering 7th grade in public and private schools.

- All students entering 7th–12th grades in the coming school year (2011–2012) <u>must</u> have proof of a Tdap booster shot. Documentation must state the shot was given on or after their 7th birthday. This means that ALL current 6th–11th graders must get up to date now.
- Schools will turn away students who are not up to date beginning July 1, 2012.
- All students entering 7th grade in the coming school year (2012–2013) <u>must</u> have proof of a Tdap booster shot. Documentation must state the shot was given on or after their 7th birthday. <u>This means that ALL current 6th graders must get up to date before entering 7th grade.</u>

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.

Type 2 Diabetes Information

Pursuant to California *Education Code* Section 49452.7, this type 2 diabetes information is for local educational agencies to provide to parents and guardians of incoming seventh grade students beginning July 1, 2010.

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 <u>available translations</u> of this information.

Description

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; this is 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.

Head Injury/Concussion

EC 49475. (a) If a school district elects to offer an athletic program, the school district shall comply with both of the following:

- (1) 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.
- (2) 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.
- (b) This section does not apply to an athlete engaging in an athletic activity during the regular school day or as part of a physical education course required pursuant to subdivision (d) of Section 51220.

Administration of Epilepsy Medication

A parent or guardian of a pupil with epilepsy who has been prescribed an emergency antiseizure medication by the pupil's healthcare 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 antiseizure medication, as defined, in the event that the pupil suffers a seizure when a nurse is not available.

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 and/or 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 assistant principal or principal for a formal hearing of those concerned (student, teacher, parents, counselor, administrator). Consequences may include suspension from class, school, or loss of class credits.

ATTENDANCE: COMPULSORY ATTENDANCE REGULATIONS

- 1. Education Code 48260 -- Any pupil subject to compulsory continuation education who is absent from school without valid excuse more than three (3) days or tardy in excess of 30 minutes on each or more than three (3) days in one school year is a truant and shall be reported to the attendance supervisor or to the Superintendent of the school district. See Disciplinary Violations and Consequences, Miscellaneous School Rules, Section R.
- 2. Education Code 48261 -- Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one (1) or more days, shall again be reported as a truant to the attendance supervisor or the Superintendent of the district.
- 3. Education Code 48262 -- Any pupil who is deemed a habitual truant who has been reported as a truant three (3) or more times per school year, provided that no pupil shall be deemed an habitual truant unless an appropriate district officer or employee has made a conscientious effort to hold at least one conference with a parent/ guardian of the pupil and the pupil himself, after the filing of either of the reports required by Section 48260 or Section 48261.
- 4. Education Code 48263 -- If any minor pupil in any district of a county is an habitual truant, or is irregular in attendance, as defined in this article, or is referred to a school attendance review board, the supervisor of attendance, or such other persons as the governing board of the school district or county may designate, making such referral shall notify the minor and parents/guardians of the minor, in writing, of the name and address of the board to which the matter has been referred and of the reason for such referral. The notice shall indicate that the pupil and parents/guardians of the pupil will be required, along with the referring person, to meet with the school attendance review board to consider a proper disposition of the referral.
- 5. 48263.6. Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 percent or more of the schooldays in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with Sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

Absences from school are defined as follows:

<u>Excused.</u> 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:

- a. Personal illness; a doctor's note is required if over 10 days.
- b. Medical, dental, optometrist or chiropractic services. Students are strongly urged to make appointments during non-school hours.
- c. Attending funeral services of an immediate family member. (Grandparents, parents, sibling)
- d. Exclusion for not having been properly immunized; these absences will not be excused for more than 5 days.
- e. Approved travel study.
- f. Religious instruction (Ed. Code 46014) (AR 5113)

 Participation in religious exercises or to receive moral and religious instruction in accordance with district policy (Education Code 46014)
 - In such instances, the student shall attend at least the minimum school day.
 - The student shall be excused for this purpose on no more than four days per school month
- g. 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.

Unexcused: Students will not be allowed to make up work missed if an absence is unexcused. Teachers' procedures and process for make-up work should be clearly explained to both students and parents in the

individual class syllabus. Listed below are the most common reasons given for absences that will be considered unexcused:

- a. Family vacations and extended weekend trips.
- b. Oversleeping
- c. Cutting
- d. Car trouble
- e. 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 your child's Attendance Secretary.

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.

TARDY POLICY FOR UNEXCUSED CLASSROOM TARDIES

Tardv

Students are tardy to class if they are not in their seat and quiet when the final bell rings. Please refer to school site tardy policy.

SCHOOL ATTENDANCE REVIEW TEAM - SART

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

SCHOOL ATTENDANCE REVIEW BOARD - SARB

A board 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. 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.

STUDENT ASSISTANCE PROGRAM - SAP

A meeting may be held in conjunction with a Student Success Team (SST) meeting, which is aimed at improving student's academic and behavioral functioning.

Surveillance Cameras on Campus

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

DISCIPLINE PHILOSOPHY

Ed Code 48900.5: Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

Ed Code 48900.7 a) In addition to the reasons specified in Sections 48900, 48900.2, 48900.3, and 48900.4, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both.

(b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property

damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his or her immediate family.

Ed Code 48911.1 (a) 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.

- (b) Pupils assigned to a supervised suspension classroom shall be separated from other pupils at the school site for the period of suspension in a separate classroom, building, or site for pupils under suspension.
- (c) School districts may continue to claim apportionments for each pupil assigned to and attending a supervised suspension classroom provided as follows:
 - (1) The supervised suspension classroom is staffed as otherwise provided by law.
 - (2) Each pupil has access to appropriate counseling services.
- (3) The supervised suspension classroom promotes completion of schoolwork and tests missed by the pupil during the suspension.
- (4) Each pupil is responsible for contacting his or her teacher or teachers to receive assignments to be completed while the pupil is assigned to the supervised suspension classroom. The teacher shall provide all assignments and tests that the pupil will miss while suspended. If no classroom work is assigned, the person supervising the suspension classroom shall assign schoolwork.
- (d) At the time a pupil is assigned to a supervised suspension classroom, a school employee shall notify, in person or by telephone, the pupil's parent or guardian. Whenever a pupil is assigned to a supervised suspension classroom for longer than one class period, a school employee shall notify, in writing, the pupil's parent or guardian.
- (e) This section does not place any limitation on a school district's ability to transfer a pupil to an opportunity school or class or a continuation education school or class.
- (f) Apportionments claimed by a school district for pupils assigned to supervised suspension shall be used specifically to mitigate the cost of implementing this section.

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.

We suggest that you retain this **handbook** as a reference and for periodic reminders to your child.

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* ... then, if you wish, 3. discuss matters with the **DIRECTOR OF STUDENT SERVICES** ... and then, if you wish, 4. request through the Superintendent GOVERNING BOARD

RIGHTS & RESPONSIBILITIES RELATED TO DISCIPLINE FOR STUDENTS, PARENTS, CLASSIFIED STAFF, TEACHERS, ADMINISTRATORS, SCHOOL BOARD MEMBERS, & PARENT VOLUNTEERS WHERE APPLICABLE

EACH STUDENT HAS A RIGHT TO . . .

- ... be respected as an individual human being.
- ... equal educational opportunities without discrimination.
- ... a safe, secure, and positive learning environment.
- ... learn without disruptions from others and to engage in normal school activities without harassment or harm from others.
- ... express his/her concerns and have them heard and respected as long as they are expressed responsibly and at an appropriate time.
- ... receive fair and consistent treatment which includes a clear explanation of rules and consequences.

EACH STUDENT HAS A RESPONSIBILITY TO ...

- ... respect the authority of teachers, principals, and other school personnel to enforce district and school rules in a courteous and cooperative manner.
- ... behave in classrooms and on school campuses without disrupting or interfering with the rights or property of other students and staff.
- ... understand and abide by all classroom and school rules.
- ... show respect for and take proper care of property belonging to the school district.

EACH PARENT HAS A RIGHT TO ...

- ... be respected as an individual human being.
- ... 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 each child.
- ... visit the school to observe programs (with prior arrangement).
- ... be informed of student achievements, awards, and honors.
- ...be provided with a qualified translator when 15% of the students in the school speak that language.

EACH PARENT HAS A RESPONSIBILITY TO . . .

- ... be aware that he/she is <u>legally</u> 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 administrator 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 . . .

- ... be respected as an individual human being.
- ... work in a safe, secure, and positive learning environment.
- ... expect students to attend school regularly, punctually, and prepared to learn to the best of their ability.
- ... expect parents to meet with school personnel and discuss their child's behavior and/or academic performance when necessary.
- ... expect parents to be responsible for their child's behavior.
- ...require detention for up to one hour after school.
- ...suspend a student for violations of Ed Code 48900 (a) (r) for the day of the infraction plus one additional day (Ed Code 48900.1)

EACH TEACHER HAS A RESPONSIBILITY TO . . .

- ... provide a safe, secure, and 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 respected as an individual human being.
- ... 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 with the principal.
- ... 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 including pupil's name, address, telephone number, date of birth, and email address as per EC 49076

EACH ADMINISTRATOR HAS A RESPONSIBILITY TO ...

- ...create a safe, secure, and 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 with the administration, then with 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, and 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.
- ... insure 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.

DISRUPTION THREATENING PUPIL'S IMMEDIATE PHYSICAL SAFETY

PC 626. 8 (a) Any person who comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way and willfully or knowingly creates a disruption with the intent to threaten the immediate physical safety of any pupil in preschool, kindergarten, or any of grades 1-8, inclusive, arriving at, attending, or leaving from school is guilty of a misdemeanor.

DUE PROCESS

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

The procedures are designed to ensure that corrective action, if any, is taken only after a thorough examination of the facts. The nature of the corrective action must be reasonably related to the nature and circumstances of the violations.

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.

DISCIPLINARY ACTIONS

CONFERENCE- A school official will conference with the child to reach an agreement regarding the student's future behavior.

BUS SUSPENSION- Misbehavior on the bus may result in bus privileges being suspended indefinitely.

PARENT INVOLVEMENT- A conference may be held among school officials, parent/guardian, and the student in an attempt to correct the student's behavior.

ON-SITE DISCIPLINE- The student remains at school and receives appropriate action, such as detention and/or temporary removal from the classroom.

<u>DETENTION-</u> Students may be assigned detention as a part of the Student Conduct Code. Detention can be assigned by the teacher or site administration. The detention can involve doing school work or community service for the school. Detention may be assigned at break, lunch, or after school. Parents not wishing children to serve detention at lunch or break must send a note to the school indicating that your child will not serve detention at that time and your child will be given an alternate time in which to serve the detention. ADMINISTRATIVE DETENTION is voluntary (per administration) when used in lieu of suspension.

STUDENT ASSISTANCE PROGRAM – SAP - A meeting may be held in conjunction with a Student Success Team (SST) meeting, which is aimed at improving student's academic and behavioral functioning.

SUSPENSION- Suspension is the removal of a student from school for a period of five (5) days or less. The parent or guardian will be notified by telephone or letter that the student is suspended and the conditions of the suspension.

DART- Discipline and Attendance Review Team- DART are utilized at the 10th day of suspension. It is used as a means to develop a plan regarding the student's discipline and behavior.

EXPULSION- Expulsion means the removal of a student from the immediate supervision and control, or the general supervision of school personnel for more than five (5) consecutive school days. 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 under 48915 which may include a full year expulsion, when the student may apply for re-admission to school.

Appealing Suspension Tracy Unified District Policy 5144.1

Under the provisions of Education Code Section 48914, the District has established the following procedures for appealing a suspension and/or other disciplinary action taken by the school:

- 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 the superintendent's designee shall make a decision within five (5) school days. If the superintendent or the superintendent's designee determines that no violation occurred, all records and documentation regarding the disciplinary proceedings and suspension shall be immediately destroyed and no information regarding the superintendent or the 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 pupil to complete any assignments and tests missed during the suspension. (Education Code 48913)

Expulsion from Tracy Unified School District

Definition and Length of Expulsion

Expulsion means the removal of a student from (1) the immediate supervision and control, or (2) the general supervision of school personnel for more than five (5) consecutive school days. 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 unless expulsion under 48915 which may include a full year expulsion, following the semester in which the expulsion occurred, when the student may apply for readmission to school.

Authority to Expel

The governing board may expel students for any of the reasons contained in Education Code 48900 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 is required to recommend expulsion for the following acts (Education Code 48915):

- (a) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:
 - 1) Causing serious physical injury to another person, except in self-defense.
 - 2) Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil.
 - 3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first

offense for the possession of not more than one avoirdupois ounce of marijuana,

other than concentrated cannabis.

- 4) Robbery or extortion.
- Assault or battery, as defined in Sections 240 and 242 of the California Penal Code, upon any school employee.
- (b) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) or Section 48900. A decision to expel shall be based on a finding of one or both of the following:
 - 1. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - 2. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
- 1. Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certified school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an
 - 2. Brandishing a knife at another person.
 - 3. Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

employee of a school district.

- 4. Committing or attempting to commit a sexual assault as defined in subdivision (n) or Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- (d) The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:
 - 1. Is appropriately prepared to accommodate pupils who exhibit discipline problems.
 - 2. Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
 - 3. Is not housed at the school site attended by the pupil at the time of suspension.
- (e) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds, violated subdivision (f), (g), (h), (i), (j), (k), (1), (m), (n) or (o) of Section 48900, or Section 48900.2 or 48900.3 and either of the following:
 - 1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
 - 2. That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.

District Disciplinary Review Board

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; serve as a review board on requests for reinstatement.

Procedures for Expulsion

Expulsion Recommendation by Principal / Assistant Principal

When the principal or the assistant principal determine 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:

- 1. The student's academic/attendance records;
- 2. A chronological account of the development of the case and a statement of the conduct which led to the decision to recommend expulsion;
- 3. 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), (h), or (k) of Section 48900;
- 4. 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.

SUSPENSION AND EXPULSION

Education Code 48900.5

- (a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons.
 - (b) Other means of correction include, but are not limited to, thefollowing:
 - (1) A conference between school personnel, the pupil's parent or guardian, and the pupil.
- (2) Referrals to the school counselor, psychologist, social worker, child welfare attendance personnel, or other school support service personnel for case management and counseling.
- (3) 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.
- (4) Referral for a comprehensive psychosocial or psychoeducational assessment, including for purposes of creating an individualized education program, or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)).
 - (5) Enrollment in a program for teaching prosocial behavior or anger management.
 - (6) Participation in a restorative justice program.
- (7) A positive behavior support approach with tiered interventions that occur during the schoolday on campus.
- (8) After-school programs that address specific behavioral issues or expose pupils to positive activities and behaviors, including, but not limited to, those operated in collaboration with local parent and community groups.
- (9) Any of the alternatives described in Section 48900.6.

Grounds for Suspension and Expulsion Ed. Code 48900

A pupil shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

- (a) (1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (a) (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possessed, sold, or otherwise furnished a firearm, knife, explosive, or other dangerous object, unless, in the case of possession of an object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.
- (c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
- (d) Unlawfully offered, arranged, or negotiated to sell a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and either sold, delivered, or otherwise furnished to a person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
 - (e) Committed or attempted to commit robbery or extortion.
 - (f) Caused or attempted to cause damage to school property or private property.
 - (g) Stolen or attempted to steal school property or private property.
- (h) Possessed or used tobacco, or products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a pupil of his or her own prescription products.
 - (i) Committed an obscene act or engaged in habitual profanity or vulgarity.
- (j) Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
- (k) Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.
 - (1) Knowingly received stolen school property or private property.
- (m) Possessed an imitation firearm. As used in this section, "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
- (n) Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
- (o) Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
 - (p) Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
- (q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.
- (r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 322.61, directed specifically toward a pupil or school personnel.
- 48900 (s). A pupil shall not be suspended or expelled for any of the acts enumerated in this section, unless that act is related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district or principal or occurring within any other school district. A pupil may be suspended or expelled for acts that are enumerated in this section and related to school activity or attendance that occur at any time, including, but not limited to, any of the following:
 - (1) While on school grounds.
 - (2) While going to or coming from school.
 - (3) During the lunch period whether on or off the campus.
 - (4) During, or while going to or coming from, a school sponsored activity.

48900 (t) A pupil who aids or abets, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person may be subject to suspension, but not expulsion, pursuant to this section, except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to subdivision (a).

Grounds for suspension and/or expulsion also include Education Code Sections 48915, 48900.2 and 48900.3.

- 48900.2. In addition to the reasons specified in Section 48900, a pupil may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has committed sexual harassment as defined in Section 212.5. For the purposes of this chapter, the conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.
- 48900.3. In addition to the reasons set forth in Sections 48900 and 48900.2, a pupil in any of grades 4 to 12, inclusive, may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has caused, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Section 233.
- 48915. (a) Except as provided in subdivisions (c) and (e), the principal or the superintendent of schools shall recommend the expulsion of a pupil for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate, due to the particular circumstance:
 - (1) Causing serious physical injury to another person, except in self-defense.
 - (2) Possession of any knife or other dangerous object of no reasonable use to the pupil.
- (3) Unlawful possession of any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
 - (4) Robbery or extortion.
 - (5) Assault or battery, as defined in Sections 240 and 242 of the Penal Code, upon any school employee.
- (b) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil committed an act listed in subdivision (a) or in subdivision (a), (b), (c), (d), or (e) of Section 48900. A decision to expel shall be based on a finding of one or both of the following:
 - (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- (2) Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:
- (1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.
 - (2) Brandishing a knife at another person.
- (3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.
- (4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.
- (5) Possession of an explosive.
- (d) The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:
 - (1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.
 - (2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.
 - (3) Is not housed at the school-site attended by the pupil at the time of suspension.

- (e) Upon recommendation by the principal, superintendent of schools, or by a hearing officer or administrative panel appointed pursuant to subdivision (d) of Section 48918, the governing board may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds violated subdivision (f), (g), (h), (i), (k), (l), or (m) of Section 48900, or Section 48900.2, 48900.3, or 48900.4, and either of the following:
 - (1) That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
- (2) That due to the nature of the violation, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
- (f) The governing board shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) to a program of study which meets all of the conditions specified in subdivision (d). Notwithstanding this subdivision, with respect to a pupil expelled pursuant to subdivision (e), if the county superintendent of schools certifies that an alternative program of study is not available at a site away from a comprehensive middle, junior, or senior high school, or an elementary school, and that the only option for placement is at another comprehensive middle, junior, or senior high school, or another elementary school, the pupil may be referred to a program of study that is provided at a comprehensive middle, junior, or senior high school, or at an elementary school.
- (g) As used in this section, "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 31/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
- (h) As used in this section, the term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.

Search and Seizure (BP 5145.12)

The Governing Board recognizes that incidents may occur which jeopardize the health, safety and welfare of students and staff and which necessitate the search and seizure of students, their property, their lockers and/or vehicles by school officials.

School officials may search individual students and their property when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law of the rules of the district or the school. The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure.

When possible, staff may use a metal detector when searching an individual for weapons.

The parent/guardian of a student subjected to an individualized search shall be notified by the district as soon after the search as possible.

Procedures for Suspension

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

S.A.P. is the Student Assistance Program. Student Assistant Programs are designed for students experiencing behaviors that result in serious barriers to learning. The primary focus areas of concern are: attendance, academics, behavior and health. SAPs are designed to provide an intermediate level of intervention when classroom and school site interventions have not been successful. Parent and student involvement in the SAP intervention process is critical. The goal of SAP is to prevent further loss of classroom time due to behaviors that may lead to suspension and/or expulsion. Progressive discipline may include S.A.P. prior to a DART meeting.

DART is a Discipline and Attendance Review Team. DART is utilized at 10 days of suspension. It is used as a means to develop a plan regarding a student's discipline and behavior.

Student Suspensions

Pursuant to Ed. Code 48903,

- a) Except as provided in subdivision (g) of Section 48911 and in Section 48912, the total number of days for which a pupil may be suspended from school shall not exceed 20 schooldays in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to another regular school, an opportunity school or class, or a continuation education school or class, in which case the total number of schooldays for which the pupil may be suspended shall not exceed 30 days in any school year.
- (b) For the purposes of this section, a school district may count suspensions that occur while a pupil is enrolled in another school district toward the maximum number of days for which a pupil may be suspended in any school year.

Teacher Suspension of a Student Ed. Code 48910

A teacher may suspend, for any of the reasons contained in 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 contained in Section 48900, the teacher shall immediately report the suspension to the principal / assistant principal for appropriate action.
- 2. As soon as possible the teacher shall ask the student's parent or 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 / assistant principal.

Principal / Assistant Principal Suspension of a Student Ed. Code 48911

The principal or the assistant principal may suspend and/or place a student on probation for any of the reasons contained in Education Code Section 48900. The suspension shall be limited to five (5) consecutive school days.

- 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/assistant principal. 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/assistant principal determines that an emergency situation exists, in that there is a clear and present danger to the lives, safety or health of students or school personnel. if the presuspension 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 or guardian in person or by telephone. A school employee shall also report the suspension of the student to the district superintendent.
- A notice of the suspension shall be mailed by a school employee to the parent or guardian within two (2) school days of the beginning of a suspension in the primary language of the parent or guardian, if practicable, containing each of the following:
 - a) A statement of the facts leading to the decision to suspend.
 - b) The date and time when the student will be allowed to return to school.
 - c) A statement of the right of the student or parent to request a meeting with the superintendent or the superintendent's designee.
 - d) A statement of the parent's or the student's right to have access to the student's record as provided in Education Code 48914.
 - e) A request that the parent or the 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 the parent or guardian is 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 or 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) Upon notification of suspension, a student's identification card will be confiscated by the administrator or designee. The identification card will be returned to the student upon completion of the suspension term. Failure to surrender I.D. may result in further disciplinary action.

PROHIBITED BEHAVIORS AND DISCIPLINARY ACTIONS

The following chart indicates in general the types of disciplinary action that apply to each behavior problem. This list of behaviors is not all inclusive. Only the most frequent infractions of school rules are listed. California state law permits disciplinary actions including suspension and expulsion for "good cause" and specifies that parents are responsible financially and otherwise for their children's willful misconduct.

PROHIBITED BEHAVIOR DEFINITION/LEGAL REFERENCE	DISCIPLINARY ACTION	
	Minimum	<u>Maximum</u>
UNEXCUSED ABSENCE EC: 48260, Any absence which has not been excused by a parent or legal guardian and approved by the appropriate school official.	Parent Involvement, On site discipline.	Parent Involvement, On site discipline, referral to School Attendance Review Board (SARB) and/or Truancy Officer.
FIGHTING EC: 48900 (a) Engaging in or threatening any act which might cause harm to another person.	Parent Contact, on-site discipline.	Suspension from school, expulsion, Police Contact.

[&]quot;Students who are involved in two (2) fights in any academic year or high school students who are involved in three (3) fights within their high school career (grades 9-12) and for whom a NO FIGHTING CONTRACT has been executed, shall be recommended for expulsion unless the principal finds that expulsion is inappropriate due to circumstances."

First fight: suspension and Fight Contract signed.

Second: Suspension and recommendation for expulsion with restrictions implemented. (Principal may request suspended-expulsion)

Third fight: Suspension and expulsion recommended.		
THREATS/VERBAL ABUSE EC:	Parent Contact, on-site	On site discipline,
48900 (a)	discipline.	Suspension from school.
Statements which intimidate or		
injure another person.		
WEAPONS EC: 48900 (b)	Parent Involvement,	Suspension from school,
The possession of any object which	Suspension from school,	expulsion, Police Contact.
might be used to inflict injury to	Police Contact.	
another person.		
EXPLOSIVE/INCENDIARY DEVICES	Parent Involvement,	Suspension from school,
EC: 48900 (b)	Suspension from school,	expulsion, Police Contact.
The use, possession, or sale of	Police Contact.	
explosive devices. (Including		
fireworks.)		
DRUGS/ALCOHOL EC: 48900 (c)	Parent Involvement,	Suspension from school,
The use, possession, or sale of	Suspension from school,	expulsion, Police Contact.
drugs, narcotics, or alcoholic	Social Probation, Police	
substances.	Contact.	
REPRESENTED	Five (5) day suspension,	Five (5) day suspension,
DRUG/ALCOHOL/INTOXICANT	recommendation for	recommendation for
SALES EC:_48900 (d)	expulsion and Police	expulsion and police
	contact.	contact.
EXTORTION EC: 48900 (e); 48915	Parent Involvement,	Suspension from school,
The solicitation of money or	Administrative letter to the	expulsion, Police Contact.
something of value from another	School Board.	
person in return for protection, or in		
connection with a threat to inflict		
harm.		

PROPERTY DAMAGE EC: 48900 (f) Cause or attempt to cause damage to school or private property including graffiti.	In accordance with EC 48900.5 Restitution and detention, Parent Contact, Administrative Detention, or 1-5 day suspension and possible recommendation for expulsion; police contact.	5 day suspension and recommendation for expulsion, restitution and police notification.
DESTRUCTION OF PROPERTY/VANDALISM EC: 48900 (f) Defacing, damaging, or destroying property or materials belonging to the school, school personnel, or other persons.	In accordance with EC 48900.5 Parent Involvement, Financial Restitution, Police Contact.	Suspension from school, expulsion, Police Contact.
THEFT EC: 48900 (g) Taking or attempting to take property that belongs to others.	In accordance with EC 48900.5 Parent Involvement, Financial Restitution, Police Contact.	Suspension from school, expulsion, Police Contact.
SMOKING EC: 48900 (h) The possession or use of tobacco on school property.	Parent Contact.	Suspension from school.
DRUG PARAPHERNALIA: EC-48900 (j) Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.	In accordance with EC 48900.5 A minimum five (5) day suspension from school; police notification.	Minimum five (5) day suspension and recommendation for expulsion.
DEFIANCE OF AUTHORITY OF SCHOOL PERSONNEL EC: 48900 (k) Refusal to comply with reasonable requests of school personnel.	In accordance with EC 48900.5 Conference, Parent Involvement.	Suspension from school, expulsion.
DISORDERLY CONDUCT, PROFANITY, OBSCENE BEHAVIOR EC: 48900 (I) (k) Conduct and/or behavior which is disruptive to the orderly educational procedure of the school.	In accordance with EC 48900.5 Conference, Parent Involvement.	Suspension from school, expulsion.
FORGERY EC: 48900 (k) Writing and using the signature or initials of another person, or altering school documents.	In accordance with EC 48900.5 Conference, Parent Involvement.	Suspension from school, expulsion.
TARDINESS/TRUANCIES EC: 48900 (k) Arriving late to school or class without a valid excuse. Truancy- means student is more than 30 minutes late to school.	In accordance with EC 48900.5 Conference, Parent Involvement.	Conference, on-site discipline.
BOMB THREATS EC: 48900 (a) (k) Any false report that a bomb or other explosive device has been placed.	Suspension from school, possible recommendation for expulsion.	Expulsion, Police Contact.

BICYCLES EC: 48900 (k)	In accordance with EC	Suspend riding/parking on
Bicycles shall be walked while on	48900.5 Warning and/or	campus from five (5) to
campus. Bikes must be locked with a	detention.	twenty (20) school days.
secure mechanism.		
COMPUTER USAGE EC: 48900 (k)	In accordance with EC	3-5 day suspension and
Any use of computers in violation of	48900.5 Administrative	possible recommendation
the District Acceptable Use	Detention or 1-5 day	for expulsion.
Agreement such as accessing	suspension and possible	
inappropriate web sites, music,	recommendation for	
pictures, and/or sending or	expulsion.	
receiving emails, etc. that are		
offensive threatening, or otherwise		
inappropriate.	1 50	4 F day ayananaian
DETENTION EC: 48900 (k)	In accordance with EC	1-5 day suspension.
Failure to serve office detention	48900.5 Administrative	
without valid written	Detention or 1 day	
excuse/defiance.	suspension.	
Failure to serve administrative		
detention or violation of		
administrative detention rules and		
regulations.		
DEFIANCE OF AUTHORITY: EC:	In accordance with EC	
48900 (k)	48900.5	
Refusal and/or repeated failure to		3-5 day suspension and
follow school rules and regulations	Detention, Administrative	possible recommendation
and/or severe disruption of school	Detention or 1-5-day	for expulsion.
activities.	suspension.	
Refusal to take direction from a staff		3-5 day suspension and
member or other responsible adult,	Detention, Administrative	possible recommendation
including substitutes.	Detention or 1-5 day	for expulsion.
	suspension.	
Extreme defiance of authority and/or	N	5 day suspension and
verbal abuse towards an adult.	1-5 day suspension with	recommendation for
	possible recommendation	expulsion and police
	for expulsion and police	contact.
Unauthorized presence on a school	contact.	Deposit to Coheat Description
campus	Manusium manant contact	Report to School Resource
	Warning: parent contact.	Office 3-5 day suspension
DISPLIPTIVE AND/OD SAFETY	In accordance with EC	or possible expulsion. Confiscation and parent
DISRUPTIVE AND/OR SAFETY ITEMS: EC-48900 (k)	48900.5 Unit confiscated	must pick up item, 2-5 day
Including but not limited to: Rubber	by school personnel,	suspension.
bands, matches, balloons, squirt	warning, possible	See: "Defiance of
guns, toy guns, electronic devices,	detention, and parent may	Authority."
laser lights, sunglasses in class, felt	have to pick up	- tationty.
marking devices, cap guns,	Item.	
poppers, correction fluid, marking		
devices, aerosol cans, glass bottles,		
lighters, hats, radios, tape		
recorders, noise making devices,		
skateboards, roller blades, dice,		
gum, shoe skates, sports gloves etc.		
3 /	<u> </u>	

DRESS CODE: EC-48900 (k)	In accordance with EC	1-5 day suspension and
Parents are responsible for sending	48900.5 Warning/change	possible recommendation
their child to school dressed in a	clothes.	for expulsion.
fashion which does not distract from		
the instructional process. Students		
are expected to dress within the		
guidelines outlined in the Student		
Handbook.		
*Note: Bandannas are prohibited at		
all times.		
ELECTRONIC DEVICES: EC-48900	In accordance with EC	1-5 day suspension from
(k)	48900.5 Unit confiscated	school.
		SCHOOL.
Radios, cameras, IPods, MP3	by school personnel and	
players, laser pointers, CD players,	returned to the owner via	
and tape recorders, but not limited	an Assistant Principal at	
to, are NOT allowed on campus	the close of the school day.	
unless authorized by the school		
administration.		
*NOTE:-Students are allowed to have		
turned off and out of sight. Students a	re not to check voicemail, text	t message, or turn on
phones during the school day.		
EXPLOSIVES: EC-48900 (k)	Five (5) day suspension and	recommendation for
Maliciously informing any other	expulsion. In addition, the pr	
person that a bomb or other	shall report the incident to the	
explosive has been or will be placed,	appropriate legal action. (Pe	
knowing that such information is	person who maliciously infor	
false.		been or will be placed in any
Taise.	public or private place.	been of will be placed in any
FIDE ALADMS, FO 40000 (b)		
FIRE ALARMS: EC-48900 (k)	Five (5) day suspension and recommendation for	
Tampering with a fire alarm or giving	expulsion. In addition, the Principal/assistant principal	
false alarms	shall report the incident to the	
	appropriate legal action. Per	
	person who tampers with a f	
	alarms, is guilty of a misdem	
	one year in the county jail an	
FORGERY: EC-48900 (k)	In accordance with EC	5 day suspension,
	48900.5 Parent contact,	recommendation for
	Administrative Detention	expulsion.
	or possible suspension.	
FOOD FIGHT: EC-48900 (k)	In accordance with EC	Five (5) day suspension,
	48900.5 1-5 day	recommendation for
	suspension, Social	expulsion.
	Probation (9 weeks).	
FOOD THROWING, littering,	In accordance with EC	3-5 day suspension and
cafeteria misbehavior: EC-48900 (k)	48900.5 1-5 day detention	possible recommendation
Careteria illispellavior. EC-40300 (K)		for expulsion.
	and campus/cafeteria	ioi expuision.
0.4 MPI INIO. EQ. 40000 (1)	clean up.	2.5.4
<u>GAMBLING</u> : EC-48900 (k)	Detention, Administrative	3-5 day suspension.
The playing of a game of chance for	Detention or 1 day	
stakes.	suspension.	
IMPEDANCE OF DIRECTIVES: EC-	In accordance with EC	1-5 day suspension and
48900 (k)	48900.5 Warning, 1-5 day	recommendation for
A student, who obstructs, delays,	suspension, and possible	expulsion.
impedes or fails to follow the	recommendation for	
directives of school personnel	expulsion.	
engaged in the performance of their		
duties.		
44400	<u> </u>	

INTENTIONALLY RUNNING: EC-48900 (k) to, moving toward, or gathering around fights that impede the ability of supervisors to control the situation and maintain a safe school. INAPPROPRIATE SYMBOLS: EC-48900 (k) Wearing or carrying any apparel, jewelry, accessory or notebook with crude or vulgar lettering, printing	In accordance with EC 48900.5 Warning, parent contact, and/or 1-2 placement in support room/detention and/or 1-2 day-suspension. In accordance with EC 48900.5 Student sent home to change clothes or provided with alternative clothing. Confiscation of	Parent contact, 3-5 day suspension and possible expulsion. Five (5) day suspension.
pictures, symbols that depict drugs, tobacco, alcoholic beverages, or are sexually suggestive LEAVING CAMPUS WITHOUT PERMISSION: EC-48900 (k)	igwelry, accessory notebook, etc. In accordance with EC 48900.5 Administrative Detention and/or	1-5 day suspension.
LOITERING: EC-48900 (k) Loitering in or about restrooms and/or locker room, doorways or anywhere else on campus.	In accordance with EC 48900.5 Detention.	2-5 day suspension.
LOITERING on or around other school campuses: EC-48900 (k)	In accordance with EC 48900.5 Warning/detention, Administrative Detention, or 1-5 day suspension.	1-5 day suspension.
MISBEHAVIOR during assemblies, rallies, dances: EC-48900 (k)	In accordance with EC 48900.5 Removal from activity; detention, Administrative Detention or 1-5 day suspension.	Social and Activity Probation (9 weeks), 3-5 day suspension.
OUT OF CLASS without an acceptable hall pass during class time: EC-48900 (k)	In accordance with EC 48900.5 1-5 days after school detention.	Possible referral to SARB Social Probation, and Administrative Detention, or 1-5 days suspension.
ROUGHHOUSING, wrestling, chasing, running in the halls, etc.: EC-48900 (k)	In accordance with EC 48900.5 Detention, Administrative Detention, or possible 1 day suspension.	3-5 day suspension, possible recommendation for expulsion.
TRUANCIES OR CUTTING CLASSES FOR MORE THAN 30 MINUTES: EC-48900 (k)	In accordance with EC 48900.5 Administrative Detention, parent notification and/or suspension.	Administrative Detention, parent notification, 9 weeks Social Probation, referral to SARB and/or suspension.
VIOLATION OF SUSPENSION: EC- 48900 (k) Physically present on the school campus at any time, in the immediate vicinity of school premises, or at a school - sponsored activity while suspended from school. NOTE: Per Penal Code 626.2: "No student can be on campus	1-5 day suspension.	1-5 day suspension and recommendation for expulsion.

during suspension."		
VIDEOTAPING FIGHTS: EC-48900 (k) other violations of school rules. A student, who photographs, videotapes, records, reproduces or posts images of violations of school rules.	In accordance with EC 48900.5 Unit confiscated by school personnel and parent must contact school administrator, Warning, or detention, or 1-5 days suspension, or Possible recommendation for expulsion.	
THEFT: EC-48900 (I) The taking of or knowingly receiving stolen school or private property without permission.	In accordance with EC 48900.5 1-5 day suspension, restitution, and possible police contact.	Five (5) day suspension, restitution, recommendation for expulsion, and possible police contact.
LOOK-ALIKE GUNS: EC-48900 (m) Possession of a look-alike gun used in a threatening manner.	Possible 1-5 day suspension and possible recommendation for expulsion. (E.C. 48900(m)).	
SEXUAL ASSAULT: EC-48900 (n)	Parent contact, five (5) day suspension and recommendation for expulsion. Report to a law reinforcement agency.	
WITNESS INTIMIDATION: EC-48900 (o)	In accordance with EC 48900.5 Administrative decision may include the following: Parent conference, Support Room or suspension from school for 1-5 days and recommendation for expulsion.	
DRUG SOMA: EC-48900 (p) Unlawfully offered, arranged a sale, negotiated a sale, or sold the prescription of drug Soma.	Five (5) day suspension, recommendation for expulsion and Police contact.	Five (5) day suspension, recommendation for expulsion and police contact.
HAZING AND HARRASSMENT: EC- 48900 (q)	In accordance with EC 48900.5 Five (5) day suspension, recommendation for expulsion and police contact.	Five (5) day suspension, recommendation for expulsion and police contact.
SEXUAL HARASSMENT Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature. This rule does not apply to students in grades K-3. (E.C. 48900.2; E.C. 212.5)	In accordance with EC 48900.5 Conference,	Suspension from school, expulsion.
BULLYING EC 48900 (r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 322.61, directed specifically toward a pupil or school personnel. As defined by 322.61, "Bullying" means one or more acts by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4. An "electronic act" means the transmission of a communication, including, but not	In accordance with EC 48900.5 Warning, Detention, Administrative Detention or (severity) 1-5 day suspension.	3-5 day suspension and possible recommendation for expulsion and police contact.

necessarily limited to, a message, text, sound or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not necessarily limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. **TERRORISTIC THREATS** Parent conference and/or Suspension, 1-5 days, suspension, 1-5 days; possible recommendation Ed Code 48900.7 a) In addition to the possible recommendation for expulsion. reasons specified in Sections 48900, for expulsion. Police 48900.2, 48900.3, and 48900.4, a pupil contact. may be suspended from school or recommended for expulsion if the superintendent or the principal of the school in which the pupil is enrolled determines that the pupil has made terroristic threats against school officials or school property, or both. (b) For the purposes of this section, "terroristic threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of one thousand dollars (\$1,000), with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to

be in sustained fear for his or her own safety or for his or her immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or his

or her immediate family.

Students BP 5129 BULLYING PREVENTION POLICY

The Tracy-Unified School District believes that all students have a right to a safe and healthy school environment. The district, schools, and community have an obligation to promote the six pillars of character: Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship.

The Tracy Unified School District will not tolerate bullying which shall be defined as: Behavior that means one or more acts by a pupil or a group of pupils directed against another pupil that constitutes sexual harassment, hate violence, or severe or pervasive intentional harassment, threats, or intimidation that is disruptive, that causes disorder, and invades the rights of others by creating an intimidating or hostile educational environment, and includes acts that are committed personally or by means of an electronic act and social isolation or manipulation. An "electronic act" means the transmission of a communication, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

The Tracy Unified School District expects students and/or staff to immediately report incidents of bullying to the principal or designee. Staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of bullying 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.

To ensure bullying does not occur on school campuses, the Tracy Unified School District will provide staff development training on bullying prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment.

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

Tracy Unified School District will adopt a Student Code of Conduct to be followed by every student. The Student-Code of Conduct includes, but is not limited to:

Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.

Students are expected to immediately report incidents of bullying to the principal or staff.

Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.

If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal. If the complaint is not resolved at the school site/principal level the Office of Student Services should be contacted (830-3280). The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

The procedures for intervening in bullying behavior include, but are not limited, to the following:

All staff, students, and their parents will receive a summary of this policy prohibiting bullying at the beginning of the school year, as part of the student handbook and/or information packet, as part of new student orientation, and as part of the school system's notification to parents.

The school will make reasonable efforts to keep a report of bullying and the results of the investigation confidential.

Staff are expected to immediately intervene when they see a bullying incident occur-

People witnessing or experiencing bullying are encouraged to report the incident. Such reporting will not reflect on the victim or witnesses in any way.

Legal Reference:
EDUCATION CODE
234.1 Safe Place to Learn
35294.2 School Safety Plan
32261 Intergovernmental Agencies School Safety
48900(r) Grounds for Suspension/Expulsion

TUSD Board Approved May 22, 2012

AB 1156 - A pupil who has been determined by personnel of either the school district of residence or the school district of proposed enrollment to have been the victim of an act of bullying, as defined, committed by a pupil of the school district of residence be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement, at the request of the person having legal custody of the pupil.

Legal Reference: EDUCATION CODE 35294.2 School Safety Plan CALIFORNIA AB 79

BULLYING PREVENTION POLICY

BP 5131.2

The Tracy Unified School District believes that all students have a right to a safe and healthy school environment. The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student. The district, schools, and community have an obligation to promote the six pillars of character: Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship.

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.

Definition

The Tracy Unified School District will not tolerate bullying which shall be defined as: "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 Section 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:

- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
- (D) 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.
- (2) (A) "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:
- (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.

Bullying Prevention

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

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

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

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

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

The Tracy Unified School District expects students and/or staff to immediately report incidents of bullying to the principal or designee. Staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of bullying shall be promptly investigated. This policy applies to students whose behavior is related to school activity, studentson 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.

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

Complaints and Investigation

Students may submit to a teacher or administrator a verbal or written complaint of conduct they consider to be bullying. Complaints of bullying shall be investigated and resolved in accordance with site-level grievance procedures specified in AR 5131.2—Bullying Prevention.

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

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

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

Discipline

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

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

Tracy Unified School District will adopt a Student Code of Conduct to be followed by every student.

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

Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.

Students are expected to immediately report incidents of bullying to the principal or staff. Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.

If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal. If the complaint is not resolved at the school site/principal level the Office of Student Services should be contacted (830-3280). The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

The procedures for intervening in bullying behavior include, but are not limited, to the following: All staff, students, and their parents will receive a summary of this policy prohibiting bullying at the beginning of the school year, as part of the student handbook and/or information packet, as part of new student orientation, and as part of the school system's notification to parents.

The school will make reasonable efforts to keep a report of bullying and the results of the investigation confidential.

Staff are expected to immediately intervene when they see a bullying incident occur. People witnessing or experiencing bullying are encouraged to report the incident. Such reporting will not reflect on the victim or witnesses in any way.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Intergovernmental Agencies School Safety

32282 Comprehensive safety plan

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

35294.2 School Safety Plan

48900-48925 Suspension or expulsion

48985 Translation of notices

PENAL CODE

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

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

653.2 Electronic communication devices, threats to safety

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

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

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

Management Resources: CSBA PUBLICATIONS

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

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

2010

Cyber bullying: Policy Considerations for Boards, Policy Brief, July 2007 CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through

Grade Twelve, 2008

Bullying at School, 2003

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

Dear Colleague Letter: Harassment and Bullying, October 2010

WEB SITES

CSBA: http://www.csba.org

California Cyber safety for Children: http://www.cybersafety.ca.gov

California Department of Education, Safe Schools Office: http://www.cde.ca.gov/ls/ss

Center for Safe and Responsible Internet Use: http://cyberbully.org

National School Boards Association: http://www.nsba.org National School Safety Center: http://www.schoolsafety.us

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

Adopted 02.13.13

EDUCATION CODE SECTION 48900 (2-r) BEHAVIOR AGREEMENT

PLEASE READ THE BEHAVIOR AGREEMENT ON THE ATTACHED CARD, COMPLETE THE BEHAVIOR AGREEMENT ON THE REVERSE SIDE, AND RETURN IT TO YOUR CHILD'S TEACHER WITHIN ONE WEEK. THANK YOU FOR YOUR INTEREST AND COOPERATION.

PERSONNEL & STUDENTS

BP4119.11; 4219.11; 4119.111; 4219.111; 5145.7

BP 5145.7 SEXUAL AND GENDER-BASED HARASSMENT

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 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 harassment. Such information shall include:

- 1. Examples of acts and behavior which constitute sexual 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 harassment.

3. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual 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 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 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.

Staff shall immediately report complaints of sexual 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 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 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.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process, except as necessary to carry out the investigation or take other subsequent necessary action.

Information related to a complaint of sexual 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 eases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the schools.

Disciplinary Actions

Any student who engages in sexual 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 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 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 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 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
48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct
48980 Notice at beginning of term
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

Definition of Sexual Harassment

- Prohibited sexual harassment includes, <u>but is not limited to</u>, unwelcome sexual advances, requests for sexual favors, and 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, 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 or 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.

- 2. Other types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:
 - Unwelcome leering, sexual flirtations, or propositions.
 - 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, stories, drawings, pictures or gestures.
 - 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.
 - j. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual 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.
 - 1. 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.
 - n. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

In determining whether the alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be considered.

Procedures - Student Harassment

Any student who feels that he or she is being sexually harassed by an employee, staff member or student in the district should immediately contact the principal or 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 alone or with his or her parent/guardian.

A district employee who receives a report of sexual harassment of a student or who witnesses the sexual harassment of a student shall immediately report the harassment to the Assistant Superintendent for 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 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 harassment policy as well as the Administrative Regulation which contains procedures for filing complaints regarding sexual harassment.

Each complaint of sexual harassment shall be promptly investigated in a way that attempts to respect the privacy of all parties concerned. Formal complaints of sexual harassment filed in accordance with the complaint procedures contained in Administrative Regulation 4ll9.ll; 42l9.ll; 4119.111; 4219.111 and 5l45.7 will be investigated in accordance with "Step 2" of those procedures. If the complainant 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 harassment, however, the student must be willing to disclose his or her name to the alleged harasser.

Students who allege sexual 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 harassment under this policy, it may be in violation of other rules and standards of conduct of the district. (Refer to the complaint procedures contained within Administrative Regulation 5145.7 for filing a formal complaint of sexual harassment.

Procedures - Any Other Persons Alleging Harassment By a District Employee, or Student

Any person who alleges sexual harassment by any employee, or student in the district may file a complaint under the complaint procedures contained in Administrative Regulation 4ll9.ll; 4219.ll; and 5l45.7.

Sanctions

A substantiated charge of sexual 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, if applicable. If the conduct complained of constitutes sexual 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 harassment under this policy, a charge of such conduct will be substantiated where substantial evidence supports the allegations.

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	Equal Employment Opportunity Commission
Old Federal Building	1265 West Shaw Avenue, Room 103
50 United Nations Plaza, Room 239	Fresno, CA 83711
San Francisco, CA 94102	

Notifications - Students

A copy of this policy shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Avenue, Tracy, CA and in a prominent location near each school principal's office.

Notice of the sexual harassment policy and administrative which contains the complaint procedures will be sent to all 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 quarter, 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 sexual harassment.

Students may also file a separate claim of sexual 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 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.

Uniform Complaint Procedure

The Governing Board recognizes that the district is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve complaints at the local level.

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on ethnic group identification, religion, age, gender, sex, sexual orientation, color, race, ancestry, national origin or physical or mental disability in any program or activity that receives or benefits from state financial assistance. The district shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law in adult basic education, consolidated categorical aid programs including, but not limited to, School Improvement, Economic Impact Aide, Professional Development, Elementary and Secondary Education Act programs, migrant education, vocational education, child care and development programs, child nutrition programs and special education programs.

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination.

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

Compliance Officers

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

Director of Student Services	or Assistant Superintendent for Educational Services
1875 West Lowell	1875 West Lowell
Tracy, CA-95376	Tracy, CA 95376
(209) 830-3280	(209) 830-3202

Notifications

Students and parents or guardians will receive their annual UCP notice in their student's annual handbook.

Such notice shall also be available in Spanish.

All staff shall receive their annual notification through their respective handbooks that are reviewed at the first staff meeting of the school year. District /site advisory councils and committees shall receive their annual notification at the first meeting of the school year.

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the California Code of Regulations, Title 5, and Section 4632.

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

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance by the district. The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp. If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint.

Step 2: Mediation

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process. Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall precede with his/her investigation of the complaint. The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

The compliance officer shall hold an investigative meeting within ten days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. The complainant and/or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (5 CCR 4631)

Step 4: District Response

Within 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 #5 below. (5 CCR 4631)

Step 5: 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 shall arrange a meeting at which a community member will interpret it for the complainant. The report shall include a notice of the complainant's right to appeal the decision within 15 calendar days to the California Department of Education, and procedures to be followed for initiating such an appeal. If the compliant involves alleged discrimination, a notice of the complainant's right to seek civil law remedies shall be submitted no sooner than sixty days after filing an appeal with the California Department of Education. (5 CCR 4631)

Step 6: Appeals to the California Department of Education

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.

Step 7: Civil Law Remedies

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the district's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil remedies. This moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint. For assistance, complainants may contact the San Jonquin County Office of Education Legal Services (209) 468-4850 or Legal Aid (209) 946-0605 or any other attorney or appropriate organization.

Basis for Direct State Department of Education Intervention

The Superintendent of Public Instruction shall directly intervene when:

- The district fails to comply with the complaint procedures
- Discrimination is alleged and/or there is indication of immediate loss of benefits such as education or employment for students
- The complainant request anonymity and has proven retaliation
- The district fails to implement the final decision resulting from a local investigative or meditative process

- The district fails to respond to the complainant within 60 days
- For Special Education issues:
- The district fails/refuses to follow provisions for free, appropriate public education
- The complainant alleges that a student is not receiving services specified in the student's IEP
- There is an alleged violation of federal law governing Special Education

Sexual Harassment Parent/Student

Students

BP 5145.7

SEXUAL AND GENDER-BASED HARASSMENT

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 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 harassment. Such information shall include:

- 1. Examples of acts and behavior which constitute sexual 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 harassment.

3. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual 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 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 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.

Staff shall immediately report complaints of sexual 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 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 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.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process, except as necessary to carry out the investigation or take other subsequent necessary action.

Information related to a complaint of sexual 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 harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the schools.

Disciplinary Actions

Any student who engages in sexual 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 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 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 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 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

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

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

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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

SEXUAL HARASSMENT

A. Purpose and Scope

To provide guidance and direction for all District employees regarding harassment, including sexual harassment.

B. General - Definition

Sexual harassment is a violation of the Board's rules of conduct. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- * Submission to the conduct is made either an explicit or implicit condition of employment or academic status or progress;
- * Submission to or rejection of the conduct is used as the basis for any employment or academic decision affecting the individual employee or student; or
- * The conduct has the purpose or effect of unreasonably interfering with an employee or student's work or academic performance or creating an intimidating, hostile or offensive work or academic environment.

Sexual harassment includes conduct based on sex, whether directed toward a person of the opposite or same sex, and also may include, but is not limited to, the following:

- * Repeated leering, sexual flirtations, or propositions.
- * Suggestive or obscene letters, notes, or invitations
- * Slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
- * Sexual jokes, stories, drawings, pictures or gestures.
- * Spreading sexual rumors.
- * Touching an individual's body or clothes in a sexual way.

- * Attempts to pull down pants or gym shorts or flip up skirts.
- * Impeding or blocking normal movements.
- Displaying sexually suggestive objects.
 - * Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered harassment.)
- * Implying or withholding support, based on sex, 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 academic environment, implying or withholding grades earned or deserved, suggesting a poor performance evaluation will be prepared, or suggesting a scholarship or college recommendation will be denied.
- * Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of another employee. Within the academic environment, engaging in coercive sexual behavior to control, influence, or affect the academic opportunities, grades, and/or learning environment of a student.
- * Offering favors or academic or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations in exchange for sexual favors.

Where no tangible employment or academic action has occurred, this conduct can be unlawful only if it is both unwelcome and either severe or pervasive. Nonetheless, the Board discourages any such conduct in the District, regardless of the circumstances.

In determining whether alleged conduct constitutes harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incidents occurred will be investigated. The Assistant Superintendent for Human Resources or designee has the responsibility of investigating and resolving complaints of harassment of employees. The Director of Student Services or designee, in conjunction with school principals, has the responsibility of investigating and resolving complaints of harassment of students.

C. Forms Used and Additional References

None

D. Procedures

Everyone at the District is responsible for assuring that the work and academic environment is free from prohibited harassment and is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited harassment.

General Procedures - Students

Any student who feels he or she is being sexually 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 harassment to his or her teacher, especially if the student believes the teacher engaged in or knowingly tolerated any 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 sexual harassment of a student or who witnesses the sexual harassment of a student shall immediately report the harassment to the Assistant Superintendent for Human Resources (if alleged harassment is by an employee) or the principal or principal's designee (if the alleged harassment is by another student). Administrators, upon receiving a report of sexual harassment from a student, shall provide the student with a copy of the sexual harassment policy as well as the Administrative Regulation which contains procedures for filing complaints regarding sexual harassment.

Each complaint of sexual 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 sexual harassment, however, the student must be willing to disclose his or her name to the alleged harasser.

A student who feels he or she is being sexually harassed by his or her teacher may request to be transferred out of the teacher's class. The District will attempt to accommodate such requests to the extent practicable.

Each complaint of sexual harassment shall be promptly investigated in a way that attempts to respect the privacy of all parties concerned.

General Procedures - Any Other Persons

Any person who alleges sexual 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.

Formal Complaint Procedures

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

Superintendent	830-3200 ext. 1004
Assistant Superintendent for Human Resources	830-3260 ext. 1304
Director of Student Services	830-3280 ext. 1601
1875 W. Lowell Ave. Tracy, CA. 95376	

It is desirable that complaints of sexual 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 sexual harassment.

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance.

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 sexual harassment must be initiated, in writing within sixty (60) 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 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.

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.

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 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 appropriate action was taken and that the employee or student was informed of the District's sexual harassment 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 sexual harassment, the expulsion record shall be a non-privileged, discloseable 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 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.

Corrective Action

A substantiated complaint of sexual 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 corrective action is reasonable and appropriate under the circumstances.

Even if the reported conduct is not considered sexual 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 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.

Retaliation and Confidentiality

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

Department of Fair Employment and Housing 2000 O Street, Suite 120 Sacramento, CA 95814 (916) 445-9918

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 83711

Notification - Students

A copy of the sexual 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 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 sexual harassment and Administrative Regulation shall be provided as part of any orientation program conducted for new students at the beginning of each quarter, 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 sexual harassment.

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

E. Reports Required

Investigation report regarding allegations of harassment.

F. Record Retention

Personnel file when appropriate.

G. Responsible Administrative Units

Human Resources

Student Services

H. Approved By

Assistant Superintendent for Human Resources Director of Student Services

Uniform Complaint Procedure

A. Purpose and Scope

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

- (cf. 1312.1 Complaints Concerning District Employees)
- (cf. 1312.2 Complaints Concerning Instructional Materials)
- (cf. 1312.4 Williams Uniform Complaint Procedures)
- (cf. 4031 Complaints Concerning Discrimination in Employment)

The district's uniform complaint procedures policy and administrative regulation shall be posted in all district schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

(cf. 5145.6 - Parental Notifications)

B. General

1. Compliance Officers

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

Director of Student Services (209) 830-3280 or,

Director of Curriculum, Accountability and Special Programs (209) 830-3275 or,

Assistant Superintendent for Educational Services and Human Resources (209) 830-3202 1875 W. Lowell Tracy, CA 95376

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

(cf. 9124 - Attorney)

C. Notifications

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

(cf. 0420 - School Plans/Site Councils) (cf. 1220 - Citizen Advisory Committees)

(cf. 3260 - Fees and Charges) (cf. 4112.9/4212.9/4312.9 - Employee Notifications) (cf. 5145.6 - Parental Notifications)

- 2. The Superintendent or designee shall make available copies of the district's uniform complaint procedures free of charge. (5 CCR 4622)
- 3. The notice shall:
 - a.. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
 - b. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
 - c. Advise the complainant of the appeal process, pursuant to Education Code 262.3 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
 - d. Include statements that:
 - 1. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.

- 2. 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.
- A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
- 4. 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.
- 5. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- Copies of the district's uniform complaint procedures are available free of charge.

D. Procedures

- 1. All complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)
- 2. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.
- 3. All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

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

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

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

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

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

Step 2: Mediation

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

make all arrangements for this process.

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

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

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

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

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

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

Step 4: Response

OPTION 1:

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

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

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

Step 5: Final Written Decision

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

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

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

The findings of fact based on the evidence gathered

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

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

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

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

E. Appeals to the California Department of Education

If dissatisfied with the district's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632)

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

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

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

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

F. Civil Law Remedies

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

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

G. Record Retention

Records of complaints must be maintained for at least 36 months after settlement.

H. Responsible Administrative Unit Educational Services

I. Approved by Administrator of Division

Assistant Superintendent for Educational Services and Human Resources

DRESS STANDARDS

The primary responsibility for student dress and appearance rests with the parents. The primary purpose of school is education. Therefore, all aspects of school must be considered with that objective in mind. As a guide, students should be dressed in clothing that would be appropriate in the workplace. Wearing apparel shall be neat, clean, safe, and not disruptive to instructional activities. All students must wear some form of shoes, sandals, or moccasins. Crude or vulgar commercial lettering or printing, and pictures depicting occult messages, weapons, drugs, tobacco, alcoholic beverages, racial/ethnic slurs, unauthorized group affiliation or that are sexually suggestive, on shirts, sweatshirts and other wearing apparel are not acceptable. Such items as beach attire, nightwear, bedroom slippers, short shorts/skirts or unsafe accessories are not allowed. No spandex or lycra material shorts, skirts or dresses. No bottoms or splits are to be shorter than where the student's fingertips reach when the arms and fingertips are fully extended on the sides. Any clothing/accessory that may be deemed dangerous, i.e. chains, steel-toed boots, items with spikes or studs etc. are unacceptable. Clothes, apparel or attire must be sufficient to conceal undergarments at all times. Clothing, apparel or attire that fails to provide adequate coverage of the body, including but not limited to, see-through, fishnet fabrics, tops that do not touch the top of the pants/skirts, tank tops, tube tops, halter tops, <mark>bandeaus, racer backs</mark>, off the shoulder or low cut tops or dresses and sagging pants are not allowed. No holes or tears that are revealing. Tank tops or T-Shirts with cut outs under the arms are not allowed. Clothing must fit or may be no larger than one size bigger. Pants must be worn at the waist, not at the hips. No hair rollers, shower caps, bandannas, hairnets, skull caps, wave caps, or other such grooming items are allowed. Tattoos must conform to the dress code.

<u>Confiscated Items</u>- Confiscated items must be picked up on or before the last day of school. Confiscated items not picked up will be discarded.

Hats/Sun Protective Headwear- Students are not permitted to wear hats or other head coverings in class, assemblies, or at any indoor school day functions except for religious or medical reasons. Sports caps may be worn outside the classroom and during sports but may not be altered. Red or blue headgear is prohibited for safety reasons. Students may write their legal name in the inside band but not the bill for identification. Sports caps must be worn forward. Pins or attachments to hats are not allowed. No hair rollers, shower caps, hair sets, skull caps, wave caps, or other such grooming items are allowed. All bandannas of any color are prohibited for safety reasons.

<u>Footwear/Shoes</u>- No flip-flops. Shoes of any type that present a safety hazard are prohibited. For safety purposes in specialty classes, the teacher will determine appropriate shoes.

Unauthorized Group Apparel is Prohibited

Jewelry, accessory, notebook or manner of grooming (including haircuts) which by virtue of its color, arrangement, trademark or any other attribute denotes membership in a gang or group is prohibited. No clothing or articles of clothing (including but not limited to gloves, bandannas, shoestrings, wristbands, belts, jewelry) related to group or gang that may provoke others to acts of violence are prohibited. Belt buckles with initials or red, blue, or brown web belts, belts hanging out of pants, red, blue or other colored shoelaces, bandanas of any type of color, either worn in hair or displayed in clothing, gloves, towels, suspenders or other items hanging from rear pants pockets or from belt, excessive clothing items of predominately one color, old English style writing on clothing or notebooks are prohibited.

Because gang-unauthorized group related symbols are constantly changing, definitions of gangrelated 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. Students are not permitted to wear hats or other head coverings in class, assemblies, or at any indoor school function except for religious or medical reasons. Sunglasses are not to be worn in the classroom. Any student who deviates from the accepted standards set forth in this policy will be required to prepare properly for the classroom before being admitted. Refusal to cooperate will result in disciplinary action.

Wearing apparel shall be neat, clean, safe, and not disruptive to instructional activities. All students must wear some form of shoes, sandals, or moccasins. Tattoos must conform to the dress code or otherwise be covered at all times.

PARENT RESPONSIBILITY/LOST OR DAMAGED SCHOOL PROPERTY

Parents will be financially responsible for their children losing school materials and/or equipment and for causing damages to school property or personal property of school employees. In addition, the school will withhold the student's grades, transcripts, etc. until the student or the parent/guardian has paid for the damages as provided in subdivision (a) of Education Code Section 48904. All fines are due on the last day of school or upon checkout.

LIBRARY FINES AND RESITUTION FOR DAMAGE TO SCHOOL PROPERTY

- 1. 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, withhold the grades, diploma, transcripts and extra-curricular 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).
- 2. The school shall notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct before withholding the pupil's grades, diploma, or transcripts, and extracurricular activities pursuant to this subdivision. 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.
- 3. The governing board of each school shall establish rules and regulations governing procedures for the implementation of Education Code 48900(f). The procedures shall

confirm to, but are not necessarily limited to, those procedures established in this code for the expulsion of pupils.

LIBRARY FINES AND RESTITUTION FOR DAMAGE TO SCHOOL PROPERTY

- 1. 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, withhold the grades, 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).
- 2. The school shall notify the parent or guardian of the pupil in writing of the pupil's alleged misconduct before withholding the pupil's grades, diploma, or transcripts, and extracurricular 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.
- 3. The governing board of each school shall establish rules and regulations governing procedures for the implementation of this subdivision. The procedures shall confirm to, but are not necessarily limited to, those procedures established in this code for the expulsion of pupils.

UNAUTHORIZED GROUPS

BP 5136

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.

UNAUTHORIZED GROUPS

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
- 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.
 - 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
- 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.
 - 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/quardian 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.
- A third offense will result in the following:
 - a. Parent/quardian 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.
 - 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.
 - a. In-service 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.
- 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:

- 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.

FIELD TRIP CRITERIA- Any student receiving two or more major citations and/or a school suspension within the previous four weeks will not be allowed to go on field trips or participate in school activities at the discretion of the teacher and/or administrator.

Parent's Guide To Homework

HOMEWORK IN TRACY UNIFIED SCHOOL DISTRICT

Homework

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.

Board Policy 6154

- 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. K-5 students will not typically be given homework on weekends. 6th-8th grade students may be given limited homework on holidays and weekends.
- Per night, K-3 homework assignments will typically average thirty minutes; 4th-5th grade homework assignments will typically average one hour; 6th-8th grade homework assignments will typically average one and a half hours
- 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.

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) Contact Carol Anderson-Woo, Director of Curriculum, Accountability and Continuous Improvement at (209) 830-3209.

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 may or may not allow a suspended student to complete any assignments and tests missed during suspension.

Students who miss school work because of unexcused absences may or may not be given the opportunity to makeup 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 high school, make-up procedures and processes should be addressed in the class syllabus.

TRACY UNIFIED SCHOOL DISTRICT ACCEPTABLE USE AGREEMENT (AUA) NETWORK AND COMPUTER RELATED RESOURCES (3/05)

In exchange for the use of the Tracy Unified School District (TUSD) data networks and computer systems, either locally attached or through remote connection, the following agreement will apply. Please read this document carefully. It is a legally binding agreement when signed. The guardian/parent must sign when the user is under 18 years of age.

The use of the TUSD network/computer system is a privilege for which users accept responsibility. It is intended to provide:

Support for learning

Improved-administrative efficiency

Increased opportunities for communication

- Additional resources for general information
- More timely and accurate information
- Increased opportunities for professional/personal growth

The TUSD network/computer system is shared and available to all registered users. The system may not be used in a way as to disrupt or interfere with its use by others. Inappropriate use of the system includes, but is not limited to:

- Damage, vandalism or theft of equipment as well as theft, piracy or altering of software.
- Theft of services, including connection of unauthorized network/computer equipment to the system.
- Use of the system to communicate unlawful information or to transmit computer viruses.
- Accessing or communicating information which is pernographic, obscene, sexist, racist or abusive.
- Access or communication of "Harmful matter" as defined by California Penal Code 313.
- Violation of copyright law and Plagiarism of ideas or information.
- Use of the system for anonymous access or communication of information.
- Use of the system for commercial purposes or for political campaigning.
- Other conduct deemed objectionable by the Tracy Unified School District.
- Any violations of the classroom rules, school conduct code, educational code, or penal code.

The District will log the use of all systems and monitor all system utilization. Any and all information on the TUSD networks, with the exception of student and personnel records is not deemed private. All District computers will comply with A.R.S. 34-501 (enacted, 1999) (access to materials harmful to minors) and all District employees are required to comply with the Family Education and Privacy Rights Act of 1974 (disclosure of personally identifiable information). Student names will be included as part of their network user/email accounts. TUSD staff members will determine what is appropriate use of technology resources and their decision is final. The TUSD reserves the rights to any materials stored in files, and will remove any material which the staff may believe to be unlawful, obscene, pornographic, abusive, or otherwise objectionable. The system may not be used to obtain, view, download, or otherwise gain or provide access to such materials. The TUSD staff will refer for disciplinary action anyone who does not comply with the provisions of this agreement. Cancellation of user privileges will be at the discretion of the staff after application of due process.

The Tracy Unified School District will not be held responsible for the loss of data resulting from delays, non-deliveries, or service interruptions sustained or incurred in connection with the use, operation, or inability to use the system. The TUSD specifically denies any responsibility for the accuracy or quality of information obtained electronically. Use of any information obtained electronically is at the risk of the user.

One of the services available through the TUSD network/computer system is the Internet. The Internet, a community of network systems, is not governed by any entity. The District does not have control over the kind or quality of the information that is accessible to Internet users. It is not feasible to limit access to all materials or all emails that a parent or guardian might consider inappropriate; therefore, inappropriate use is the responsibility of the user.

The use of TUSD network/computer system requires that all users abide by the following rules:

- Be polite, do not send or respond to abusive, harassing, or suggestive messages to anyone. Report such messages.
- Respect (do not access, delete, move, or alter) anyone else's files and/or data.

- Use appropriate language. Do not swear, use vulgarities, or express yourself in any other inappropriate language.
- Communication advocating, encouraging or supporting illegal activities is strictly forbidden.
- Respect the privacy of all users. Do not reveal the personal address or phone numbers of yourself or anyone else.
- District e mail accounts are not private. TUSD e-mail is operated for and by the District.
- Respect the originator of email and do not forward e-mail messages or information without permission.
- Individuals will ONLY use authorized accounts they have been personally issued.
- All users must keep their account passwords confidential.
- Do not send "junk", "mass", or "spam" email.
- Use of a modem connected to a TUSD computer must have specific approval from the ISET department.

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.

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

In exchange for the use of the Tracy Unified School District (TUSD) 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 agreement will apply. Please read this document carefully. It is a legally binding agreement when signed. The guardian/parent must sign when the user is under 18 years of age.

The use of the TUSD network/computer system is a privilege for which users accept responsibility. Each user must act in an appropriate manner consistent with TUSD Board of Education policies, California Education Code, and other local, state and federal laws and regulations governing the applicable matter. It is intended to provide Internet and technological resources to:

- Support learning
- Promote educational excellence and innovation
- Improve administrative efficiency
- Increase opportunities for communication and communicate with others in furtherance of the user's education
- Conduct research and provide additional resources for general information
- Result in more timely and accurate information
- Increase opportunities for professional/personal growth
- Enhance parent involvement

The TUSD network/computer system is shared and available to all registered users. The system may not be used in a way as to disrupt or interfere with its use by others. Inappropriate use of the system includes, but is not limited to:

- Virtual and physical damage, vandalism or theft of equipment as well as theft, piracy or altering of software.
- Theft of services, including connection of unauthorized network/computer equipment to the system.
- Installation of non-approved software/programs, or the download and installation of software/programs on District computers or network communication systems.
- Use of the system to communicate unlawful information or to transmit computer viruses. Accessing or communicating information which is pornographic, obscene, sexist, racist or abusive.
- Access or communication of "Harmful matter" as defined by California Penal Code 313.
- Violation of copyright law and Plagiarism of ideas or information.
- Use of the system for anonymous access or communication of information.
- Use of the system for commercial purposes or for political campaigning.
- Other conduct deemed objectionable by the Tracy Unified School District.

Any violations of the classroom rules, school conduct code, educational code, or penal code.

Students, parents/guardians, and District Staff shall recognize that the nature of the use of District technological resources extends outside of the school itself and into off-campus remote locations such as homes. The District's jurisdiction to enforce student behavior and discipline policies, and rules shall apply whether the misuse or violation is at school or away from school as long as the District's technological resources are being used in the inappropriate behavior.

The District will log the use of all systems and monitor all system utilization. Any and all information on the TUSD networks, with the exception of student and personnel records is not deemed private. Digital storage is TUSD property. All District computers will comply with A.R.S. 34-501 (enacted, 1999) (access to materials harmful to minors) and all District employees are required to comply with the Family Education and Privacy Rights Act of 1974 (disclosure of personally identifiable information). Student names will be included as part of their network user/email accounts. The Superintendent or designee will determine what is appropriate use of technology resources and their decision is final. The TUSD reserves the rights to any materials stored in files, and will remove any material which the Superintendent or designee may believe to be unlawful, obscene, pornographic, abusive, or otherwise objectionable. The system may not be used to obtain, view, download, or otherwise gain or provide access to such materials. The Superintendent or designee will refer for disciplinary action anyone who does not comply with the provisions of this agreement. Cancellation of user privileges will be at the discretion of the staff after application of due process.

The Tracy Unified School District will not be held responsible for any damages suffered by the user, 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 the system. The TUSD specifically denies any responsibility for the accuracy or quality of information obtained electronically. Use of any information obtained electronically is at the risk of the user. The District assumes no liability for personal technology, including computers, smart phones, network access devices, or other electronic signaling devices, if such devices are damaged, lost or stolen. The user, or user's parent/guardian, shall indemnify and hold TUSD harmless from any losses sustained as the result of use or misuse of the District's technological resources by the user, and/or the loss or damage of personal technology.

One of the services available through the TUSD network/computer system is the Internet. The Internet, a community of network systems, is not governed by any entity. The District does not have control over the kind or quality of the information that is accessible to Internet users. It is not feasible to limit access to all materials or all emails that a parent/guardian might consider inappropriate; therefore, inappropriate use is the responsibility of the user.

Not all access to the Internet can be supervised. Users agree not to send, access, submit, publish, display or print over the Internet or TUSD network, or using TUSD technology resources, any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, offensive or illegal material. Cyberbullying is specifically prohibited. It shall be the user's responsibility to report the inappropriate use, web site, or communications to teachers or other District Staff.

The use of TUSD network/computer system requires that all users abide by the following rules:

- Be polite, do not send or respond to abusive, harassing, or suggestive messages to anyone. Report such messages.
- Respect (do not access, delete, move, or alter) anyone else's files and/or data.
- Use appropriate language. Do not swear, use vulgarities, or express yourself in any other inappropriate language.
- Communication advocating, encouraging or supporting illegal activities is strictly forbidden.
- Copyright, trademark and/or registered laws must be adhered to at all times. All materials from the Internet and other digital resources, including graphics, must be properly cited.
- Respect the privacy of all users. Do not reveal the personal address or phone numbers of yourself or anyone else.
- District e-mail accounts are not private. TUSD e-mail is operated for and by the District.

- Respect the originator of email and do not forward e-mail messages or information without permission.
- Individuals will ONLY use authorized accounts they have been personally issued.
- All users must keep their account passwords confidential.
- Do not send "junk", "mass", or "spam" email.
- Do not use a modem connected to a TUSD computer or network.
- Access to the Internet or other District network communication systems from personal technology is limited to wireless access points on the school campuses. Access to the Internet or other District network communication systems from personal technology is not available via hardwire connections.

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.



Tracy Unified School District 1875 W. Lowell Avenue Tracy, CA 95376

K-5 Library & Textbook Contract

Lost and/or Damaged Books

According to Education Code 48904(b), the parent or guardian of a minor shall be liable to a school district for all property belonging to a school district loaned to the minor and not returned upon demand of an employee of the district authorized to make the demand. This includes textbooks and library materials. Students must compensate the District for damaged and/or lost library and textbooks as follows:

Description of Book Damage or Loss
Any Book Damaged Beyond Use
Bar Code Missing or marked
Missing Pages (maximum of five pages)
Missing/Torn page
Missing/Torn Pages (more than five pages)
Water Damage
Cover Damage
Marks/Scribbles
Minimal Spine and/or Cover Damage
Severe Spine and/or Cover Damage
Stolen/Lost

Replacement cost
\$5.00
\$5.00 per page
Starts at \$5.00 per page
Replacement cost of book
Begins at \$10.00
Begins at \$5.00
\$5.00 per page
\$5.00
Replacement cost of book
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 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 well as co-curricular and extracurricular events.

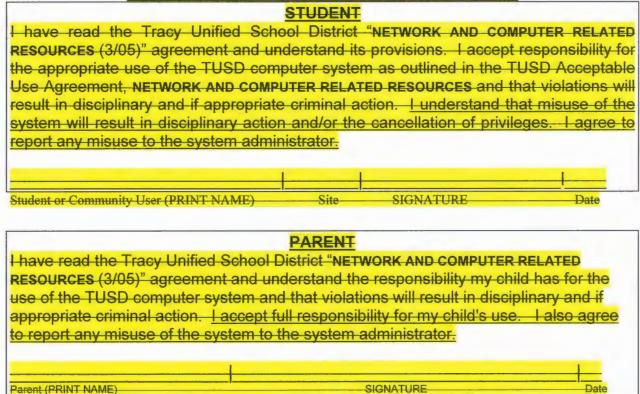
Per Education Code 48904(b), a student's grades, high school diploma, and transcripts will be held from students and parents guardians until the lost or damaged book is either returned or the fee is paid. Upon return of the book in good condition or payment of the fee, the student's diploma will be released. 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.

PARENT/STUDENT AGREEMENTS FOR TRACY UNIFIED SCHOOL DISTRICT POLICIES AND HANDBOOKS (Please also sign the form on the back of this sheet)

Student Name:	Date:	
(Please print full name)		
Grade: CLASSROO	CLASSROOM/CORE TEACHER:	
I have viewed the school website (www.tracy.k12.ca.us/site Parent/Student documents with my child. If you do not hav copy of these documents. My signature next to the document and/or permission. (Please turn in this page to the classroom)	e Internet access, please contact the school office for a ent title ON THIS SHEET gives my acknowledgement	
DOCUMENT Notice to Parents/Guardians (Parent acknowledges notification of rights) Authorization to Release Pupil Information (Parent agrees to the release of pupil information)	PARENT SIGNATURE	
Consent to Release Pupil Information (Parent agrees to web page use)		
Permission for Student Name on School/District Web pa (Publicity)	ages	
TUSD Acceptable Use Agreement/Computers (Parent and Student Agreement)		
Attendance Agreement (Parent acknowledges notification)		
Library & Textbook Contract (Parent and student agreement)		
School Site Elementary Student Handbook (Parent and student agreement)		
School Safety/Violence Prevention Handbook (Parent and student agreement)		
Uniform Complaint Procedures, Annual Notification (Parent acknowledges notification)		
HIV/AIDS Prevention Education (Please mark below gra	de level)	
I HAVE READ AND DISCUSSED THE STUI WITH MY CHILD AND WILL ABIDE BY IT SCHOOL.		
Student Signature:	Date:	
Donat Constant	Doto	

REQUIRED SIGNATURES ACCEPTABLE USE AGREEMENT NETWORK AND COMPUTER RELATED RESOURCES (3/05) Tracy Unified School District

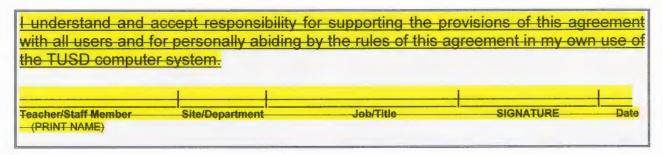
The two following sections are for students and their parents.



======= The section below is for TUSD employees ====================

TUSD TEACHER/STAFF MEMBER AGREEMENT

I have read the Tracy Unified School District "NETWORK AND COMPUTER RELATED RESOURCES (3/05)" agreement and agree to instruct the users for whom I have responsibility in the acceptable use of the TUSD computer system and that violations will result in disciplinary and if appropriate criminal action. I cannot be held responsible for student access to technology resources for their individual work or in the context of another class. I agree to report any misuse of the system to the system administrator.



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

(Based on BP/AR 4040 and BP/AR 6163.4)

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

