

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**BOARD POLICIES & ADMINISTRATIVE REGULATIONS**

**TABLE OF CONTENTS**

**SECTION 5000**  
**Students**

Board Policy, Admin. Reg., Exhibit	Policy Number	Title of Policy	Adoption Or Revision Date
BP	5000	Concepts and Roles	7-5-2000
BP/AR	5020	Parents Rights and Responsibilities	9-25-19
BP	5021	Noncustodial Parents	7-5-2000
BP/AR	5022	Student and Family Privacy Rights	10-27-2004
BP	5030	Comprehensive School Wellness Policy	1-15-2008
BP/AR	5111	Admission	6-27-2018 AR 10/13/21
AR	5111.1	District Residency	6-27-2018
E	5111.1-A	Affidavit for Caregiver A (Student, Only, Resides with Full-Time Caregiver)	2-28-2007
E	5111.1-B	Affidavit for Caregiver B (Student & Parent(s) Reside with Full-Time Caregiver)	2-28-2007
AR	5111.11	Residency of Students with Caregiver	5-9-2001
BP/AR/E	5111.13	Residency and Education Requirements for Homeless Children and Youth	4-28-2004
BP/AR	5112.1	Exemptions from Attendance	7-5-2000
BP/AR	5112.2	Exclusion from Attendance	7-5-2000
BP/AR	5112.5	Open/Closed Campus	7-5-2000
BP/AR	5113	Absences and Excuses	7-5-2000
BP/AR	5113.1	Work Permits	7-5-2000
BP	5116.1	Assignment of Students to Schools / Open Enrollment	8-24-2011
AR	5116.1	Assignment of Piedmont Students to Elementary Schools	2-5-2009
BP	5117	Interdistrict Attendance	6-12-2019
AR	5117	Interdistrict Attendance	3-24-21

Board Policy, Admin. Reg., Exhibit	Policy Number	Title of Policy	Adoption Or Revision Date
AR	5117.1	Interdistrict Attendance – Open Enrollment (Romero Bill)	9-16-2011
AR	5118	Transfers	7-5-2000
BP	5121	Grading	2-13-2002
BP/AR	5123	Promotion /Acceleration /Retention	5-9-2001
BP	5124	Communication with Parents/Guardians	7-5-2000
BP	5125	Student Records	6-27-2018
AR	5125	Student Records	6-27-2018
BP	5125.1	Release of Directory Information	2-12-2003
AR	5125.1	Release of Directory Information	6-27-2018
AR	5125.2	Withholding Grades, Diploma or Transcripts	7-5-2000
AR	5125.3	Challenging Student Records	7-5-2000
BP	5126	Awards for Achievement	7-5-2000
BP	5131	Conduct (Formerly Titled: Discipline Code/School Rules and Procedures)	6-13-2018
BP/AR	5131.2	Bullying	6-13-2018
BP/AR	5131.6	Alcohol and Other Drugs	8-28-19
BP/AR	5131.62	Tobacco	8-28-19
BP/AR/E	5131.63	Steroids	2-8-2006
BP/AR	5131.7	Weapons and Dangerous Instruments	1-16-2002
BP	5131.9	Academic Honesty	7-5-2000
BP/AR	5141	Health Care and Emergencies	9-27-2007
BP	5141.1	Accidents	7-5-2000
BP/AR	5141.21	Administering Medication and Monitoring Health Conditions	5-27-20
BP/AR	5141.22	Infectious Diseases	7-5-2000
BP/AR	5141.23	Infectious Disease Prevention	7-5-2000
BP/AR	5141.24	Diabetes	2-11-2015
BP/AR	5141.25	Sexually Transmitted Infections and Pregnancy Prevention	2-12-2020

Board Policy, Admin. Reg., Exhibit	Policy Number	Title of Policy	Adoption Or Revision Date
BP	5141.26	Tuberculosis Testing	6-10-2015
BP/AR	5141.27	Food Allergies	6-22-2016
BP/AR	5141.3	Health Examinations	6-22-2016
BP/AR	5141.31	Immunizations	09-22-21 01-26-22 (AR)
AR	5141.32	Child Health and Disability Prevention Program	7-5-2000
BP/AR	5141.33	Head Lice	11-12-2014
BP/AR/E	5141.4	Child Abuse Reporting Procedures	6-13-2018
BP/AR	5141.52	Suicide Prevention	4-26-2017
BP/AR	5142	Safety	7-5-2000
BP	5143	Insurance	7-5-2000
BP/AR	5144	Discipline	5-23-2001
BP/AR	5144.1	Suspension and Expulsion / Due Process	6-13-2018
AR	5144.2	Suspension and Expulsion Due Process (Students with Disabilities)	6-13-2018
BP	5145.1	Privacy	7-5-2000
BP/AR	5145.11	Questioning and Apprehension	7-5-2000
BP	5145.13	Response to Immigration Enforcement	6-27-2018
BP/AR	5145.2	Freedom of Speech/Expression: Publications Code & Assembly	7-5-2000
BP/AR	5145.3	Non Discrimination and Harassment ( Formerly Titled: Discrimination/Hate-Motivated Incidents and Hate Crimes/Hazing/Harassment (Including Sexual Harassment), Intimidation, Bullying and Cyberbullying ( <i>Student Version</i> ) )	09-28-22
BP/E	5145.6	Parental Notifications	8-21-2002
BP/AR	5145.7	Sexual Harassment	09/22/21
AR/E	5145.71	Title IX Sexual Harassment Complaint Procedures	09/22/21
BP	5145.9	Hate Motivated Behavior	6-13/2018

**Updated: 10/12/22**

# **PIEDMONT UNIFIED SCHOOL DISTRICT**

## **Board Policy**

**Students**

**BP 5000**

### **CONCEPTS AND ROLES**

The Board of Education shall make every effort to maintain a safe, positive school environment and student services that promote student welfare and academic achievement. The Board expects students to make good use of learning opportunities by demonstrating regular attendance, appropriate conduct and respect for others.

(cf. 5113 - Absences and Excuses)

(cf. 5131 - Conduct)

(cf. 5137 - Positive School Climate)

The Board is fully committed to providing equal educational opportunities and keeping the schools free from discriminatory practices. The Board shall not tolerate the intimidation or harassment of any student for any reason.

(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent or designee shall establish and keep parents/ guardians and students well informed about school and district rules and regulations related to attendance, health examinations, records, grades and student conduct. When conducting hearings related to discipline, attendance and other student matters, the Board shall afford students their due process rights in accordance with law.

(cf. 5125 - Student Records)

(cf. 5144 - Discipline)

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

(cf. 5145.6 - Parental Notifications)

(cf. 9000 - Role of the Board)

Legal Reference:

EDUCATION CODE

35160 Authority of Board of Educations

35160.1 Broad authority of school districts

35291-35291.5 Rules

Adopted: July 5, 2000

# **PIEDMONT UNIFIED SCHOOL DISTRICT**

## **Board Policy**

### **Parent Rights and Responsibilities**

BP 5020

#### **Students**

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

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

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

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

(cf. 5022 - Student and Family Privacy Rights) (cf. 6020 - Parent Involvement)

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

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

Development)

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

(cf. 5145.6 - Parental Notifications)

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

Legal Reference: EDUCATION CODE 33126 School accountability report card 35291 Disciplinary rules 48070.5 Promotion and retention of students 48985 Notice to parent in language other than English 49091.10-49091.19 Parental review of curriculum and instruction 49602 Confidentiality of pupil information 51100-51102 Parent/guardian rights 51513 Personal beliefs 60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20 1232g Family Educational Rights and Privacy Act 1232h Protection of pupil rights

Management Resources: WEB SITES CSBA: <http://www.csba.org> California Department of Education: <http://www.cde.ca.gov>

Adopted: July 5, 2000  
Revised: September 25, 2019

# **PIEDMONT UNIFIED SCHOOL DISTRICT**

## **Administrative Regulation**

### **Parent Rights and Responsibilities**

AR 5020

#### **Students**

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

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

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

(cf. 6116 - Classroom Interruptions)

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal (Education Code 51101)

3. Under the supervision of district employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher (Education Code 51101)

4. To be notified on a timely basis if their child is absent from school without permission (Education Code 51101)

(cf. 5113 - Absences and

Excuses)

5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests (Education Code 51101) For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test. (Education Code 51101.1)

(cf. 0500 - Accountability) (cf. 0510 - School Accountability Report Card) (cf. 6162.51 - State Academic Achievement Tests) (cf. 6174 - Education for English Learners)

6. To request a particular school for their child and to receive a response from the district (Education Code 51101)

(cf. 5116.1 - Intradistrict Open Enrollment) (cf. 5117 - Interdistrict Attendance)

7. To have a school environment for their child that is safe and supportive of learning (Education Code 51101)

(cf. 0450 - Comprehensive Safety Plan) (cf. 3515 - Campus Security) (cf. 5131 - Conduct) (cf. 5137 - Positive School Climate) (cf. 5142 - Safety)

8. To examine the curriculum materials of the class(es) in which their child is enrolled (Education Code 51101; 20 USC 1232h)

Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, audio and video recordings, and software. (Education Code 49091.10)

Each school site shall make available to parents/guardians and others, upon request, a copy of the prospectus for each course, including the titles, descriptions and instructional aims of the course. (Education Code 49091.14)



The school may charge an amount not to exceed the cost of duplication.  
(Education Code 49091.14)

(cf. 1312.2 - Complaints Concerning Instructional Materials)  
(cf. 1312.4 - Williams Uniform Complaint Procedures) (cf.  
6141 - Curriculum Development and Evaluation) (cf. 6142.1  
- Sexual Health and HIV/AIDS Prevention Instruction)  
(cf. 6161.1 - Selection and Evaluation of Instructional  
Materials) (cf. 6161.11 - Supplementary Instructional  
Materials)

9. To be informed of their child's progress in school and of the appropriate school personnel whom they should contact if problems arise with their child (Education Code 51101)

(cf. 5121 - Grades/Evaluation of Student  
Achievement) (cf. 6020 - Parent Involvement)

10. For parents/guardians of English learners, to support their child's advancement toward literacy. (Education Code 51101.1)

The Superintendent or designee may make available, to the extent possible, surplus or undistributed instructional materials to parents/guardians pursuant to Education Code 60510. (Education Code 51101.1)

(cf. 3270 - Sale and Disposal of Books, Equipment and  
Supplies)

11. For parents/guardians of English learners, to be informed, through the school accountability report card, about statewide and local academic standards, testing programs, accountability measures and school improvement efforts (Education Code 51101.1)

12. To have access to the school records of their child (Education Code 51101)

(cf. 5125 - Student Records) (cf. 5125.1  
- Release of Directory Information)

13. To receive information concerning the academic performance standards,

proficiencies or skills their child is expected to accomplish (Education Code 51101)

(cf. 6011 - Academic Standards) (cf. 6146.1 - High School Graduation Requirements) (cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities) (cf. 6146.5 - Elementary/Middle School Graduation Requirements)

14. To be informed in advance about school rules, including disciplinary rules and procedures in accordance with Education Code 48980, attendance policies, dress codes and procedures for visiting the school (Education Code 51101)

(cf. 1250 - Visitors/Outsiders)  
(cf. 5132 - Dress and Grooming) (cf. 5144 - Discipline) (cf. 5145.6 - Parental Notifications)

15. To be notified, as early in the school year as practicable pursuant to Education Code 48070.5, if their child is identified as being at risk of retention and of their right to consult with school personnel responsible for a decision to promote or retain their child and to appeal such a decision (Education Code 51101)

(cf. 5123 - Promotion/Acceleration/Retention)

16. To receive information about any psychological testing the school does involving their child and to deny permission to give the test (Education Code 51101)

(cf. 6164.2 - Guidance/Counseling Services) (cf. 6164.4 - Identification and Evaluation of Individuals for Special Education) (cf. 6164.6 - Identification and Education Under Section 504)

17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or testing, any nonacademic home-based counseling program, parent training, or any prescribed family education service plan and to

inspect any survey collecting personal information (Education Code 49091.18; 20 USC 1232h)

(cf. 5022 - Student and Family Privacy Rights)

18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations (Education Code 51101)

For parents/guardians of English learners, this right shall include the right to participate in school and district advisory bodies in accordance with federal and state law and regulations. (Education Code 51101.1)

(cf. 0420 - School Plans/Site Councils) (cf. 1220 - Citizen Advisory Committees) (cf. 6171 - Title I Programs) (cf. 6175 - Migrant Education Program)

19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school (Education Code 51101)

(cf. 5125.3 - Challenging Student Records)

20. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in a special education or remedial program or regular school activity, shall not constitute written consent for these purposes. (Education Code 49091.12)

(cf. 5131.6 - Alcohol and Other Drugs) (cf. 5141.3 - Health Examinations)

Parent  
Responsibilities

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

1. Monitoring attendance of their child

2. Ensuring that homework is completed and turned in on time

(cf. 6154 - Homework/Makeup Work)

3. Encouraging their child to participate in extracurricular and co-curricular activities

(cf. 6145 - Extracurricular and Co-curricular Activities)

4. Monitoring and regulating screen-time for their child

5. Working with their child at home in learning activities that extend the classroom learning

6. Volunteering in their child's classroom(s) or for other school activities

(cf. 1240 - Volunteer Assistance)

7. Participating in decisions related to the education of their own child or the total school program as appropriate

Adopted: July 5, 2000

Revised: February 12, 2003

Revised: September 25, 2019

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Board Policy**

**Students**

**BP 5021**

**NONCUSTODIAL PARENTS**

Noncustodial parents generally retain the same rights as custodial parents unless a court order restricts the rights of the noncustodial parent. These rights include but are not limited to accessing his/her child's student records, participating in school activities and visiting the child at school. If a completed or pending legal action curtails the noncustodial parent's rights, the parent/guardian with custody shall provide evidence of this action to the Superintendent or designee.

(cf. 5125 - Student Records)

(cf. 5142 - Safety)

(cf. 6020 - Parent Involvement)

Upon request, the district shall provide noncustodial parents with announcements and notices that are sent to the custodial parent.

While both parents can visit the child at school, only the custodial parent has the right to remove the child from school property. Only a verified note or an emergency card from the custodial parent will be cause for exception to this provision.

(cf. 5141 - Health Care and Emergencies)

In the event of an attempted violation of a court order that restricts access to a student, staff shall contact the custodial parent and local law enforcement officials and shall make the student available only after one or both of these parties consent.

Legal Reference:

EDUCATION CODE

49061 Definitions

49069 Absolute right to access

FAMILY CODE

3025 Parental access to records

Adopted: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5022**

### **STUDENT AND FAMILY PRIVACY RIGHTS**

The Board of Education believes that personal information concerning district students and their families should be kept private in accordance with law.

(cf. 0000 - Vision)  
(cf. 0100 - Philosophy)  
(cf. 0200 - Goals for the School District)  
(cf. 5020 - Parent Rights and Responsibilities  
(cf. 5021 – Non-custodial Parents)  
(cf. 5125 - Student Records)  
(cf. 5125.1 - Release of Directory Information)  
(cf. 6000 - Concepts and Roles)  
(cf. 6162.8 - Research)

#### Collection of Personal Information for Marketing Purposes

The Board prohibits district staff from administering or distributing to students survey instruments that are designed for the purpose of collecting personal information for marketing or for selling that information.

#### Legal Reference:

##### EDUCATION CODE

49450-49457 Physical examinations

49602 Confidentiality of pupil information

51513 Personal beliefs

##### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

#### Management Resources:

##### WEB SITES

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

CDE: <http://www.cde.ca.gov>

USDOE, Family Policy Compliance Office: <http://www.ed.gov/offices/OM/fpco/>

Adopted: May 28, 2003

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5022**

### **STUDENT AND FAMILY PRIVACY RIGHTS**

#### **Definition**

*Personal information* means individually identifiable information including a student's or parent/guardian's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a social security identification number. (20 USC 1232h)

#### **Surveys Requesting Information about Beliefs and Practices**

A student's parent/guardian shall provide prior written consent before the student submits to a survey containing one or more of the following items: (20 USC 1232h; Education Code 51513)

1. Political affiliations or beliefs of the student or his/her family
2. Mental or psychological problems of the student or his/her family
3. Sexual behavior or attitudes or personal beliefs and practices in family life or morality
4. Illegal, anti-social, self-incriminating or demeaning behavior
5. Critical appraisals of other individuals with whom students have close family relationships
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians or ministers
7. Religious practices, affiliations or beliefs of the student or his/her parent/guardian
8. Income, except to the extent that income is required to be disclosed by law for participation in a program or for receiving financial assistance under such a program

If a student participates in a survey regarding information about beliefs and practices as identified above, school officials and staff members shall not request or disclose the student's identity.

(cf. 6162.51 - Standardized Testing and Reporting Program)  
(cf. 6162.8 - Research)

### **Health Examinations**

No school official or staff member shall subject a student to a non-emergency, invasive physical examination as a condition for school attendance, except as permitted or required under California law. (20 USC 1232h)

(cf. 5131.61 - Drug Testing)  
(cf. 5141.3 - Health Examinations)

### **Notifications**

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of the district's policy regarding student privacy. (20 USC 1232h)

Parents/guardians shall also be notified of any substantive change in this policy and administrative regulation within a reasonable period of time after adoption of the change. (20 USC 1232h)

(cf. 5145.6 - Parental Notifications)

Approved: May 28, 2003



# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5030**

### COMPREHENSIVE SCHOOL WELLNESS POLICY

Piedmont Unified School District students will be provided with a quality and effective health, physical, and nutrition education program, be educated in healthy schools that provide comprehensive school health services and nutrition services, and community collaboration. The programs will be designed to promote the health and well being of students and staff in order to promote a lifelong healthy lifestyle.

The Board of Education believes that health education should foster the knowledge, skills, and behaviors that students need in order to lead healthy, productive lives. The District's health education program shall teach personal responsibility for one's own lifelong health, respect for the promotion of the health of others, the process of growth and development, and informed use of health-related information, products, and services.

#### Legal References:

Health and Safety Code  
113700-114455 Health and Safety Code  
Federal Regulations Definition  
210.11 Federal Register  
Code of Regulations, Title 7  
210.1-210.31 National School Lunch Program  
220.1-220.21 National School Breakfast Program  
United States Code, Title 20  
1232g Federal Educational Rights and Privacy Act  
6301-6514 Title 1 programs  
United States Code, Title 42  
1751-1769 National lunch Programs  
1771-1791 Child Nutrition  
1773 School breakfast program  
Code of Regulations, Title 5  
15500-15501 Food Sales by student organizations  
15500 Food sales in elementary schools  
15501 Sales in high schools and junior high school  
15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast program

Adopted: January 15, 2008

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Board Policy**

**BP 5111**

**Students**

**ADMISSION**

The Board of Education believes that all children should have the opportunity to receive educational services.

The Superintendent or designee shall maintain procedures which provide for the verification of all entrance requirements specified in law and in Board policies and regulations.

The District shall not inquire into or request documentation of a student's social security number or the last four digits of the social security number or the citizenship or immigration status of the student or his/her family members. (Education Code 237.7, 49076.7)

- (cf. 5111.1 - District Residency)
- (cf. 5111.11 - Residency of Students with Caregiver)
- (cf. 5111.12 - Residency Based on Parent/Guardian Employment)
- (cf. 5111.13 - Residency for Homeless Children)
- (cf. 5119 - Students Expelled from Other Districts)
- (cf. 5141.22 - Infectious Diseases)
- (cf. 5141.3 - Health Examinations)
- (cf. 5141.31 - Immunizations)
- (cf. 5145.13 –Response to Immigration Enforcement)

Legal Reference:

**EDUCATION CODE**

- 46600 Agreements for admission of pupils desiring interdistrict attendance
- 48000 Minimum age of admission (kindergarten)
- 48002 Evidence of minimum age required to enter kindergarten or first grade
- 48010 Minimum age of admission (first grade)
- 48011 Admission from kindergarten or other school; minimum age
- 48050-48053 Nonresidents
- 48200 Children between ages of 6 and 18 years (compulsory full-time education)
- 48211 Habits and disease
- 49076 Access to records by persons without written consent or under judicial order
- 49408 Information of use in emergencies

**HEALTH AND SAFETY CODE**

- 3380-3390 Immunization against communicable diseases
- 3400-3409 Tuberculosis tests for pupils

**CODE OF REGULATIONS, TITLE 5**

200 Promotion from kindergarten to first grade  
201 Admission to high school  
CODE OF REGULATIONS, TITLE 17  
6000-6075 School attendance immunization requirements  
TITLE VII, SUBTITLE B, THE MCKINNEY ACT OF 1987

Management Resources:  
CDE MANAGEMENT ADVISORIES  
0900.90 Changes in law concerning eligibility for admission to kindergarten

Adopted: July 5, 2000  
Revised: June 27, 2018

## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Administrative Regulation**

#### **Students**

#### **AR 5111**

### **ADMISSION**

#### **Age of Admission to Kindergarten and First Grade**

Proof of age shall be required of all enrolling students.

At the beginning of each school year, the Superintendent or designee shall enroll any otherwise eligible child into Kindergarten only if they will their fifth birthday on or before September 1 of that year-and into First Grade only if they will have their 6<sup>th</sup> birthday on or before September 1 of that year (Education Code [48000](#), [48010](#))

Any child who will have his/her fifth birthday from September 2 through December 2 of the school year shall be offered a transitional kindergarten (TK) program in accordance with law and Board policy. (Education Code [48000](#))

(cf. [5123](#) - Promotion/Acceleration/Retention)

(cf. [6170.1](#) - Transitional Kindergarten)

On a case-by-case basis, a child who will turn five years old in a given school year may be enrolled in kindergarten at any time during that school year with the approval of the child's parent/guardian, provided that: (Education Code [48000](#))

1. The Governing Board determines that the admittance is in the best interests of the child.
2. The parent/guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(cf. [5145.6](#) - Parental Notifications)

The Superintendent or designee shall make a recommendation to the Board regarding whether a child should be granted early entry to kindergarten. In doing so, the Superintendent or designee shall consider various factors including the availability of classroom space and any negotiated maximum class size.

(cf. 6151 - Class Size)

(cf. [7111](#) - Evaluating Existing Buildings)

#### Documentation of Age/Grade

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

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

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

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

#### **Transitional Kindergarten**

Senate Bill 1381 also created a Transitional Kindergarten (TK) for all public elementary schools. Transitional Kindergarten is the first year of a two-year kindergarten program.

Students whose 5<sup>th</sup> birthday falls between September 2nd and December 2nd are eligible for the Transitional Kindergarten Program only, with the expectation that they will participate in traditional kindergarten the following year.

Approved: July 5, 2000

Revised: January 13, 2016

Revised: April 26, 2017

Revised: October 13, 2021

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Board Policy**

**BP 5111.1**

**Students**

**District Residency**

The Board of Education desires to admit all students who reside within district boundaries or who fulfill the district residency requirements through other means as allowed by law. The Superintendent or designee shall develop procedures to facilitate the receipt and verification of students' proof of residency.

(cf. 5116 - School Attendance Boundaries)

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

(cf. 5116.1 - Intradistrict Open Enrollment)

(cf. 5117 - Interdistrict Attendance)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee shall require parents/guardians to provide documentation of the student's residency upon admission to a district school. A copy of the document or written statement offered as verification of residency shall be maintained in the student's mandatory permanent record. (5 CCR 432)

(cf. 5111 - Admission)

(cf. 5125 - Student Records)

When establishing students' residency for enrollment purposes, the Superintendent or designee shall not inquire into the citizenship or immigration status of students or their family members.

(cf. 5145.13 - Response to Immigration Enforcement)

A student's enrollment may be denied when the submitted documentation is insufficient to establish district residency. In any such case, the Superintendent or designee shall notify the parent/guardian in writing, including specific reasons for the denial.

**Investigation of Residency**

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

be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency. (Education Code 48204.1, 48204.2)

The Superintendent or designee may assign a trained district employee to conduct the investigation. The investigation may include the examination of records, including public records, and/or interviews of persons who may have knowledge of the student's residency.

The District may utilize a variety of investigatory methods in conducting an investigation, including telephone calls, unannounced home visits, information from other agencies/sources (including neighbors). If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the district. (Education Code 48204.2)

The investigation shall not include the surreptitious collection of photographic or videographic images of persons or places subject to the investigation. However, the use of technology is not prohibited if done in open and public view. (Education Code 48204.2)

Any employee or contractor engaged in the investigation shall truthfully identify himself/herself as an investigator to individuals contacted or interviewed during the course of the investigation. (Education Code 48204.2)

### **Appeal of Enrollment Denial**

If the Superintendent or designee, upon investigation, determines that a student does not meet district residency requirements and denies the student's enrollment in the district, he/she shall provide the student's parent/guardian an opportunity to appeal that determination. (Education Code 48204.2)

The Superintendent or designee shall send the student's parent/guardian written notice specifying the basis for the district's determination. This notice shall also inform the parent/guardian that he/she may, within 10 school days, appeal the decision and provide new evidence of residency.

The burden shall be on the parent/guardian to show why the district's determination to deny enrollment should be overruled. (Education Code 48204.2)

A student who is currently enrolled in the district shall be allowed to remain in attendance at his/her school pending the results of the appeal. A student who is not currently enrolled in the district shall not be permitted to attend any district school unless his/her appeal is successful.

In an appeal to the Superintendent of a determination that district residency requirements were not met, the Superintendent shall review any evidence provided by the parent/guardian or obtained during the district's investigation and shall make a decision

within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent's decision shall be final.

### **Enrollment Not Requiring District Residency**

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

(cf. 6178.2 - Regional Occupational Center/Program)

#### Legal Reference:

##### EDUCATION CODE

220 Prohibition of discrimination

234.7 Student protections relating to immigration and citizenship status

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.4 Evidence of residency

48300-48317 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act transfers

48645.5 Former juvenile court school students, enrollment

48852.7 Education of homeless students; immediate enrollment

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

##### FAMILY CODE

6550-6552 Caregivers

##### GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

##### CODE OF REGULATIONS, TITLE 5

432 Retention of student records

##### UNITED STATES CODE, TITLE 8

1229c Immigration and Nationality Act

##### UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

##### COURT DECISIONS

Katz v. Los Gatos-Saratoga Joint Union High School District, (2004) 117 Cal.App.4th 47

Plyler v. Doe, 457 U.S. 202 (1982)

#### Management Resources:



#### CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

#### CALIFORNIA ATTORNEY GENERAL'S OFFICE PUBLICATIONS

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

#### U.S. DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION AND U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS JOINT PUBLICATIONS

Dear Colleague Letter: School Enrollment Procedures, May 8, 2014

Fact Sheet: Information on the Rights of All Children to Enroll in School, May 8, 2014

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, May 8, 2014

#### WEB SITES

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

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

California Office of the Attorney General: <http://oag.ca.gov>

California Secretary of State, Safe at Home Program: <http://www.sos.ca.gov/safeathome>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/ocr>

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

Adopted      June 27, 2018

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Administrative Regulation**

**AR 5111.1**

**Students**

**DISTRICT RESIDENCY**

**Enrollment Requirements**

In order to enroll in Piedmont Schools, students must reside in Piedmont with:

- a. Both parents. The student's entire immediate family must make the change and take with them the household goods and furniture appropriate to the circumstances. For eligibility purposes, a family unit may not maintain two or more residences, or
- b. A parent with joint custody (student must reside with the Piedmont parent for at least 50% of each week *during the school year*) (District may request to see custody papers), or sole, legal physical custody, or
- c. A full-time legal court-appointed guardian, or
- d. A legally defined full time caregiver.
- e. A parent or legal guardian who resides outside of the boundaries of the District but who is employed and lives with the student at the place of his or her employment within the boundaries of the District for a minimum of three (3) days during the school week. (Effective July 1, 2017)

Verification of custody will be required in the form of:

- a. Certified Copy of Birth certificate
- b. Guardianship papers as approved by a court of competent jurisdiction
- c. Court documents establishing physical custody
- d. Other documents as approved by a site administrator

**Proofs of Residency**

The District shall not solicit or collect information or documents regarding citizenship or immigration status of students or their family members for the purpose of determining residency within the District. (Education Code 234.7)

In addition to providing a grant deed, or Alameda County Secured Property Tax Statement showing Fiscal Year and Location of Property, or rental/lease agreement at the time of enrollment, parents/guardians/full-time caregivers must provide three other proofs of Piedmont residency as follows:

- State or Federal tax return, with current imprinted name and address, filed within the past 12 months (figures can be blocked out; business returns do not meet residency

- requirements)
- Current W-2 Form or pay stubs with current imprinted address (figures can be blocked out)
  - Current Bank Statement with current imprinted name and address, showing transactions within the last 30 days (figures can be blocked out)
  - Original copy of entire PGE bill or EBMUD bill within last 30 days which shows “Service to” portion of bill and name and address (copy will be made and original returned), and proof of termination of service from former residence [proof of termination not needed for present property owners]
  - One major credit card activity statement with current imprinted name and address portion (figures can be blocked out).
  - Voter Registration
  - Correspondence from a government agency
  - Declaration of Residency executed by the parent or legal guardian of the student.
  - Affidavit that student is living with parent at place of employment within the District boundaries for a minimum of three (3) days during the school week. (Effective July 1, 2017)
  - The District reserves the right to request any additional proofs of residency as necessary.

In addition, unannounced home visitations or observations by a District Residency Verification Officer may be conducted on an ongoing basis during the student’s attendance at Piedmont schools.

NOTE:

- A post office box will not be accepted as an address as proof of residency or on the student emergency card
- A letter from a bank stating an account has been opened will not be considered as a proof of residency
- Telephone bills will not be accepted as a proof of residency, as many are for cell phones which do not determine Piedmont residency
- A driver’s license or driver’s license ID will not be accepted as a proof of residency

If necessary, the District may request a homeowner to provide a recorded grant deed which may be obtained at the Alameda County Recorder’s Office, 1225 Fallon Street, Oakland.

A rental/lease agreement must include the property owner’s name and telephone number for verification, and the name of the renters, including all students’ names. If a rental or lease agreement is on a month-to-month period or on a six-month basis, or does not indicate current dates, the parent must provide an updated agreement to provide continuous proof of residency.

Renters or Lessees of homes or apartments that are being sublet must provide at the time of enrollment, along with the rental/lease agreement, a signed, notarized statement from the

property owner that the property owner does not object to the sublet, and realizes a child(ren) will be living at that address. The property owner's name and number must be provided to obtain telephone verification.

Renters/Lessees must provide, at the time of enrollment, a copy of the property owner's rental license from the City, in order to be considered a bona fide residence.

At the discretion of District officials, a student new to the District may be enrolled *conditionally* with a grant deed or written statement on letterhead from the escrow or title officer, or valid rental/lease agreement and a copy of the property owner's City license to rent/lease their property. Then, within thirty-five (35) working days of move-in, the homeowner or renter/lessee must provide three additional proofs of residency from the list shown above, all with current imprinted name and address. Failure to provide this additional documentation will be grounds for disenrollment from the District.

A student whose parents have purchased a home in Piedmont but are still in escrow can be enrolled *conditionally* with a written statement on letterhead from the escrow officer or title officer, stating the name of the purchasers, address; that escrow has closed on the property and that the parties are on title at the address.

Parents/guardians/full-time caregivers of continuing students who are leasing/renting shall annually verify residency with the above documents upon request of the site administrator or other District officials.

### **Residence Defined**

Residence for the purpose of attendance in public schools shall be determined by the following (based on section 17.1 of the Welfare and Institution Code):

1. The residence of the parents/guardians/full-time caregiver with whom the child maintains his/her place of abode.
2. The residence of any individual who has been appointed legal guardian by a court or competent jurisdiction.
3. The residence of the individual who has been given custody by a court of competent jurisdiction. "Custody" means the legal right to custody of the child unless that right is held jointly by two or more persons, in which case "custody" means the physical custody of the child by one of the persons sharing the right to custody. For purposes of residency for parental joint custody, whichever parent has the student for the greatest percentage of time during the school year will determine residency. For 50/50 joint custody, the student will be eligible to attend Piedmont schools. The District has the legal right to request to review custody papers in order to verify residency.

In determining the place of residence the following rules shall be observed (based on Government Code: Title I, Division 1, Chapter 2, Section 244):

1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he/she returns in times of repose.
2. There can only be one residence.
3. The residence of the parent/guardian/full-time caregiver with whom an unmarried minor child maintains his/her place of abode is the residence of such unmarried minor child.
4. The residence of an unmarried minor who has a living parent/guardian/full-time caregiver living cannot be changed by his/her own act.

### **Situations Which Do NOT Constitute Residency within the District's Attendance Area**

1. The residence of a person who has an affidavit of responsibility or informal transfer of parental control for a student for the purpose of attending a District school.
2. The residence of a relative or child care person with whom a student lives part-time for the purpose of attending school when the student's parent or legal guardian reside in another District.
3. The work place of a student's parent or legal guardian, other than a school district employee or employee of the City of Piedmont government.
4. Any situation where a student living with a parent, legal guardian or legally-defined caregiver is unable to produce reasonable evidence of residency as required by the District's criteria.

Full-time Caregivers are liable for all aspects of the student's enrollment as it relates to academics, attendance, discipline, medical, and emotional issues.

Property Owners/Caregivers providing false information regarding residency of parents/guardians and their students could be liable for civil and/or criminal penalties up to and including responsibility for the cost of student education.

**Residency Investigation** – Refer to BP 5111.1

### **Termination of Enrollment**

If questions arise regarding the student's residency, telephone calls, home visits and information from other agencies/sources (including neighbors) will be used to verify the residency. If any of these methods verify that the residence is not occupied by the person who is claiming residency, then the student will not be allowed to continue in the District.

At the principal's discretion, and with notification provided to the Superintendent's office, students improperly registered in the District may be allowed to complete the academic quarter.

Students whose parent(s) move(s) out of the District may be allowed to continue their enrollment until the end of the current semester at the discretion of the site administrator.

### **Disenrollment Hearing**

The Superintendent and/or designee will review all information and provide consensus for disenrollment of a student.

The parent or legal guardian will be informed that s/he has ten days from written notification that a student will be disenrolled. If a case is appealed to the Superintendent's office by written request, the Superintendent will review the case and conduct a hearing within ten (10) days of the receipt of the written appeal. A hearing will be held between the parents/guardians, school site officials and the Superintendent. The parents/guardians must notify the District within five (5) days if they plan to have legal representation at the hearing.

The decision of the Superintendent will be rendered in writing to the parents/guardians within ten (10) days or sooner after the hearing and is final, with the exception that, for disenrollment's that are rescinded, if a new questionable residency issue arises from the same parents/guardians, the District has the right to begin an investigation process again.

See also AR 5117, "Interdistrict Attendance"

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

48050-48053 Nonresidents

48200-48204 Persons included (compulsory education law)

48204.5 Districts adjacent to international border

48204.6 Evidence of residency

48206.3-48208 Students with temporary disability

48980 Notification of parent or guardian

52317 Admission of persons including nonresidents to attendance area

FAMILY CODE

6550-6552 Caregivers

CODE OF REGULATIONS, TITLE 5

432 Varieties of student records

CODE OF REGULATIONS, TITLE 22

87001 Definitions

Management Resources:

CDE LEGAL ADVISORIES

0303.95 Verification of residency, LO: 1-95

1115.88 Application of residency requirements for homeless children and youth, LO:5-88

Approved: July 5, 2000

Revised: July 28, 2004

Revised: July 26, 2006

Revised: February 14, 2007

Revised: June 13, 2007

Revised: August 27, 2008

Revised: January 14, 2009

Revised: December 1, 2015

Revised: June 27, 2018

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Students**

**E 5111.1-A**

**FULL-TIME CAREGIVER A AFFIDAVIT  
(Full-Time Caregiver A Form –  
When Student, Only, Lives with Full-Time Caregiver)  
(must be completed annually)  
Please Print**

Student's Name: \_\_\_\_\_  
Last Name First Name

Date of Birth (Mo/Day/Year) \_\_\_\_\_

Caregiver's Name: \_\_\_\_\_  
(Last) (First) Relationship to Student

Caregiver's Address (must live in Piedmont & show proof of residency):  
\_\_\_\_\_

Home Phone: \_\_\_\_\_

California Driver's License #or I.D. # \_\_\_\_\_  
(only to establish that full-time caregiver is age 18 or older – not as proof of residency)

Name of Parent A: Name of Parent B:

Address: \_\_\_\_\_ Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

I declare under penalty of perjury, under the laws of the State of California, that we are the parents of this student and have given permission for our student to reside with this caregiver and for the caregiver to authorize any medical treatment and assume responsibility for the student's behavior during school and school-sponsored events.

Parent A Signature: Parent B Signature:

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

Full-Time Caregiver: I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this student resides with me *seven days per week*. I understand that this student may be disenrolled if any information is not factual and that any false information I give may make me liable for civil and criminal penalties up to and including the cost of the student's education. I am age 18 or over and am a *qualified relative* of the student (see back sheet). I will provide written notification to the school district if any of the information changes. I understand that I am the responsible party for medical authorization for this student, academics, attendance, discipline and emotional conduct.



Caregiver's Signature: \_\_\_\_\_

Executed on \_\_\_\_\_ in \_\_\_\_\_  
Month/Day/Year City/State

FOR SCHOOL OFFICIAL: I have met in person with the caregiver, discussed Piedmont Unified School District's residency policies, and have witnessed the caregiver's signature.

\_\_\_\_\_  
School Official's Signature Date

\_\_\_\_\_  
Title School

cc: Caregiver  
Parent(s) (if applicable)  
Form Updated: 2-14-07

School Year \_\_\_\_\_ - \_\_\_\_\_

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Students**

**E 5111.1-B**

**FULL-TIME CAREGIVER B AFFIDAVIT  
(Full-Time Caregiver B Form  
When Student & Parent(s) Live with Caregiver)  
(must be completed annually)  
Please Print**

Student's Name

Last Name \_\_\_\_\_ First Name \_\_\_\_\_

Date of Birth (Mo/Day/Year): \_\_\_\_\_

Caregiver's Name \_\_\_\_\_  
(Last) (First)

Relationship to Student: \_\_\_\_\_

Caregiver's Address (must live in Piedmont & show proof of residency):

\_\_\_\_\_

Home Phone: \_\_\_\_\_

California Driver's License #or I.D.# \_\_\_\_\_  
(only to establish that full-time caregiver is age 18 or older – not a proof of residency)

Full-Time Caregiver: I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this student(s) and his/her parent(s) reside with me *seven days per week*. I understand that this student may be disenrolled if any information is not factual and that any false information I give may make me liable for civil and criminal penalties up to and including the cost of the student's education. I am age 18 or over and am a *qualified relative* of the student (see back sheet). I will provide written notification to the school district if any of the information changes.

Caregiver's Signature:

\_\_\_\_\_

Executed on \_\_\_\_\_ in \_\_\_\_\_  
Month/Day/Year City/State

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. I/We are living with the full-time caregiver and our student(s) at the caregiver's home. I/We understand that this student(s) may be disenrolled if any information is not factual. I/We understand that I am/we are the responsible party for medical treatment authorization and behavior of our minor(s).

Parent A Signature: \_\_\_\_\_ Parent B Signature: \_\_\_\_\_

FOR SCHOOL OFFICIAL: I have met in person with the caregiver, discussed Piedmont Unified School District's residency policies, and have witnessed the caregiver's signature.

\_\_\_\_\_

School Year \_\_\_\_\_ - \_\_\_\_\_

School Official's Signature

Date

\_\_\_\_\_

Title

School

\_\_\_\_\_

\_\_\_\_\_

cc: Caregiver  
Parent(s) if applicable  
Updated 2-14-07

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5111.11**

### RESIDENCY OF STUDENTS WITH CAREGIVER

Students shall qualify as district residents if they reside in the home of a care-giving adult within district boundaries. (Education Code 48204)

Upon enrollment, the care-giving adult shall execute, under penalty of perjury, the affidavit specified in Family Code 6552.

This form shall be filled-out and signed in the presence of a school administrator during a private interview where the residency requirements are clearly discussed. Periodic pre-arranged home visits may occur in order to verify residency.

Caregivers and foster parents who have filed the affidavit specified in Family Code 6552 may authorize school-related medical care.

(cf. 5141- Health Care and Emergencies)

Caregivers and foster parents shall receive a copy of all school notices.

(cf. 5111.1 - District Residency)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

Caregivers are responsible for all school costs, such as costs for lost textbooks, ordinarily assumed by parents or guardians.

Legal Reference:

EDUCATION CODE

35351 Assignment of students to particular schools

42920-42925 Educational services

48200-48204 Persons included (compulsory education law)

56028 Parent

56050 Surrogate parent

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

7579.5 Surrogate parent

CODE OF REGULATIONS, TITLE 22

87001 Definitions

E OF FEDERAL REGULATIONS, TITLE 34

300.517 Surrogate Parent

Management Resources:

CDE MANAGEMENT ADVISORIES

0912.94 New Law on Establishing Residence 94-09

T

Approved: July 5, 2000

Revised: May 9, 2001

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Exhibit**

**Students**

**E 5111.11**

**RESIDENCY OF STUDENTS WITH CAREGIVER**

**Caregiver's Authorization Affidavit**

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

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

1. Name of minor: \_\_\_\_\_

2. Minor's birth date: \_\_\_\_\_

3. My name (adult giving authorization): \_\_\_\_\_

4. My home address: \_\_\_\_\_

5. \_\_\_\_\_ I am a grandparent, aunt, uncle, or other qualified relative of the minor (see next page for a definition of "qualified relative").

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

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

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

7. My date of birth: \_\_\_\_\_

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

**Warning:** Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

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

Dated: \_\_\_\_\_ Signed: \_\_\_\_\_

**Notices:**

1. This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor, and does not mean that the caregiver has legal custody of the minor.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. This affidavit is not valid for more than one year after the date on which it is executed.

Additional information:

**TO CAREGIVERS:**

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great" or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit.
3. If you do not have the information requested in item 8 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.
4. School officials may require documentation that you are a qualified relative.

**TO SCHOOL OFFICIALS:**

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for a determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

**TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:**

1. No person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is subject to criminal liability or to civil liability to any person, or

is subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.

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

Version: July 5, 2000



**PIEDMONT UNIFIED SCHOOL DISTRICT  
Board Policy**

**Students**

**BP 5111.13**

**RESIDENCY AND EDUCATION REQUIREMENTS  
FOR HOMELESS CHILDREN AND YOUTH**

Education Code Section 48200 requires persons six to eighteen years of age to attend school. The Board of Education recognizes its obligation to ensure that homeless children have access to the same free and appropriate public education provided to other children within the District. The District shall provide homeless students with access to education and other services necessary for these students to meet the same challenging performance standards as other students. Students shall not be segregated into a separate school or program based on their status as homeless, nor shall homeless students be stigmatized in any way. Under specified circumstances, homeless students also have the right to continue to attend a district school, even when the homeless family no longer resides within the District.

The Superintendent or designee shall be the liaison for homeless children and youths, and ensure that placement decisions for homeless students are based on the student's best interest as defined in law and administrative regulation.

Legal References:

EDUCATION CODE

1980-1986 County community schools

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

Management Resources:

CDE PUBLICATIONS

Enrolling Students in Homeless Situations, 1999

FEDERAL REGISTER

U.S. Department of Education: Notice of school enrollment guidelines, 67 Fed. Reg. 10698

WEB SITES

CDE: <http://www.cde.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

National Law Center on Homelessness and Poverty: <http://www.nlchp.org>  
(6/91) 7/02

ADOPTED: April 28, 2004

**PIEDMONT UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**Students**

**AR 5111.13**

**RESIDENCY AND EDUCATION REQUIREMENTS FOR  
HOMELESS CHILDREN AND YOUTH**

Definition of Homeless

42 USC 11432, as amended by the No Child Left Behind Act (P.L. 107-110), provides the following definition of homeless children:

“Homeless” means students who lack a fixed, regular and adequate nighttime residence and includes: (42 USC 11435)

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
4. Migratory children who qualify as homeless because the children are living in conditions described in (1)-(3) above.

Other Definitions

*School of origin* means the school that the student attended when permanently housed or the school in which the student was last enrolled. (42 USC 11432)

*Best interest* means, to the extent feasible, continuing a student's enrollment in the school of origin for the duration of his/her homelessness, except when doing so is contrary to the wishes of his/her parent/guardian. Under specified circumstances, homeless students also have the right to continue to attend a district school, even when the homeless family no longer resides within the district. (42 USC 11432)

The homeless student may continue attending the school of origin for the duration of the homelessness and until the end of any academic year in which the student moves into permanent housing.

If the student is placed at a school other than the school of origin or a school requested by the parent/guardian, the Superintendent or designee shall provide the parent/guardian with a written explanation of the decision along with a statement regarding the parent/guardian's right to appeal the placement decision.

### Procedures

Once a placement decision has been made, homeless children or youth shall be immediately enrolled in school regardless of whether they have a fixed or permanent residence or live with the homeless parent. The District will accept alternative proofs of residency, such as:

1. Hotel or motel receipts
2. A letter from a social service agency or homeless shelter verifying that the student lives within the district
3. An affidavit from the parent/guardian stating that the family lives within the district  
(see Exhibit E 5111.13)

A reasonable effort shall be made to secure an address, phone number and medical release from the parent/guardian when a student is placed in a classroom (see Exhibit E-5111.13).

The principal or designee shall immediately contact the school last attended by the student to obtain the relevant records. If the student needs to obtain immunizations or does not possess immunization or other medical records, the principal or designee shall refer the parent/guardian to the District homeless student liaison. The liaison shall assist the parent/guardian in obtaining the necessary immunizations or records for the student.

### Enrollment Disputes

If a dispute arises over school selection or enrollment in a particular school, the student shall be immediately admitted, pending resolution of the dispute, to the school in which enrollment is sought.

The parent/guardian shall be provided with a written explanation of the placement decision, including an explanation of the parent/guardian's right to appeal the

decision. He/she shall also be referred to the District liaison. In the meantime, the District will use the Uniform Complaint Procedures to resolve enrollment disputes.

The District liaison shall carry out the dispute resolution process provided by the State as expeditiously as possible after receiving notice of the dispute.

#### School Nutrition

Homeless children and youths shall be provided comparable services, including meals through school nutrition programs.

#### District Liaison

The Superintendent is the designee to serve as the District liaison for homeless students: Superintendent of Schools, Piedmont Unified School District, 760 Magnolia Avenue, Piedmont, CA 94611, 510-594-2614.

The District's liaison for homeless students shall ensure that: (42 USC 11432)

1. Homeless students are identified by school personnel and through coordination activities with other entities and agencies
2. Homeless students enroll in, and have a full and equal opportunity to succeed in, district schools
3. Homeless families and students receive educational services for which they are eligible
4. Parents/guardians are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children
5. Notice of the educational rights of homeless children is disseminated at places where children receive services, such as schools, shelters, and soup kitchens
6. Enrollment disputes are mediated in accordance with law, Governing Board policy and administrative regulation
7. Parents/guardians are fully informed of all transportation services

Legal Reference:

#### EDUCATION CODE

1980-1986 County community schools

2558.2 Use of revenue limits to determine average daily attendance of homeless children

39807.5 Payment of transportation costs by parents  
UNITED STATES CODE, TITLE 42  
11431-11435 McKinney-Vento Homeless Assistance Act  
Management Resources:  
CDE PUBLICATIONS  
Enrolling Students in Homeless Situations, 1999  
FEDERAL REGISTER  
U.S. Department of Education: Notice of school enrollment guidelines, 67 Fed.  
Reg. 10698  
WEB SITES  
CDE: <http://www.cde.ca.gov>  
U.S. Department of Education: <http://www.ed.gov>  
National Law Center on Homelessness and Poverty: <http://www.nlchp.org>  
(6/91) 7/02

ADOPTED: April 28, 2004

PIEDMONT UNIFIED SCHOOL DISTRICT  
AFFIDAVIT OF RESIDENCE

**This affidavit is intended to address requirements of the McKinney-Vento Act, Title X, Part C of the *No Child Left Behind*. The questions below are to assist in determining if the student meets the definition of homelessness. In the event the child is not staying with his/her parent(s) or legal guardian(s), use the caregiver's authorization affidavit to address guardianship issues.**

Where does the student stay at night?

_____ in a shelter	_____ temporarily with more than one family in a house, mobile home, or apartment
_____ in a motel/hotel	
_____ in a vehicle	_____ Name and Address of Family Residing with:
_____ at a camp site	_____
_____ other location – please describe : _____	

School Requested to Attend: \_\_\_\_\_

Name of Student: \_\_\_\_\_

Birthdate: \_\_\_\_\_

I, \_\_\_\_\_, declare as follows:  
(parent/legal guardian)

1. I am the parent/legal guardian of \_\_\_\_\_  
Student's Name

who is of school age and is seeking admission to Piedmont Unified School District.

2. Since \_\_\_\_\_, our family has not had a permanent home; however,  
date

we have been residing within the Piedmont Unified School District boundaries and intend to remain here.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct and of my own personal knowledge and that, if called upon to testify, I would be competent to testify thereto.

_____	_____
Date	Parent/Legal Guardian Signature

I regularly contact and receive my mail at:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

For emergencies, I can be reached at: \_\_\_\_\_

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5112.1**

### EXEMPTIONS FROM ATTENDANCE

The Board of Education may grant exemptions from compulsory attendance to students as allowed by law and in the best interest of the student.

Exemptions shall not be used to remove students who are disciplinary problems. Suspension, expulsion, transfer to alternative programs and other administrative measures shall be used with these students.

- (cf. 5112.2 - Exclusions from Attendance)
- (cf. 5112.3 - Student Leave of Absence)
- (cf. 5113.1 - Work Permits)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)
- (cf. 6158 - Independent Study)
- (cf. 6183 - Home and Hospital Instruction)

Legal Reference:

#### EDUCATION CODE

33190 Affidavit by persons conducting private school instruction

46113 Minimum school day for grades four through eight

48200-48341 Compulsory education law

48400 Weekly minimum attendance requirement

48410 Persons exempted from continuation classes

#### LABOR CODE

1295.5 Employment of minors; performance of sports-attending services

1394 Employment of minors

#### UNITED STATES CODE, TITLE 20

1681-1688 Title IX, Discrimination

#### UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

#### CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

Adopted: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5112.1**

### EXEMPTIONS FROM ATTENDANCE

Requests for exemption from compulsory full-time attendance shall include satisfactory evidence of conditions upon which an exemption can be legally justified.

Students may be exempted from full-time attendance in the district's regular education program if they:

1. Are being instructed in a private full-time school and the attendance supervisor or designee verifies that the private school has filed an affidavit pursuant to Education Code 33190 (Education Code 48222, 48223)

2. Are being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year (Education Code 48224)

3. Hold work permits to work temporarily in the entertainment or allied industry (Education Code 48225)

(cf. 5113.1 - Work Permits)

4. Hold work permits and attend part-time classes (Education Code 48230)

5. Are between the ages of 12 and 18 and enter a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term (Education Code 48231)

6. Are at least 15 years old and taking a leave of absence for up to one semester for the purpose of supervised travel and study (Education Code 48232)  
(cf. 5112.3 - Student Leave of Absence)

Students may be exempted from full-time attendance in the district's continuation education program if they: (Education Code 48410)

1. Have graduated from a public or private high school maintaining a four-year course above the eighth grade



2. Have successfully demonstrated proficiency equal or greater than standards established by the California Department of Education and have verified approval submitted by their parent/guardian

3. Are attending adult school for not less than four hours per week  
(cf. 6200 - Adult Education)

4. Are attending a regional occupation program or center pursuant to Education Code 48432

5. Are disqualified because of their physical or mental condition or because of personal services that must be rendered to their dependents

(cf. 5141.22 - Infectious Diseases)

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

(cf. 6158 - Independent Study)

(cf. 6183 - Home and Hospital Instruction)

(cf. 6184 - Continuation Education)

Approved: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5112.2**

### EXCLUSIONS FROM ATTENDANCE

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

1. Are under the legal age of attendance, except as otherwise provided by law. (Education Code 48210)

(cf. 5111 - Admission)

2. Do not present evidence of immunization from certain infectious diseases as required by law. Such a student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/ guardian's religious beliefs. (Health and Safety Code 120335, 120365)

(cf. 5141.31 - Immunizations)

3. Are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495 and 121505)

(cf. 5141.26 - Tuberculosis Testing)

4. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided. (Health and Safety Code 120230)

5. Have not had a health screening before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented an appropriate waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

(cf. 5141.32 - Child Health and Disability Prevention Program)

Before excluding any such student, the Superintendent or designee shall send a notice to the parent/guardian of the student. This notice shall state the facts leading to a decision to propose exclusion and shall further state that: (Education Code 48213)

a. The parent/guardian has a right to meet with the Board to discuss the proposed exclusion.

b. At this meeting, the parent/guardian shall have an opportunity to:

- (1) Inspect all documents upon which the district is basing its decision to propose exclusion
- (2) Challenge any evidence and question any witness presented by the Board
- (3) Present oral and documentary evidence on the student's behalf
- (4) Have one or more representatives present at the meeting

c. The decision to exclude the child is subject to periodic review and the procedures for such periodic review.

The Superintendent or designee is not required to send prior notice of exclusion to the parent/guardian if the student is excluded because: (Education Code 48213)

a. He/she resides in an area subject to quarantine.

b. He/she is exempt from a medical examination but suffers from a contagious or infectious disease.

c. It is determined that the presence of the student would constitute a clear and present danger to the life, safety, or health of students or school personnel.

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

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school

120325-120380 Educational and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

Approved: July 5, 2000

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Board Policy**

**Students**

**BP 5112.5**

**OPEN/CLOSED CAMPUS**

In order to give students an opportunity to demonstrate responsibility and positive citizenship, the Board of Education establishes an open campus at all district secondary schools in which students shall have the privilege of leaving campus during lunch.

The privilege of open campus may be revoked from individual students for disciplinary reasons.

(cf. 5144 - Discipline)

Students shall not leave the school grounds at any other time during the school day without written permission of their parents/guardians and school authorities. Students who leave school or who fail to return following lunch without authorization shall be classified truant and subject to disciplinary action.

(cf. 5113 - Absences and Excuses)

Legal Reference:

EDUCATION CODE

35160 Authority of the Board

35160.1 Broad authority of school district

44808.5 Permission for pupils to leave school grounds; notice

Adopted: July 5, 2000

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Administrative Regulation**

**Students**

**AR 5112.5**

**OPEN/CLOSED CAMPUS**

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians about the open campus policy as required by law. (Education Code 44808.5)

(cf. 5145.6 - Parental Notifications)

The district, Board of Education members and district employees shall not be liable for the conduct and safety of students who leave school grounds during the lunch period. (Education Code 44808.5)

The principal may revoke the open campus privilege to any or all students at any time.

Approved: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5113**

### **ABSENCES AND EXCUSES**

The Board of Education believes that regular attendance plays a key role in student achievement. The Board recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged six to 18 are obligated to send their children to school unless otherwise provided by law. The Board shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5121 - Grades/Evaluation of Student Achievement)

#### **Excused Absences**

Absence from school shall be excused only for health reasons, family emergencies and justifiable personal reasons, as permitted by law, Board policy and administration regulations. (Education Code 46010, 48205, 48216)

(  
cf. 6154 - Homework/Makeup Work)

Insofar as class participation is an integral part of students' learning experiences, parents/guardians and students shall be encouraged to schedule medical appointments during nonschool hours.

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students and to all students in grades 7 through 12, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian.

(Education Code 46010.1)

(cf. 5145.6 - Parental Notifications)

Student absence for religious instruction or participation in religious exercises away from school property may be considered excused subject to administrative regulations and law. (Education Code 46014)

#### **Unexcused Absences/Truancy**

The Superintendent or designee shall implement positive steps to reduce truancy, such as communication with parents/guardians and the use of student study teams.

(cf. 5147 - Dropout Prevention)  
(cf. 6164.5 - Student Study Teams)  
(cf. 6176 - Weekend/Saturday Classes)

Students who are habitual truants or habitually insubordinate or disorderly during attendance at school may be referred to the county probation department.

When the student's attendance problems cannot be resolved or the student and parent/guardian have failed to respond to directives to correct the problem, a student who has been classified as truant may be referred to the district attorney or probation officer for truancy mediation.

When the student's attendance problems cannot be resolved or the student and parent/guardian have failed to respond to directives to correct the problem, the school attendance review board or probation officer may ask the County Superintendent of Schools to request a juvenile court petition on behalf of the student.

A student's grades may be affected by excessive unexcused absences in accordance with Board policy.

(cf. 5121 - Grades/Evaluation of Student Achievement)

Legal Reference:

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

2550-2558.6 Computation of revenue limits

37201 School month

37223 Weekend classes

41601 Reports of average daily attendance

42238-42250.1 Apportionments

46000 Records (attendance)

46010-46014 Absences

46100-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children between ages of 6 and 18 years (compulsory full-time attendance)

48216 Immunizations

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School Attendance Review Boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

FAMILY CODE

6920-6929 Consent by minor

VEHICLE CODE

13202.7 Driving privileges; minors; suspension or delay for habitual truancy

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

420-421 Record of verification of absence due to illness and other causes

ATTORNEY GENERAL OPINIONS

66 Ops.Cal.Atty.Gen. 245, 249 (1983)

Management Resources:

CDE MANAGEMENT ADVISORIES

0114.98 School Attendance and CalWORKS, Management Bulletin 98-01

CSBA ADVISORIES

Welfare Reform and Requirements for School Attendance

Adopted: July 5, 2000



# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5113**

### ABSENCES AND EXCUSES

#### Excused Absences

A student's absence shall be excused for the following reasons:

1. Personal illness (Education Code 48205)
2. Quarantine under the direction of a county or city health officer (Education Code 48205)
3. Medical, dental, optometrical, or chiropractic appointments (Education Code 48205)
4. Attendance at funeral services for a member of the immediate family (Education Code 48205)
  - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)
  - b. "Immediate family" shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister or any relative living in the student's immediate household. (Education Code 45194, 48205)
5. Jury duty in the manner provided by law (Education Code 48205)

In addition, a student's absence shall be excused for justifiable personal reasons. Advance written request by the parent/guardian and approval of the principal or designee shall be required for absences for: (Education Code 48205)

1. Appearance in court
2. Attendance at a funeral service
3. Observation of a holiday or ceremony of his/her religion
4. Attendance at religious retreats for no more than four hours during a semester
5. Employment interview or conference

## **Method of Verification**

When students who have been absent return to school, they must present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

1. Written note from parent/guardian, parent representative, or student if 18 or older (Education Code 46012)
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
  - a. Name of student
  - b. Name of parent/guardian or parent representative
  - c. Name of verifying employee
  - d. Date or dates of absence
  - e. Reason for absence
3. Physician's verification
  - a. When excusing students for confidential medical services or verifying such appointments, district staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment. (Education Code 46010.1)

## **Truancy**

1. Students shall be classified as truant if absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Such students shall be reported to the Superintendent or designee. (Education Code 48260)  
The parent/guardian of a student classified as a truant shall be notified of the following: (Education Code 48260.5)

- a. The student is truant
- b. The parent/guardian is obligated to compel the student to attend school
- c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296

d. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy

e. Alternative educational programs are available in the district

f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse

g. The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 13202.7

h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day

Approved: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5113.1**

### WORK PERMITS

The Board of Education recognizes that part-time jobs can give students needed supplementary income, valuable work experience, and enhanced self-esteem. However, the Board also believes that outside employment should not interfere with students' educational progress nor impair their health. In accordance with law, students must obtain work permits from school authorities before accepting employment.

The Superintendent or designee shall issue work permits only as allowed by law and only to the extent that outside employment does not significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain satisfactory grades.

Students 16 or 17 years of age shall be granted approval to work more than 20 hours a week only when justified by unusual circumstances which shall be stated on the work permit.

#### Legal Reference:

##### EDUCATION CODE

48231 Entrance into attendance area within 10 school days of end of term

49110-49119 Permits to work

49130-49135 Permits to work full time

49140-49141 Exceptions

49164 Inspection; cancellation or revocation

##### LABOR CODE

1285-1312 Employment of minors

1391-1394 Working hours for minors

#### Management Resources:

##### CDE MANAGEMENT ADVISORIES

1016.89 Local work permit policies

Adopted: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5113.1**

### WORK PERMITS

#### Approval/Revocation of Work Permits

1. No work permit shall be issued until the student's parent/guardian, foster parent or residential shelter services provider has filed a written request with the district. (Education Code 49110)
2. To help in determining the extent to which outside employment may be approved, the Superintendent or designee may:
  - a. Inspect the student's records for evidence of satisfactory grades and attendance
  - b. Confer with at least one of the student's teachers to determine whether the student appears to have the time, stamina, motivation and maturity to maintain academic progress while working
3. The Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is impairing the student's health or education. (Education Code 49164)

#### Permits to Work Part Time When School Is in Session

1. A student 16 or 17 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than four hours on any day on which the student is required by law to attend school. (Education Code 49112) The following exceptions shall apply:
  - a. The four-hour limit may be exceeded for students 16 or 17 years of age who are employed in a school-approved work experience or cooperative vocational education program or in personnel attendance occupations as defined in Industrial Welfare Commission Minimum Wage Order #15. (Education Code 49116)
  - b. A student 16 or 17 years of age may receive a permit to work outside of school hours for no more than eight hours on any day on which the student is required by law to attend school, provided it is a day which immediately precedes a nonschool day. (Education Code 49112)

2. While school is in session, a student 14 or 15 years of age who has completed the seventh grade may receive a permit to work outside of school hours for no more than three hours on any school day and no more than 18 hours in any week. (Education Code 49112, 49116)

If enrolled in and employed pursuant to a school-supervised and school-administered work experience and career exploration program, a student 14 or 15 years of age may be employed for up to 23 hours a week, any portion of which may occur during school hours. (Education Code 49116)

Approved: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5116.1**

### **ASSIGNMENT OF PIEDMONT STUDENTS TO ELEMENTARY SCHOOLS**

The Board of Education regards as a high priority the education of students in facilities which are sufficient and appropriate for the instructional program, and desires to provide options for enrollment that meet the diverse needs, potentials and interests of the District's students. Assignments of students to schools will be according to Board-established attendance areas and school enrollment capacities which have been designated according to factors such as available classroom space, proximity of student's home to schools. The parents/guardians of any student who resides within District boundaries may apply to enroll their child in any District school, regardless of the location of residence within the District (Education Code 35160.5) subject to the following limitations:

1. No student who currently resides in the attendance area of a school and attends that school shall be displaced by students transferring from outside the attendance area
2. Enrollment in each school or program in the District shall be subject to each school's or program's capacity as determined by the Board
3. When attendance area residents do not fill a school to capacity, a random, unbiased process shall be employed for selection of students to enroll in the school where the number of applications received for enrollment in that school exceeds the school's capacity. The selection process shall prohibit an evaluation of whether any student should be enrolled based on his or her academic or athletic performance
4. The Board has the authority to maintain appropriate racial and ethnic balances among District schools and shall take such balances into account in approving or denying intradistrict transfer applications. A student may be assigned to a school or program if the student requires a legally mandated program or accommodation which is available at that school or program. A student may be assigned to a school or program for disciplinary reasons or for the protection of the health and safety of that student or other students or employees of the District.

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

Adopted: June 8, 1994  
Revised: December 13, 1995  
Revised: July 5, 2000  
Revised: May 28, 2003

Reviewed: August 25, 2004  
Reviewed: September 14, 2005  
Reviewed: September 27, 2006

Reviewed: October 24, 2007  
Reviewed: September 10, 2008  
Reviewed: September 9, 2009  
Reviewed: September 14, 2010  
Reviewed: August 24, 2011



# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5116.1**

### ASSIGNMENT OF PIEDMONT STUDENTS TO ELEMENTARY SCHOOLS

#### Elementary School Zones

All of the area included wholly within the city limits of Piedmont is divided into three zones for the purpose of determining the attendance area for each elementary school. On a space available basis, students shall be admitted to the school serving the zone in which they live. Pupils in attendance at a given school, who move to another school zone in Piedmont, may continue to attend the school serving the zone from which they have moved or may request an intradistrict transfer to the school serving the new zone. The intradistrict transfer form may be obtained from any elementary school and should be returned to the attendance area school. Requests will be honored on a space available basis.

#### Balancing Class and State and Local Class Size Reduction

In order to balance class size in the Piedmont elementary schools and to comply with state and local class size reduction, it may be necessary for new enrollees to be placed at a school other than the school serving the zone in which they live.

1. **Grades 1-5:** Should it become necessary, students will be selected for redirection in the following order:
  - a. Volunteers - All families in the affected class will be notified and given the option of volunteering to have their child redirected. Should more children volunteer than are needed, intradistrict transfers will be granted in the order received.
  - b. New enrollees - In determining which new enrollees should be redirected, the following factors will be taken into consideration: date of enrollment, proximity of student's residence to the zone school, and siblings
  - c. Random selection
2. **Kindergarten:** Parents will be notified of the possibility that their child may be redirected at elementary registration, kindergarten orientation, the end of the school year and after new student summer registration.

Should it become necessary to redirect kindergarten students, the following procedure will be used:

- a. Volunteers - All families in the affected class will be notified and given the option of volunteering to have their child redirected. Should more children volunteer than are needed, intradistrict transfers will be granted in the order received.
  - b. Redirection of the school district. In deciding which students to redirect, the District will consider a variety of factors including, but not limited to: siblings, date of registration, and proximity of student's residence to the zone school.
3. Every effort will be made to notify families of students being placed in another school before the start of the new school year. However, students may be transferred to another school up to the first two weeks of the new school year.
4. If a space becomes available in the home zone, students who have been placed involuntarily in a school outside their zone will have the choice of remaining at that school or returning to the zone.

Approved: July 5, 2000  
Reviewed: August 20, 2003  
Revised: January 28, 2004  
Revised: September 14, 2005  
Revised: December 12, 2007  
Revised: January 23, 2008  
Revised: May 28, 2008  
Revised: February 5, 2009

## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Board Policy**

Students

#### **BP 5117**

##### **INTERDISTRICT ATTENDANCE**

The schools of this District shall be operated for the benefit of children residing in the District with such exceptions as are permitted by law and this policy.

##### **Interdistrict Transfer Agreement**

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

(cf. 5111.1 - District Residency)

The Board of Education may enter into interdistrict transfer agreements with other school Districts regarding the enrollment of nonresident students. The Superintendent reserves the right to revoke any interdistrict transfer agreement at any time, subject to the rules and standards that apply to pupils who reside in the school District of enrollment.

Students who have been expelled from other school Districts may not be admitted to the District on an interdistrict attendance agreement during the period of their expulsion. Students who are under consideration for expulsion or who have been expelled may not appeal interdistrict attendance denials while expulsion proceedings are pending, or during the term of the expulsion.

##### **Transfer of Resident Students to Out of District**

The Board may enter into interdistrict agreements for the transfer of resident students to other Districts when the student's needs cannot be met by the programs of the District.

Legal Reference:

EDUCATION CODE

46600-46611 interdistrict attendance agreements

48204 Residency requirements for school attendance

48209-48209.17 Student attendance alternatives

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another District

48918 Rules governing expulsion procedures  
48980 Notice at beginning of term  
52317 Enrollment of students, interdistrict attendance

Adopted: June 24, 1986  
Revised: July 5, 2000  
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Revised: June 22, 2005  
Revised: June 14, 2006  
Revised: August 23, 2006  
Revised: September 14, 2011  
Revised: June 12, 2019

## **PIEDMONT UNIFIED SCHOOL DISTRICT**

Students

### **AR 5117**

#### **INTERDISTRICT ATTENDANCE**

##### **Requests for Interdistrict Transfer Attendance into the District**

The Superintendent or designee of the District shall review all requests for interdistrict transfers. The Superintendent or his designee is authorized to grant or deny interdistrict transfer requests.

##### **Requests for Interdistrict Transfers**

1. The parent/guardian must first obtain approval for the student's transfer from the student's current District of residence on the appropriate form.
2. No student shall be enrolled on an interdistrict transfer basis if that student's enrollment will cause any class to exceed class-size limits set by the District.
3. No student shall be enrolled on an interdistrict transfer basis if the District has inadequate facilities to accommodate the student or if it would require the District to create a new program or provide a new service to serve the student.
4. The Superintendent or designee may deny initial requests for interdistrict attendance permit due to limited District resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the District shall not deny continued attendance because of overcrowded facilities at the relevant grade level.
5. Transportation shall not be provided for students attending on an interdistrict attendance agreement at any time.
6. If the request for a transfer is approved for an elementary school-aged student, the District retains the right to determine the specific elementary school to which the student will be assigned. (See [BP 5116.1](#))
7. If the request for a transfer is denied, the parent/guardian will be notified in writing of the right to appeal to the Alameda County Board of Education within 30 days of the District's denial.

8. The Superintendent or designee may revoke any individual interdistrict attendance agreement at any time.

The Board requires that all requests for interdistrict transfers and the required supporting documentation be certified by the parent/guardian, childcare provider or caregiver under penalty of perjury. The Superintendent or designee is responsible for confirming the accuracy of information contained in such requests and documentation; investigating any suspicion that information has been falsified; reporting such violations to the appropriate law enforcement agencies; and reporting such activities to the Board.

### **Notification**

Notice of acceptance or denial of an application for interdistrict transfer will occur as follows (Education Code 46600.2):

- Current year request: within 30 days of the request being received
- Future year request: no later than 14 calendar days after instruction begins in the new school year

Current year = begins 15 calendar days before the first day of instruction

Future year = 16 or more days before the first day of instruction for the school year student is applying for

### **Grounds for Approval**

The Superintendent or designee may approve interdistrict transfer requests when capacity within the District exists. Students whose requests are denied solely because of lack of capacity within the District will be placed on a waiting list, and their application will be considered if space becomes available.

Priority for interdistrict attendance shall be given to a student who has been determined by staff of either District of residence or District of proposed enrollment to be a victim of an act of bullying, as defined in Education Code 48900(r), committed by a student of the District of residence. (Education Code 46600)

The Superintendent or designee may grant a transfer if, in the judgement of the Superintendent or designee, the parents/guardians provide evidence of extraordinary circumstances (such as a threat of physical harm to a student) warranting a transfer.

It is the responsibility of the parent/guardian to renew approved interdistrict transfer permits before the start of the school year of transition years 5th to 6th grade and 8th to 9th grade. Failure to do so will result in a hold of class registration.

The decision to admit out-of-District students is discretionary, when capacity exists; applications may be approved based on the following priorities:

## **1<sup>st</sup> Priority: Parents Constructing or Remodeling a Home in Piedmont**

After design review process approval has been granted by the City of Piedmont City Council and written verification is provided by the City (property owner's responsibility to obtain this information and provide to District); and after the property owner has provided written documentation and verification from the City of Piedmont Building Department that construction (pouring of the foundation and/or erection of forms) is underway, the District may conditionally admit to attendance any nonresident/resident student whose parents have begun construction or extensive remodeling of a home in Piedmont into which they intend to move/move back into.

The following information is required by the District from the property owner:

- a. Copy of City of Piedmont building permit and contractor's statement of the anticipated completion date (property owner's responsibility to obtain this information and provide to the District).
- b. Written confirmation from the City of Piedmont Building Department that construction (pouring of the foundation and/or erection of forms) is underway (property owner's responsibility to obtain this information and provide to the District).

For extensive renovation projects on an existing home where it is impractical to reside in the home during construction, an inter District transfer permit will be granted for one school year (two consecutive semesters). This condition must be verified by the District's Residency Verification Officer in consultation with the City of Piedmont Building Department.

Upon written verification by the contractor that reasonable additional time is needed to complete the project, and upon confirmation from the City, an additional school year (two consecutive semesters following the first two semesters) may be granted, for a total period of not to exceed two school years (four consecutive semesters).

An interdistrict transfer permit must be submitted at initial enrollment and for transition years 5<sup>th</sup> to 6<sup>th</sup> grade and 8<sup>th</sup> to 9<sup>th</sup> grade. An interdistrict permit must be on file for the period of time that a student is not residing in Piedmont, but for no longer than two school years (four consecutive semesters).

For the construction of a new home, an interdistrict transfer will be granted for no longer than a period of up to two school years (four consecutive semesters). Renovation of a home may not be granted for this amount of time. Additional proofs of construction progress from the City of Piedmont Building Department will be mandatory at the beginning and at the end of each semester. It will be the responsibility of the property owner to obtain this information from the City and provide to the school District.

An interdistrict transfer permit will not be approved for the period of time of the design planning phase for a renovation/remodel project or new home construction.

Proof of actual residency at the home being moved into/back into Piedmont will be required, including:

- copy of Final Inspection and Certificate of Occupancy from the City of Piedmont Building Department
- confirmation by the Residency Verification Officer
- proof of termination of service of PGE or EBMUD from the former temporary residence.

### **2<sup>nd</sup> Priority: High School Juniors and Seniors Who Have Moved Out of the District<sup>1</sup>**

The District may allow high school juniors and seniors eligibility for interdistrict attendance, if they meet all of the following conditions:

- a. it has been confirmed that the student(s)/parent(s) were legally residing in Piedmont immediately previous to the request for “junior/senior privilege”
- b. the student moves away after completion of his/her sophomore year in high school and has satisfactorily completed at least 140 units in a Piedmont high school with a “C” average, and no unsatisfactory citizenship grades;
- c. the student will complete his/her senior course of study in one school year or less.

In all of the situations listed above, a student must have an interdistrict transfer permit on file.

No interdistrict transfer will be approved for a student requiring more than two school years to meet graduation requirements.

### **3<sup>rd</sup> Priority: Children of Piedmont Unified School District Employees**

The District may admit the children of District employees. To be eligible, certificated (K-12) teachers and classified employees must be employed at least 10 hours a week. In order to balance class size and composition, the District has the discretion to assign students to the school site and classroom of its choice. As stated in District policy, admission will be contingent on space availability, and at the elementary level, the District has through the first two weeks of the beginning of the school year to move students.

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<sup>1</sup> interdistrict Education Code 46600 (a)(4) Notwithstanding paragraph (2), a school District of residence or school District of enrollment shall not rescind existing transfer permits for pupils entering grade 11 or 12 in the subsequent school year.



An interdistrict transfer permit for the student must be submitted at initial enrollment and for transition years 5<sup>th</sup> to 6<sup>th</sup> grade and 8<sup>th</sup> to 9<sup>th</sup> grade.

When a District employee ceases employment with the District, they shall withdraw their child from the District no later than the end of the current semester or at the discretion of the Superintendent.

#### **4<sup>th</sup> Priority: Children of the City of Piedmont Government Employees**

The District may admit children of City of Piedmont government employees employed at least 10 hours a week. A City government employee is defined as an employee who is on a regularly scheduled City of Piedmont government employee payroll on which appropriate deductions occur. It does not include seasonal employees (e.g. limited term Summer staff) consultants or contractors for the City of Piedmont.

Upon request, a City employee may be required to provide proof of employment.

When a City of Piedmont employee ceases employment with the City, they shall withdraw their child from the District no later than the end of the current semester or at the discretion of the Superintendent.

#### **Regulations Governing the Interdistrict Attendance of Children of District and City of Piedmont Government Employees**

##### **Priority**

If space is not available to accommodate all interdistrict transfer requests related to employment, eligible employees will receive priority in the following order:

1. Piedmont Unified School District Employees
2. City of Piedmont government employees

If eligible applicants within a priority category exceed the number of openings, an administrative committee will review the requests based on a variety of criteria including but not limited to the following:

1. The length of time a student has been in Piedmont Unified School District;
2. The length of employment of the parents;
3. The full-time (City and District employees) or part-time status of the parent;
4. Siblings enrolled in the District; and
5. The unique needs of the District or the City

These criteria are not listed in priority order.

#### **5<sup>th</sup> Priority: Children of the Piedmont Education Foundation (PEF) Director**

The District may admit children of the Executive Director for the Piedmont Education Foundation. The PEF Executive Director is defined as the managing director of PEF, responsible to the PEF Board, who is on a regularly scheduled PEF employee payroll in which appropriate deductions occur. It does not include consultants for PEF.

When the PEF Executive Director ceases employment with PEF, they shall withdraw their child from the District no later than the end of the current semester.

#### **6<sup>th</sup> Priority: Children Residing on Calvert Court and Oakland Parcels on Somerset Road**

Because ingress and egress to all properties on Calvert Court are through the City of Piedmont, some of which properties are located in Oakland, children residing on any of the Oakland parcels on Calvert Court may be admitted to Piedmont schools, with the required proofs of residency (see [AR 5111.1](#)), and the submittal of an interdistrict transfer permit before initial enrollment and for transition years 5<sup>th</sup> to 6<sup>th</sup> grade and 8<sup>th</sup> to 9<sup>th</sup> grade. The same considerations will be applied to Oakland parcels on Somerset Road in which ingress and egress are through the City of Piedmont.

#### **7<sup>th</sup> Priority: Residences on Approved Split Parcel Properties with any portion of the residence on the Piedmont Parcel**

Children of homeowners whose property is a split parcel, meaning a residential property located within both the City of Piedmont and City of Oakland boundaries with any portion of the residence on the Piedmont parcel, may be eligible for admittance to Piedmont schools based on meeting **all** of the following conditions and regulations:

- a. The parcel in Piedmont must have its own separate Assessor's Parcel Number, as assigned by the Alameda County Assessor's Office;
- b. The amount to be assessed will be determined by the use code assigned by the Alameda County Assessor's Office and any disputes would be between the property owner and the Alameda County Assessor's Office. The District will abide by the decision of the Alameda County Assessor's Office.
- c. The property owner will be responsible for paying Piedmont Unified School District parcel taxes on its Piedmont parcel, in addition to all other applicable City of Oakland taxes
- d. The property owner must be either the parents or court-appointed legal guardians of the children. The property owner must reside at that address, as well as the children. In the event of joint custody, a student must reside on the split parcel at that address with the Piedmont parent at least 50% of each school week. The District has the legal right to verify residency by conducting home visits or through other information provided (including neighbors).
- e. If the split parcel homeowner moves from the property to a residence outside of Piedmont, students will no longer be eligible to attend Piedmont schools. This

includes if a homeowner rents the split parcel property: children of the renters may attend Piedmont schools, but not the children of the homeowner.

- f. Proofs of residency must be provided (see “Proofs of Residency” list) with the interdistrict transfer permit. The District reserves the right to annually request proofs of residency.
- h. An approved Interdistrict Transfer Permit from Oakland must be on file and re-submitted for transition years 5<sup>th</sup> to 6<sup>th</sup> grade and 8<sup>th</sup> to 9<sup>th</sup> grade.

The Superintendent or designee will make the final determination as to eligibility, after research of a property and any needed consultations with legal counsel and/or the Alameda County Assessor’s Office as may be necessary. A student will not be allowed to enroll in Piedmont schools until confirmation is received from the Alameda County Assessor’s Office that the parcel is eligible for assessment of Piedmont Unified School District parcel taxes and an approved Interdistrict Transfer permit from Oakland Unified School District is received.

**8<sup>th</sup> Priority: GrandParent – Grandchild of an Individual(s) who lives within the boundaries of PUSD**

The District may enroll the grandchildren of Piedmont residents with the required proofs of residency (see [AR 5111.1](#)) **AND** proof of identification, along with a certified copy of the parent’s birth certificate and child’s birth certificate to establish grandparent relationship. If the grandparent moves from the property to a residence outside of Piedmont, grandchildren attending Piedmont Unified School District will no longer be eligible to continue enrollment in the District.

**9<sup>th</sup> Priority: Approved Split Parcels with Oakland Address and Adjoining Minor Piedmont Parcel**

Children of homeowners whose property is on an approved split parcel with and Oakland address and adjoining Piedmont parcel (no portion of residence is in Piedmont) may be eligible for admittance to Piedmont schools based on meeting all of the following conditions and regulations:

- a. The property owner will be responsible for paying Piedmont Unified School District parcel taxes on its Piedmont parcel, in addition to all other applicable City of Oakland taxes.
- b. The property owner must either be the parents or court-appointed legal guardians of the child(ren). The property owner must reside at that address, as well as the children. In the event of joint custody, a student must reside on the split parcel at that address with the Piedmont parent at least 50% of each school week. The District has the legal right to verify residency by conducting home visits or through other information provided (including neighbors).

- c. If the split parcel homeowner moves from the property to a residence outside of Piedmont, students will no longer be eligible to attend Piedmont schools. This includes if a homeowner rents the split parcel property: children of the renters may attend Piedmont schools, but not the children of the homeowner.
- d. Proofs of residency must be provided (see “Proofs of Residency” list). The District reserves the right to annually request proofs of residency.
- e. An approved Interdistrict Transfer Permit from Oakland must be on file and re-submitted for transition years 5<sup>th</sup> to 6<sup>th</sup> grade and 8<sup>th</sup> to 9<sup>th</sup> grade.
- f. Approval by the school District for student enrollment does not make the split parcel owner or student(s) with an Oakland address eligible for any City of Piedmont services, such as 911 emergency services, City of Piedmont Recreation Department residency discounts, etc.
- g. If the Oakland Unified School District does not approve the Interdistrict Transfer permit, the student(s) of the homeowner will not be eligible to attend Piedmont schools.

The Superintendent or designee will make the final determination as to eligibility, after research of a property and any needed consultations with legal counsel and/or the Alameda County Assessor’s Office as may be necessary. A student will not be allowed to enroll in Piedmont schools until confirmation is received from the Alameda County Assessor’s Office that the parcel is eligible for assessment of Piedmont Unified School District parcel taxes and an approved Interdistrict Transfer permit from Oakland Unified School District is received.

**10<sup>th</sup> Priority: All Other Applicants**

The Superintendent or designee may approve interdistrict transfer requests when capacity within the District exists. Students whose requests are denied solely because of lack of capacity within the District will be placed on a waiting list, and their application will be considered if space becomes available.

**Nonresident Admission to Millennium High School**

The Superintendent will review all interdistrict transfer applications for admission to Millennium High School.

**Grounds for Revocation**

Pursuant to Education Code 46600, the following are terms and conditions under which an interdistrict transfer agreement may be revoked:

1. Determination by the District that the transfer request or supporting documentation was based upon false or fraudulent information.

2. Students admitted under this policy must meet and maintain the following standards:
  - a. A satisfactory scholarship record (Elementary: at a sufficient rate to ensure promotion; Secondary: minimum "C" average)
  - b. Satisfactory attendance record (not willfully or habitually truant or tardy; no unexcused absences)
  - c. Satisfactory citizenship record (satisfactory citizenship in all classes and on the campus; no "U's")
3. Determination by the District that the continuing presence of the student is not in the student's best educational interest, or will interfere with the needs of other students, or both.
4. The interdistrict transfer agreement of any student who violates the disciplinary provisions of Education Code section 48900 will be subject to revocation, pending the outcome of disciplinary proceedings

(see also Administrative Regulation 5111.1, "Residency")

Approved: June 24, 1986  
Revised: July 5, 2000  
Revised: July 24, 2002  
Revised: July 23, 2003  
Revised: July 26, 2006  
Revised: February 14, 2007  
Revised: December 12, 2007  
Revised: September 10, 2008  
Revised: November 10, 2009  
Revised: August 24, 2011  
Revised: December 9, 2015  
Revised: March 11, 2016  
Revised: June 12, 2019  
Revised: March 24, 2021

**PIEDMONT UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**Students**

**AR 5117.1**

**INTERDISTRICT ATTENDANCE – OPEN ENROLLMENT ACT (“Romero Bill”)**

The Open Enrollment Act ("Romero Bill") and California regulations allow students attending a school designated by the California Superintendent of Public Instruction as an "Open Enrollment School" to submit an application for enrollment in a higher performing school in another school district. Interdistrict transfer requests made pursuant to the Open Enrollment Act ("Romero Bill transfers") shall only be approved by the Superintendent or designee in accordance with the provisions of these regulations.

**Application Process/Timeline**

1. Romero Bill transfer applications will be accepted from December 1 to December 31 of the school year preceding the school year for which the student is requesting a transfer. Any application submitted after December 31 will not be accepted or reviewed. The application may request enrollment of the student in a specific school or program.
2. This application deadline does not apply to an application requesting a transfer if the parent, with whom the student resides, is enlisted in the military and was relocated by the military within 90 days prior to submitting the application.
3. The District shall notify a Romero Bill applicant's parent and the school district of residence in writing by March 1 of the school year preceding the school year for which the transfer was requested regarding whether the application was approved or denied.

**Basis for Approval or Denial of Romero Bill Applications**

1. The Superintendent or designee may deny the initial application of a student requesting a Romero Bill transfer if the transfer would require the displacement from the desired school of another student who resides within the attendance area of that school or is currently enrolled in that school.
2. The Superintendent or designee may deny a Romero Bill transfer application under any of the following circumstances:

- a. If approval of the transfer application would result in enrollment that exceeds the capacity of a program, class, grade level, or school building.
  - b. If approval of the transfer application would result in an adverse financial impact to the District including, but not limited to, any increase in class or program size that would result in the District's loss of its current level of "class size reduction" program revenues, or would require the District to hire additional certificated or classified employees, or would conflict with the terms of an existing collective bargaining agreement.
  - c. If the Governing Board of the District determines that the transfer would negatively impact either of the following:
    - i. A court-ordered or voluntary desegregation plan of the district.
    - ii. The racial and ethnic balance of the District, consistent with state and federal law.
3. The Superintendent or designee may not consider a student's previous academic achievement, physical condition, proficiency in the English language, family income, or any of the individual characteristics set forth in Education Code section 200 when considering whether to approve or deny a Romero Bill application.
  4. In addition to the requirements set forth in this policy and its implementing regulations, students applying for a Romero Bill transfer into the District must meet requirements for admission to a magnet program or program designed to serve gifted and talented students, if the student also applies to such a program.
  5. The District cannot accept an application for a Romero Bill transfer if the student's district of residence has prohibited the transfer as allowed under the Open Enrollment Act.

### **Terms of Approval and Enrollment Priorities**

1. Students will be selected through a random, unbiased process that prohibits an evaluation of whether the student should be enrolled based on his or her individual academic or athletic performance or any other characteristic protected under Education Code section 200, except that students applying for a transfer under this policy shall be assigned priority as follows:
  - a. First Priority: Siblings of children who already attend the desired school.

- b. Second Priority: Students transferring from a program improvement school ranked in decile 1 on the API as determined pursuant to Education Code section 48352(a).
2. If the number of students who request a particular District school exceeds the number of spaces available at that school, a lottery shall be conducted in the group priority order stated above to select students at random until all available spaces are filled.
3. The District *may* allow a pupil who has transferred to and is currently enrolled in a school in the District pursuant to the Open Enrollment Act to matriculate to a middle or high school in the District without having to reapply, regardless of whether the school into which the pupil would normally matriculate in the pupil's district of residence is on the list of 1,000 Open Enrollment schools.

### **Accepted Applications**

1. If an application is accepted, the student may enroll in the school or program approved by the District at the start of the school year immediately following the approval of the application. A student whose Romero Bill transfer application is approved must be placed in a District school with a higher Academic Performance Index ("API") than the school in which the student was previously enrolled.
2. Once enrolled, a student is not required to reapply to remain enrolled. However, the District will require the student to submit an annual interdistrict permit for informational and State tracking purposes, as is also required for non-Romero Bill interdistrict transfer students. The student's continued enrollment will be subject to the rules and standards that apply to students who reside in the school district.
3. A student approved for a Romero Bill transfer into the District shall be deemed to have fulfilled residency requirements for attendance in the District set out in Education Code section 48204.
4. For any student approved for a Romero Bill transfer, the District shall accept credits toward graduation that were awarded to the student by another school district and shall graduate the student, if the student meets the graduation requirement of the District.
5. Transportation will not be provided by the District to students choosing to attend a District school under the Romero Bill.

### **Denied Applications**



1. If an application is denied, the District shall notify the applicant parent and school district of residence in writing that the application has been denied. Such notification shall state the reason(s) for the denial.
2. The District's decision regarding the denial of a Romero Bill transfer application is final and may not be overturned absent a finding by a court of competent jurisdiction that the District acted in an arbitrary and capricious manner. There is no right of appeal to the county office of education.

### **Notice of Eligibility to Transfer**

1. On or before the first day of school each year, but not later than September 15 (depending on when the District receives notification from the California Department of Education), the District shall provide the parents or guardians of all students enrolled in a designated "Open Enrollment School" notice of the option to transfer to another public school in the District or another school district.

### **Prohibiting or Limiting the Number of Transfers Out of the District**

1. In the event that a school within the District is designated as an "Open Enrollment School," the District may prohibit or limit the number of students who transfer out of the District under the Romero Bill, if the Governing Board of the District determines that the transfer would negatively impact either of the following:
  - a. A court-ordered or voluntary desegregation plan of the District.
  - b. The racial and ethnic balance of the District consistent with federal and stated law.

(See also BP 5116.1, BP 5117)

#### **LEGAL REFERENCE:**

The Open Enrollment Act, SBX6 4)

#### **EDUCATION CODE**

Education Code Sections 48350-48361

#### **FEDERAL REGULATIONS:**

5CCR 4702

20 USC 6316

34 CFR 200.44

Created: September 14, 2011

Revised: September 16, 2011

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Administrative Regulation**

**Students**

**AR 5118**

**TRANSFERS**

**Transfers out of the District**

Students who transfer out of the district during their senior year may petition to receive a diploma from this district, provided they have met all district graduation requirements and left the school in good standing.

(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)

Students transferring or withdrawing from school shall return all school books and materials and settle any unpaid fines on or before their last day of attendance.

(cf. 5125.2- Withholding Grades, Diploma or Transcripts)

(cf. 6161.2 - Damaged or Lost Instructional Materials)

Legal Reference:

EDUCATION CODE

48011 Admission from kindergarten or other school

Approved: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5121**

### GRADING

The Board of Education directs that the instructional program include a system of grading which is consistent with the educational goals of this district and reflects student competence as it relates to stated objectives for each grade level and course of study. The Board promotes an educational environment where academic and intellectual achievement is supported and stimulated by regular attendance. The Board believes that the purpose of grades is to communicate progress towards and achievement of stated objectives, and that attendance and work habits have an effect on the final academic grade.

Citizenship grades should reflect student behavior in the classroom and willingness to abide by such rules as the school and/or teacher may find necessary to establish in order to maintain an atmosphere conducive to teaching and learning.

Teachers in grades 6-12 shall, at the start of each course, inform students in writing of the criteria that will be used to evaluate their academic grades and citizenship grades.

Student achievement in scholarship and citizenship shall be assessed and reported to parents at regular intervals. In addition, a written report shall be sent to, or a conference shall be held with the parent of each student whenever it becomes evident to the teacher that the student is in danger of failing a course or is exhibiting serious changes in behavior and effort in class.

The Board authorizes the calculation of median grade point average for students in the twelfth grade. Grade point average, based on work in grades 9-12, would be used in determining the median grade point average.

1. The median grade point average shall be reported as both weighted and unweighted.
2. Grade point average shall be computed by the final grade in all subjects with the exception of Physical Education
3. The following courses shall be weighted in computing G.P.A.: Honors courses certified by the University of California and Advanced Placement classes. Grades lower than a "C" will not be weighted.

A student's grade point average shall be entered on his/her record and shall be subject to the Board's policy on release of student records. The median grade point averages will be noted in the school profile and forwarded to post-secondary institutions with the transcript.

Adopted: July 5, 2000  
Revised: February 13, 2002

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5123**

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

The Board of Education expects students to progress through each grade within one school year. To accomplish this, instruction should accommodate the needs of individual students and include strategies for addressing academic deficiencies when needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting rigorous and comprehensive grade-level standards of expected student achievement established by the state and District. Progress for Special Education students will be measured by their Individual Education Plans and other measures as deemed appropriate by each IEP team.

Progress toward high school graduation shall be based on the student's ability to pass the subjects and electives necessary to earn the required number of credits to earn a diploma. The student must also meet the high school exit exam requirements, the content and performance standards, and any other requirements established by the Board.

Promotion and retention shall be based on the grade-level criteria established by the State Board of Education and the District. Students shall be promoted or retained on the basis of assessment results, grades, and other indicators of academic achievement.

As early as possible in the school year, the principal or designee shall identify students who should be retained and who are at risk of being retained in accordance with law, board policy, administrative regulations. A student's social and emotional growth must also be taken into consideration when considering retention.

The principal or designee shall provide parental notification when a student is identified as being at risk of retention and will work with the parents to formulate a plan to remediate the student's academic deficiencies.

When a student is recommended for retention or is identified as being at risk for retention, the principal or designee shall provide opportunities for remedial instruction to assist the student in overcoming his/her academic deficiencies to ensure that the student is meeting grade-level standards of expected student achievement.

Opportunities vary between the elementary and secondary schools, but as appropriate, may include peer tutoring, work with parent volunteers, instructional assistants, work with math or reading resource teachers, work with staff responsible for implementing 504 plans, counseling and/or the establishment of a student study team analysis. The decision to retain or promote a student may be appealed to the Student Study Team. The Student Study Team will make the final decision.

Legal Reference:

EDUCATION CODE

37252-37253 Summer school

46300 Method of computing ADA

48011 Admission on completing kindergarten; grade placement of pupils coming from other districts

48070-48070.5 Promotion and retention

48431.6 Required systematic review of students and grading

51215 Proficiency standards in basic skills

51216 Assessment of pupil proficiency

51217 Withholding diploma (high school)

51218 Separate proficiency standards

56345 Elements of individualized education plan

60641-60647 Standardized Testing and Reporting Program

60648 Minimum performance levels

CODE OF REGULATIONS, TITLE 5

200-202 Admission and exclusion of students

Management Resources:

CDE PROGRAM ADVISORIES

06121.89-06123.89 Educating Young Children: Next Steps in Implementing the School Readiness Task Force Report

0916.91 Retention of Students in Elementary and Middle Grades, CIL 91/92-02

CDE MANAGEMENT ADVISORIES

0900.90 Changes in Law concerning Eligibility for Admission to Kindergarten 90-10

LEGISLATIVE COUNSEL OPINION

1001.98 Promotion and Retention #21610

CSBA ADVISORIES

1112.98 Student Promotion/Retention Advisory

WEB SITES

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

CDE: <http://www.cde.ca.gov>

Adopted: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5123**

### PROMOTION/ACCELERATION/RETENTION

#### **Acceleration from Kindergarten to First Grade**

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

#### **Continuation in Kindergarten**

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

#### **Retention at Other Grade Levels**

The Superintendent or designee shall identify students who should be retained or who are at risk of being retained at the following grade levels: (Education Code 48070.5)

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

Students between grades 2-4 shall be identified primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts and mathematics shall be the basis for identifying students between grades 4 and 8. (Education Code 48070.5)

Students shall be identified on the basis of either assessment results or grades and other indicators of academic achievement, as established by Board policy.

If a student is identified as performing below the minimum standard for promotion, the student shall be retained in his/her current grade level unless the student's regular

classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement. (Education Code 48070.5)

The following procedures will be followed in identifying students at-risk and providing intervention:

1. Use the data from multiple measures including the STAR program, if appropriate, each year to identify students at risk. Students will be identified as possibly needing intervention if they are assessed as being less than proficient using multiple measures.
2. Determination of identified students based on the following:
  - a. Academic achievement including normed testing
  - b. Physical, social, psychological and emotional considerations
  - c. Special needs
  - d. All pertinent data supplied by district personnel
  - e. Information provided by teacher(s), parents/guardians
3. Develop remediation plan for the next year.
4. Conduct remediation plan that could also include after-school.  
If the student does not have a single regular classroom teacher, the principal or designee shall specify the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

When a student is identified as being at risk of retention, the Superintendent or designee shall so notify the student's parent/guardian as early in the school year as practicable. The student's parent/guardian shall be provided an opportunity to consult with the teacher(s) responsible for the decision to promote or retain the student. (Education Code 48070.5)

The teacher's decision to promote or retain a student may be appealed consistent with Governing Board policy, administrative regulation and law. The burden shall be on the appealing party to show why the teacher's decision should be overruled. (Education Code 48070.5)



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

Within 30 days of receiving the request, the Superintendent or designee shall determine whether or not to overrule the teacher's decision. Prior to making this determination, the Superintendent or designee may meet with the appealing party and the teacher. If the Superintendent or designee determines that the appealing party has overwhelmingly proven that the teacher's decision should be overruled, he/she shall overrule the teacher's decision.

The Superintendent or designee's determination may be appealed by submitting a written appeal to the Board within 15 school days. Within 30 days of receipt of a written appeal, the Board shall meet in closed session to decide the appeal. The Board's decision may be made on the basis of documentation prepared as part of the appeal process or, at the discretion of the Board, the Board may also meet with the appealing party, the teacher and the Superintendent/designee to decide the appeal. The decision of the Board shall be final.

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

### **Remedial Instruction**

With the parent/guardian's consent, the Superintendent or designee may require a student who has been recommended for retention or has been identified as being at risk of retention to participate in a supplemental instructional program. Services shall not be provided during the regular instruction day. (Education Code 37252.5)

These services shall be offered to the following students:

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

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

Approved:     May 9, 2001

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5124**

### COMMUNICATION WITH PARENTS/GUARDIANS

Because parents/guardians have a right to be informed about their child's academic achievement and may use this information to support student learning, the Board of Education encourages frequent communication to parents/guardians about student progress. The principal and teacher may communicate by means of conferences, class newsletters, mail, telephone, and/or school visits by parents/guardians.

(cf. 1250 - Visitors/Outsiders)  
(cf. 6020 - Parent Involvement)

As part of this communication, teachers shall send progress reports to parents/guardians at regular intervals and shall encourage parents/ guardians to communicate any concerns to the teacher. In addition, the district shall send parents/guardians all notifications required by law.

(cf. 5113 - Absences and Excuses)  
(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 5145.6 - Parental Notifications)  
(cf. 6146.1 - High School Graduation Requirements/Standards of Proficiency)  
(cf. 6146.5 - Elementary School Promotion/Standards of Proficiency)  
(cf. 6162.5 - Student Assessment)

The Superintendent or designee shall ensure that appropriate means of communication are established whenever he/she learns that a parent/ guardian, for any reason, may not be able to understand written communications from school or oral communications made during conferences related to the student's program, assessment, progress or school activities.

As needed, the Superintendent or designee shall use interpreters who are fully competent in the specialized method of communication needed for effective communication with disabled parents/guardians.

The Superintendent or designee shall establish a procedure whereby parents/guardians may request an interpreter and shall inform parents/guardians about this procedure.

Legal Reference:

EDUCATION CODE

48985 Notices in language other than English

49067 Mandated regulations regarding student achievement

49069 Absolute right to access (parents' right of access to student records)

51216 Proficiency assessment; conference to further student's progress

GOVERNMENT CODE

11135 State-funded programs or activities

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

2000d et seq. Title VI, Civil Rights Act of 1964

12101 et seq. Americans With Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions; auxiliary aids and services

35.130 General prohibitions against discrimination

35.160 Communications

CODE OF FEDERAL REGULATIONS, TITLE 34

104.4 Discrimination prohibited

Adopted: July 5, 2000

**Students**

**STUDENT RECORDS**

The Board of Education recognizes the importance of keeping accurate, comprehensive student records as required by law. Procedures for maintaining the confidentiality of student records shall be consistent with state and federal law

The Superintendent or designee shall establish regulations for Board approval governing the identification, description and security of student records, as well as timely access for authorized persons. These regulations shall ensure parental rights to review, inspect and photocopy student records and shall protect the student and the student's family from invasion of privacy.

(cf. 3580 - District Records)

(cf. 4040 - Employee Use of Technology)

(cf. 5125.1 - Release of Directory Information)

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

(cf. 5125.3 - Challenging Student Records)

**Custodian of Records**

The Superintendent or designee shall designate a certificated employee to serve as custodian of records, with responsibility for student records at the district level. At each school, the principal or a certificated designee shall act as custodian of records for students enrolled. The custodian of records shall be responsible for implementing the Board policy and administrative regulation regarding student records. (5 CCR 431)

All Appropriate personnel shall receive training regarding district policies and procedures for gathering and handling sensitive student information.

(cf. 4131 – Staff Development)

(cf. 4231 – Staff Development)

(cf. 4331 – Staff Development)

No information or documents regarding the citizenship or immigration status of students or their family members shall be collected, except as required by state or federal law or as required to administer a state or federally supported educational program. The Superintendent or designed shall not disclose student records to a person, agency, or organization for immigration enforcement purposes without parental consent, a court order, or a judicial subpoena. If a district employee receives such a request, he/she immediately report the request to the Superintendent. The Superintendent shall report the request to the Board in a timely manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)

(cf. 5145.13 – Response to Immigration Enforcement)

Legal Reference:

EDUCATION CODE

48904 Liability of parent

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

49060-49078 Pupil records

CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

FAMILY CODE

3025 Parental access to records

GOVERNMENT CODE

6252-6260 Inspection of public records

WELFARE AND INSTITUTIONS CODE

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

16020-16028 Destruction of records of school districts

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.8 Family Educational Rights and Privacy

300.500 Definition of "personally identifiable"

300.501 General responsibilities of public agencies

300.502 Opportunity to examine records

300.573 Destruction of information

Adopted: July 5, 2000

Revised: June 27, 2018

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Administrative Regulation**  
**AR 5125**

**Students**

**STUDENT RECORDS**

**Definitions**

"Parent" means a natural parent, adoptive parent, or legal guardian. (Education Code 49061)

If parents are divorced or legally separated, only a parent having legal custody of the student may challenge the content of a record, offer a written response to a record or consent to release records to others. Either parent may grant consent if both parents notify the district, in writing, that such an agreement has been made. (Education Code 49061)

(cf. 5021 - Noncustodial Parents)

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

Once a student reaches the age of 18 or attends a postsecondary school, he/she alone shall exercise rights related to his/her student records and grant consent for the release of records. (Education Code 49061)

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

"Personally identifiable information" includes but is not limited to the student's name, the name of the student's parent or other family member, the address of the student or student's family, a personal identifier such as the student's social security number or student number, a list of personal characteristics or other information that would make the student's identity easily traceable. (34 CFR 99.3)

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

"Student record" means any item of information, other than directory information, directly related to an identifiable student and maintained by the district or required to be maintained by a school employee in the performance of his/her duties whether recorded in handwriting, print, tapes, film, microfilm or by other means. The student record shall include the student's health record. (Education Code 49061; 34 CFR 99.3)

"Student record" means information relative to a student gathered within or without the school system. Any information maintained for the purpose of second party review is considered a student record. (5 CCR 430)

"Student record" shall not include informal notes about a student which a school employee keeps for private use and are not revealed to any other person except a substitute. (Education Code 49061)

"Eligible student" means a person 16 years or older or who has completed grade 10. (5 CCR 430)

"School officials and employees" are Board of Education members, district certificated employees and district administrators.

A "legitimate educational interest" is one held by officials or employees whose duties and responsibilities to the district require that they have access to student records.

"Mandatory permanent student records," or exact copy, which shall be kept indefinitely, include: (5 CCR 432)

1. Legal name of student
2. Date and place of birth
3. Method of verification of birth date
4. Sex of student
5. Name and address of parent of minor student
  - a. Address of minor student if different from the above
  - b. Annual verification of parent's name and address and student's residence
6. Entering and leaving date of each school year and for any summer session or other extra session
7. Subjects taken during each year, half-year, summer session or quarter and marks or grades given
8. Verification of required immunizations or waiver
9. Date of high school graduation or equivalent

"Mandatory interim student records," which may be destroyed after a stipulated length of time, include: (5 CCR 432)

1. A log identifying persons or agencies who request or receive information from the student record
2. Health information, including Child Health Development Disabilities Prevention Program verification or waiver
3. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge
4. Language training records
5. Progress slips/notices required by Education Code 49066 and 49067
6. Parental stipulations regarding access to directory information
7. Parent or adult student rejoinders to challenged records and to disciplinary action
8. Parental authorization or denial of student participation in specific programs
9. Results of standardized tests given within the past three years

"Permitted records," kept only as currently useful for appropriate educational purposes, may include: (5 CCR 432)

1. Objective counselor/teacher ratings
2. Disciplinary notices and data
3. Verified reports of relevant behavior patterns
4. Standardized test results older than three years
5. Supplementary attendance records

#### Retention and Destruction of Student Records

No additions except routine updating shall be made to a student's record after high school graduation or permanent departure without prior consent of the parent or adult student. (5 CCR 437)

Mandatory permanent student records shall be kept in perpetuity. Unless forwarded to another district, mandatory interim student records may be destroyed three years after determining that their usefulness has ceased or that the student has left the district. Permitted student records may be destroyed when their usefulness ceases. They may be destroyed six months after the student completes or withdraws from the educational program. (5 CCR 437)

Records shall be destroyed in a way that guarantees they will not be viewed by the public. (5 CCR 437)

#### **Access to Student Records**

The custodian of records shall be responsible for the security of student records and shall assure that access is limited to authorized persons. (5 CCR 433)

Access to parents shall be provided within five days, during school hours. (Education Code 49069)

Access to student records and information shall not be denied to a parent because he/she is not the child's custodial parent. (Family Code 3025)

Persons, agencies or organizations specifically granted access rights pursuant to state law shall have access without written parental consent or judicial order. (Education Code 49076)

Persons, agencies or organizations not afforded access rights may be granted access only through written permission of the adult student or the parent. (Education Code 49075)

Those granted access are prohibited from releasing information to another person or agency without written permission from the parent or adult student. (Education Code 49076)



Certificated personnel shall be available to interpret records where appropriate. (Title 5, Section 431)

When required by law, the parent/guardian shall provide written, signed, and dated consent before the district discloses the student record. Such consent may be given through electronic means in those cases where it can be authenticated. The district's consent form shall specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made. Upon request by the parent/guardian, the district shall provide him/her a copy of the records disclosed. (34 CFR 99.30)

If the parent/guardian refuses to provide a written consent for release of student information, the Superintendent or designee shall not release the information, unless it is otherwise subject to release based on a court order or a lawful subpoena.

### **Mandatory Access**

The following persons or agencies shall have access to student records within five days following the date of request:

1. Natural parents, adoptive parents, or legal guardians of students younger than age 18. (Education Code 49069)
2. Adult students. (Education Code 49061)
3. Those so authorized in compliance with a court order or lawfully issued subpoena. (Education Code 49077) If lawfully possible, the district shall first give the parent or adult student three days' notice, telling who is requesting what records. (5 CCR 435)

The following persons or agencies shall have access to those particular records which are relevant to the legitimate educational interests of the requester: (Education Code 49076)

1. Natural parents, adoptive parents or legal guardians of a dependent student age 18 or older
2. Students 16 or older or who have completed the 10th grade
3. School officials and employees
4. School attendance and review board members
5. Officials or employees of other public schools or school systems where educational programs leading to high school graduation are provided
6. Federal, state and local officials, as needed for program audits or compliance with law
7. Any district attorney who is participating in or conducting a truancy mediation program
8. A prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws
9. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation

10. County child welfare services workers responsible for the case plan of a minor who is being placed in foster care. (Welfare and Institutions Code 16010)

Upon written request, peace officers designated by their law enforcement agency shall receive information about the transfer of a student's records to another district or private school within the state, or to a district within another state, when authorized by law to assist in suspected kidnapping investigations. (Education Code 49076.5)

### **Permitted Access**

Parental consent is not required when information is shared with other persons within educational institutions, agencies or organizations obtaining access, so long as those persons have a legitimate interest in the information. (Education Code 49076)

The district may release information from student records to the following: (Education Code 49076)

1. Appropriate persons in an emergency if health and safety are at stake
2. Agencies or organizations in connection with student's application for financial aid
3. Accrediting associations
4. Organizations conducting studies on behalf of educational institutions or agencies, as limited by Education Code 49076.
5. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll, subject to the parental rights in Education Code 49068.

County elections officials may have access to information for the purpose of identifying students eligible to register to vote and offering such students an opportunity to register. (Education Code 49076)

### **Log**

For each student's record, the school custodian of records shall keep a log identifying all persons, agencies or organizations requesting or receiving information from the record. The log does not have to be signed by: (Education Code 49064)

1. Parents or adult students
2. Students 16 years of age or older who have completed the 10th grade
3. Parties obtaining district-approved directory information  
(cf. 5125.1 - Release of Directory Information)
4. Parties who provide written parental consent. In this case, the consent notice shall be filed with the record
5. School officials or employees who have legitimate educational interest
6. Law enforcement personnel seeking to enforce immigration laws.

### **Notification of Parents**

Upon students' initial enrollment and at the beginning of each year thereafter, the district shall notify parents in writing of their rights related to student records. Insofar as practicable, these notices shall be written in the student's home language and also

shall notify parents/guardians who are disabled. Parents also shall be notified that: (Education Code 49063; 34 CFR 99.7)

(cf. 5145.6 - Parental Notifications)

1. They may inspect and review student records during regular school hours
2. What types of student records are kept
3. The location of all official student records
4. The titles of the officials responsible for maintaining the records
5. The location of the log identifying those who request information from the records
6. District criteria for defining "school officials and employees" and for determining "legitimate educational interest"
7. District policies for reviewing and expunging student records
8. District procedures for challenging the content of student records  
(cf. 5125.3 - Challenging Student Records)
9. The cost, if any, charged for reproducing copies of records
10. The categories of information defined as directory information pursuant to Education Code 49073
11. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents to file a complaint with the United States Department of Health, Education, and Welfare concerning an alleged failure by the district to comply with the provisions of Section 438 of the Federal Educational Rights and Privacy Act (20 USC 1232g)
12. The availability of qualified certificated personnel to interpret records when requested (Education Code 49069)
13. The district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll (34 CFR 99.34)

### **Reproduction of Student Records**

To provide copies of any student record, the district shall charge a reasonable fee not to exceed the actual cost of furnishing copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records for any former student. No charge shall be made to locate or retrieve any student record. (Education Code 49065)

The Superintendent or designee shall set a fee and update the amount annually if actual costs change.

### **Transfer of Student Records**

When a student transfers to another school district or to a private school, this district shall forward a copy of his/her mandatory permanent records as requested by the other district or private school. The original or a copy shall be retained permanently by this district. (5 CCR 438)

Mandatory interim records shall be sent upon request to other California public school districts. Mandatory interim records may also be sent to out-of-state or private schools requesting them. (5 CCR 438)

Permitted records may be sent to any other public school district or private school. (5 CCR 438)

All student records shall be updated before they are transferred. (5 CCR 438)

If the student transfers into the district from any other school district or a private school, this district shall inform the parent of his/her right to receive a copy of the permanent record received from the former school. The parent also shall be informed of his/her right to have a hearing in which to challenge the contents of that record. (5 CCR 438)

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent. (5 CCR 438)

If the district is withholding grades, diploma or transcripts from the student because of his/her damage or loss of school property, this information shall be sent to the requesting district along with the student's records.

(cf. 5125.2 - Withholding Grades, Diploma or Transcripts)

Approved: July 5, 2000  
Revised: June 27, 2018

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Board Policy**

**Students**

**BP 5125.1**

**RELEASE OF DIRECTORY INFORMATION**

The Board of Education recognizes the importance of maintaining the confidentiality of directory information and therefore authorizes the release of such information only in accordance with law and Board policy.

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

Management Resources:

WEB SITES

United States Department of Education: <http://www.ed.gov>

Adopted: February 12, 2003

**PIEDMONT UNIFIED SCHOOL DISTRICT  
Administrative Regulation**

**AR 5125.1**

**Students**

**RELEASE OF DIRECTORY INFORMATION**

**Notification to Parents Guardians**

The Superintendent or designee shall notify parents/guardians that they may request that the district not release the name, address and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent. (P.L. 107-110, Section 9528)

Directory information shall not be released regarding any student whose parent/guardian notifies the district in writing that such information may not be disclosed without the parent/guardian's prior consent. (Education Code 49073; 20 USC 1232g)

Directory information does not include a student's citizenship status, immigration status, place of birth, or any other information indicating national origin.

In addition, the annual parental notification shall include a statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin and that the district will not release such information without parental consent or a court order.

(cf. 5145.13 – Response to Immigration Enforcement)

Approved: February 12, 2003

Revised: June 27, 2018

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5125.2**

### **WITHHOLDING GRADES, DIPLOMAS OR TRANSCRIPTS**

When school property has been willfully damaged or not returned upon demand, the principal or designee shall inform the parent/guardian in writing of the responsible student's alleged misconduct and the reparation that may be due.

This notice shall include a statement that the district may withhold grades, diploma or transcripts from the student and parent/guardian until reparation is made.

(cf. 5131.5 - Vandalism, Theft and Graffiti)  
(cf. 6161.2 - Damaged or Lost Instructional Materials)

If reparation is not made, the district shall afford the student his/her due process rights in conformance with Education Code expulsion procedures and may withhold the student's grades, diploma or transcripts

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

If the student and parent/guardian are unable to pay for the damages or return the property, the principal or designee shall provide a program of voluntary work for the student to do. When this voluntary work is completed, the student's grades, diploma or transcripts shall be released. (Education Code 48904)

When a student from whom the district is withholding grades, diploma or transcripts transfers to another district, this information shall be sent to the new district with the student's records and a request that these items continue to be withheld until the new district receives notification that the debt has been cleared.

The Superintendent or designee shall notify the parent/guardian in writing that this district's decision to withhold grades, diploma or transcript will be enforced by the new district. (Education Code 48904.3)

The district shall withhold grades, diploma or transcripts from any student transferring into the district whose misconduct caused a previous district to withhold them. When informed by the previous district that its decision has been rescinded, the district shall release these documents. (Education Code 48904.3)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

48904 Liability of parent

48904.3 Withholding grades, diplomas, or transcripts of pupils causing property damage or injury; transfer of pupils to new school districts; notice to rescind decision to withhold

48911 Suspension by principal, designee or superintendent

49069 Absolute right to access

Adopted: July 5, 2000



# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5125.3**

### CHALLENGING STUDENT RECORDS

The custodial parent/guardian of any student may submit to the Superintendent or designee a written request to correct or remove from his/her child's records any information concerning the child which he/she alleges to be any of the following: (Education Code 49070)

1. Inaccurate
2. An unsubstantiated personal conclusion or inference
3. A conclusion or inference outside of the observer's area of competence
4. Not based on the personal observation of a named person with the time and place of the observation noted
5. Misleading
6. In violation of the privacy or other rights of the student

(cf. 5121 - Grades/Evaluation of Student Achievement)  
(cf. 5125 - Student Records)

When a student grade is challenged, the teacher who gave the grade shall be given an opportunity to state orally, in writing, or both, the reasons for which the grade was given. Insofar as practicable, he/she shall be included in all discussions related to any grade change. In the absence of clerical or mechanical error, fraud, bad faith or incompetency, the student's grade as determined by the teacher shall be final. (Education Code 49066)

Within 30 days of receiving a request to correct or remove information from a record, the Superintendent or designee shall meet with the parent/guardian and with the employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegations. (Education Code 49070)

If the parent/guardian's allegations are sustained, the Superintendent shall order the correction or removal and destruction of the information. (Education Code 49070)

If the Superintendent denies the allegations, the parent/guardian may write within 30 days to appeal the decision to the Board of Education. Within 30 days of receiving the written appeal, the Board shall meet in closed session with the parent/guardian and the employee (if still employed) who recorded the information in question. The Board shall then decide whether or not to sustain or deny the allegations. If it sustains any or all of the allegations, the Superintendent shall immediately correct or remove and destroy the information from the student's records. (Education Code 49070)

The decision of the Board shall be final. If the decision of the Superintendent or Board is unfavorable to the parent/guardian, the parent/guardian shall have the right to submit a written statement of objections. This statement shall become a part of the student's record. (Education Code 49070)

Both the Superintendent and the Board have the option of appointing a hearing panel to assist in making the decision. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent/guardian consents to releasing record information to panel members. (Education Code 49070, 49071)

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution. (Education Code 49061)

At the beginning of each school year, parents/guardians shall be notified of the availability of the above procedures for challenging student records. (Education Code 49063)

(cf. 1312 - Complaints Concerning the Schools)  
(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49066 Grades; change of grade; physical education grade

49070 Challenging content of records

49071 Hearing panel

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act of 1974

Approved: July 5, 2000

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Board Policy**

**Students**

**BP 5126**

**AWARDS FOR ACHIEVEMENT**

The Board of Education encourages excellence as a goal for all students and wishes to publicly recognize students for unique or exemplary achievements in academic, extracurricular or community service activities. The purpose of such awards shall be consistent with school goals.

The Superintendent or designee shall develop procedures for the appropriate selection of student award recipients.

(cf. 1260 - Educational Foundation)  
(cf. 3290 - Gifts, Grants and Bequests)

**Merit Diplomas**

At graduation from high school, special recognition shall be awarded to those students whose academic achievements have been outstanding.

Legal Reference:  
EDUCATION CODE  
35160 Authority of Board of Educations  
35310-35319 Scholarship and loan funds  
44015 Awards to employees and students  
51450-51455 Golden State Seal Merit Diploma

Management Resources:  
CDE PROGRAM ADVISORIES  
0620.09 Use of Categorical Funds for Motivation Incentives

Adopted: July 5, 2000

## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Board Policy**

**BP 5131**

#### **Students**

##### **Conduct**

The Board believes that all students have the right to be educated in a positive learning environment free from disruptions. In keeping with the Piedmont High School motto, “Achieve the Honorable,” the Board expects all students to demonstrate age appropriate academic and personal integrity in their conduct and exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program. Being honest in all situations promotes learning, supports growth in intellect as well as character, and signifies each student’s responsibility to respect peers, teachers, staff, and administration.

Students are encouraged to be upstanders by standing-up or speaking-up when they witness or hear of prohibited behavior.

##### **Expected Student Behavior**

Rules and regulations are established to maintain an atmosphere conducive to learning. Students who fail to comply with these rules and regulations will be counseled, reprimanded, suspended, expelled and/or arrested as the laws are applied.

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

All students shall comply with the regulations, pursue the required course of study and submit to the authority of the teachers of the schools.

Participation/attendance at extra-curricular activities is considered a part of the education program. Participants/spectators carry responsibilities as representatives of their school and communities. All rules of student conduct also apply to extra-curricular activities.

The Board may enforce the provisions of Education Code 35291 by suspending or, if necessary, expelling a student in any elementary or secondary school who refuses or neglects to obey rules prescribed pursuant to that Section.

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats.  
(cf. [5131.7](#) - Weapons and Dangerous Instruments)  
(cf. [5142](#) - Safety)
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption.  
(cf. [5131.2](#) - Bullying)  
(cf. [5145.3](#) - Nondiscrimination/Harassment)  
(cf. [5145.7](#) - Sexual Harassment)  
(cf. [5145.9](#) - Hate-Motivated Behavior)
3. Conduct that disrupts the orderly classroom or school environment.  
  
(cf. [5131.4](#) - Student Disturbances)
4. Willful defiance of staff's authority.
5. Damage to or theft of property belonging to students, staff, or the district.  
(cf. [3515.4](#) - Recovery for Property Loss or Damage)  
(cf. [5131.5](#) - Vandalism and Graffiti)

The district shall not be responsible for students' personal belongings which are brought on campus or to a school activity and are lost, stolen, or damaged.

6. Obscene acts or use of profane, vulgar, or abusive language.  
(cf. [5145.2](#) - Freedom of Speech/Expression)
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs.  
(cf. [5131.6](#) - Alcohol and Other Drugs)  
(cf. [5131.62](#) - Tobacco)  
(cf. [5131.63](#) - Steroids)
8. Possession or use of a laser pointer, unless for a valid instructional or other school-related purpose (Penal Code [417.27](#)).

Prior to bringing a laser pointer on school premises for a valid instructional or school-related purpose, a student shall obtain permission from the principal or designee.

9. Use of a cellular/digital telephone or other mobile communications device during instructional time.

Such devices shall be turned off in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with camera, video, or voice recording function shall not be used in any manner which infringes on the privacy rights of any other person.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which is limited to purposes related to the student's health. (Education Code [48901.5](#))

10. Plagiarism or dishonesty on school work or tests  
(cf. [5131.9](#) - Academic Honesty)  
(cf. [6162.54](#) - Test Integrity/Test Preparation)  
(cf. [6162.6](#) - Use of Copyrighted Materials)

11. Tardiness or unexcused absence from school  
(cf. [5113](#) - Absences and Excuses)  
(cf. [5113.1](#) - Chronic Absence and Truancy)

12. Failure to remain on school premises in accordance with school rules  
(cf. [5112.5](#) - Open/Closed Campus)

Employees are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or receive a report of a violation of these standards, to immediately intervene or call for assistance. If an employee believes a matter has not been resolved, he/she shall refer the matter to his/her supervisor or an administrator for further investigation.

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

(cf. [5145.12](#) - Search and Seizure)

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

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

(cf. [1020](#) - Youth Services)

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

(cf. [5020](#) - Parent Rights and Responsibilities)

(cf. [5127](#) - Graduation Ceremonies and Activities)

(cf. [5138](#) - Conflict Resolution/Peer Mediation)

(cf. [5144](#) - Discipline)

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

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

(cf. [6020](#) - Parent Involvement)

(cf. [6145](#) - Extracurricular and Cocurricular Activities)

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

(cf. [6164.2](#) - Guidance/Counseling Services)

(cf. [6164.5](#) - Student Success Teams)

(cf. [6184](#) - Continuation Education)

(cf. [6185](#) - Community Day School)

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

#### Legal Reference:

##### EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[32280-32289](#) Comprehensive safety plan

[35181](#) Governing board authority to set policy on responsibilities of students

[35291-35291.5](#) Rules

[44807](#) Duty concerning conduct of students

[48900-48925](#) Suspension and expulsion

[51512](#) Prohibition against electronic listening or recording device in classroom without permission

##### CIVIL CODE

[1714.1](#) Liability of parents and guardians for willful misconduct of minor

##### PENAL CODE

[288.2](#) Harmful matter with intent to seduce

[313](#) Harmful matter

[417.25-417.27](#) Laser scope or laser pointer

[647](#) Use of camera or other instrument to invade person's privacy; misdemeanor

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124 Prohibitions against use of electronic devices while driving

CODE OF REGULATIONS, TITLE 5

300-307 Duties of students

UNITED STATES CODE, TITLE 42

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

COURT DECISIONS

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

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

New Jersey v. T.L.O., (1985) 469 U.S. 325

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

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

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

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

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

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

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: <http://www.ed.gov>

Adopted: July 5, 2000

Revised: June 23, 2004

Revised: June 13, 2018



## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Board Policy**

**BP 5131.2**

#### **Students**

#### **Bullying**

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

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

(cf. [5131](#) - Conduct)

(cf. [5136](#) - Gangs)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5145.7](#) - Sexual Harassment)

(cf. [5145.9](#) - Hate-Motivated Behavior)

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

(cf. [0420](#) - School Plans/Site Councils)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [0460](#) - Local Control and Accountability Plan)

(cf. [1220](#) - Citizen Advisory Committees)

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

(cf. [6020](#) - Parent Involvement)

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

(cf. [1020](#) - Youth Services)

The Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

#### **Bullying Prevention**

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

(cf. [5137](#) - Positive School Climate)

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

(cf. [6142.8](#) - Comprehensive Health Education)

(cf. [6142.94](#) - History-Social Science Instruction)

(cf. [6163.4](#) - Student Use of Technology)

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

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

#### Legal Reference:

##### EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[32282](#) Comprehensive safety plan

[32283.5](#) Bullying; online training

[35181](#) Governing board policy on responsibilities of students

[35291-35291.5](#) Rules

[48900-48925](#) Suspension or expulsion

[48985](#) Translation of notices

[52060-52077](#) Local control and accountability plan

##### PENAL CODE

[422.55](#) Definition of hate crime

[647](#) Use of camera or other instrument to invade person's privacy; misdemeanor

[647.7](#) Use of camera or other instrument to invade person's privacy; punishment

[653.2](#) Electronic communication devices, threats to safety

##### CODE OF REGULATIONS, TITLE 5

[4600-4687](#) Uniform complaint procedures

##### UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

##### CODE OF FEDERAL REGULATIONS, TITLE 28

[35.107](#) Nondiscrimination on basis of disability; complaints

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

[104.7](#) Designation of responsible employee for Section 504

[106.8](#) Designation of responsible employee for Title IX

[110.25](#) Notification of nondiscrimination on the basis of age

#### COURT DECISIONS

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

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

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

Management Resources:

#### CSBA PUBLICATIONS

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

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014  
Addressing the Conditions of Children: Focus on Bullying, Governance Brief, December 2012

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

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

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

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Bullying at School, 2003

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

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

Dear Colleague Letter: Harassment and Bullying, October 2010

#### WEB SITES

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

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

Common Sense Media: <http://www.common Sense Media.org>

National School Safety Center: <http://www.schoolsafety.us>

ON[the]LINE, digital citizenship resources: <http://www.onthelineca.org>

U.S. Department of Education: <http://www.ed.gov>

Adopted: June 13, 2018

## **Students**

### **Bullying**

Bullying is defined in Education Code 48900(r) as any severe or pervasive physical or verbal act(s) or conduct, including electronic communications, that has, or can be reasonably predicted to have, the effect of one or more of the following:

1. Reasonable fear of harm to person or property.
2. Substantially detrimental effect on physical or mental health.
3. Substantial interference with academic performance.
4. Substantial interference with the ability to participate in or benefit from school services, activities, or privileges.

There are many ways to bully others including, but not limited to physical, verbal, social, electronic, gender-based, sexual, racial or cultural, religion-based or political-based bullying.

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

Any student, parent, or guardian who believes that the student has been subjected to bullying may file a written complaint As prescribed in AR 1312.3 – Uniform Complaint

The District prohibits retaliation in any form for the filing of a complaint, the reporting of instances of bullying, or for participation in the complaint procedures. The report and identity of any complainant shall be kept confidential except to the extent necessary to carry out the investigation or to take necessary subsequent actions.

### **Cyberbullying**

Cyberbullying includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. (cf. [5145.2](#) - Freedom of Speech/Expression)

The District may monitor students' use of the District's Internet system and conduct a search of person or possessions such as, but not limited to, computer, locker, backpacks, if there is reasonable suspicion that a user has violated District policy or the law (see also BP/AR 6163.4, “Acceptable Use of Technology – Students and Employees”).

When conducted off campus using students' personal equipment, cyberbullying may be subject to District discipline to the extent that the activity is related to school activity or school attendance as noted above. The District is justified in responding when material:

1. Is posted, sent, or displayed to other students through the District's Internet system;
2. Originated on campus, such as a photo taken with a cell phone;
3. Is related to on-campus bullying;
4. Causes emotional harm to another student and interferes with his/her right to feel secure and successful at school; or
5. Causes or threatens to cause school disruptions.

When a student is suspected of or reported to be using electronic or digital communications to engage in cyberbullying against other students or staff, or to threaten District property, the investigation shall include documentation of the activity, identification of the source, and a determination of the impact or potential impact on school activity or school attendance. Students shall be encouraged to save and print any messages sent to them that they feel constitutes cyberbullying, and to notify a teacher, principal, or other employee so that the matter may be investigated. If the principal or designee finds investigation to be warranted he/she shall follow the procedures set forth in AR 1312.3 Uniform Complaint Process.

Cyberbullying conducted using District-owned equipment or on school premises, as well as off-campus cyberbullying that impacts school activity or school attendance, may be subject to discipline in accordance with District policies and regulations. If the student is using a social networking site or service that has terms of use that prohibit posting harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

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

### **Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized.

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

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

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code [48900.9](#)) (cf. [6164.2](#) - Guidance/Counseling Services)

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

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed (see BP/AR 1312.3, Uniform Complaint Procedures). In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a district compliance officer, whether or not the alleged victim files a complaint.

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

District Coordinator and Compliance Officer  
760 Magnolia Avenue, Piedmont, CA 94611  
(510) 549-2686  
Cwozniak@piedmont.k12.ca.us

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

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

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

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

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

### **School-Level Complaint Process/Grievance Procedure Complaints of Bullying**

1. The school principal and/or District Coordinator and Compliance Officer shall initiate an impartial investigation of an allegation of bullying within ten school days of receiving notice a complaint.
2. When a student, parent/guardian, school employee, or community member has complained or provided information about bullying, the school principal/District Coordinator and Compliance Officer shall describe the district's procedures and discuss what actions are being sought in response to the complaint. The student/person(s) who are complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the bullying, and put his/her complaint in writing. If the student/person(s) requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.
3. The person who is the subject of the complaint shall have an opportunity to describe the incident, to request the presence of others who witnessed the incident, and to present any other information or evidence.
4. The school principal/district Coordinator and Compliance Officer shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the school principal/District Coordinator and Compliance Officer may interview individuals who are relevant to the investigation or to protect student safety, including, but not limited to:

- a. The student/person(s) who are complaining;
- b. The student who is the alleged victim;
- c. The person accused;
- d. Anyone who witnessed the reported behavior;
- e. Anyone mentioned as having relevant information;
- f. The Superintendent or designee, including compliance officer;
- g. The parent/guardian of the student who complained;
- h. The parent/guardian of the alleged accused if the alleged accused is a student;

- i. A teacher or staff member whose knowledge of the students involved may help in determining the accuracy of the complaint;
  - j. Anyone mentioned as having related information;
  - k. Law enforcement and/or child protective services, if necessary; and/or
  - l. Legal counsel for the district.
5. The school principal/district Coordinator and Compliance Officer shall determine whether interim measures are necessary during the time pending the results of the investigation, such as placing students in separate classes or transferring a student(s) to a class taught by a different teacher.
6. When the victim and/or the student who complained agree, along with the person accused of misconduct, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The victim and student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.
7. In reaching a decision about the complaint, the school principal/district Coordinator and Compliance Officer may take into account:
  - a. Statements made by the persons identified in the investigation process;
  - b. The details and consistency of each person's account;
  - c. Evidence of how the complaining student reacted to the incident;
  - d. Evidence of any past instances of prohibited behavior by the alleged accused; and/or
  - e. Evidence of any past prohibited behavior complaints that were found to have been unfounded.

To judge the severity of the prohibited behavior, the school principal/district Coordinator and Compliance Officer may take into consideration:

- a. How the misconduct affected one or more students' safety, well-being or education, or how the misconduct affected the safety and well-being of a teacher, administrator, any other staff member, or any other person in the district authorized to transact business or perform services on behalf of the district;
- b. The type, frequency, pattern, violence, and duration of the misconduct;
- c. The number of persons involved;
- d. The age, maturity, and gender of the person accused;
- e. The subject(s) prompting the misconduct;
- f. The place and situation where the incident occurred;
- g. Other incidents at the school, including incidents of misconduct; and/or
- h. According to the misconduct, a report may be obtained from the appropriate law enforcement agency.

## **Remedial Action**



The District will consider the following factors in determining the appropriate response to students who commit or participate in one or more acts of misconduct:

1. Developmental and maturity levels of the parties involved
2. Levels of harm
3. Surrounding circumstances
4. Nature of the behaviors
5. Past incidences or past or continuing patterns of behavior
6. Relationships between the parties involved
7. Context in which the alleged incidents occurred

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

(cf. [5138](#) - Conflict Resolution/Peer Mediation)

(cf. [5144](#) - Discipline)

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

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

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

### **Retaliation for Reporting Bullying**

The District prohibits reprisal or retaliation against any student, or any participant in the complaint process who reports misconduct prohibited by this policy.

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

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4119.21/4219.21/4319.21](#) - Professional Standards)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

Adopted: June 13, 2018

## **PIEDMONT UNIFIED SCHOOL DISTRICT Board Policy**

### **Students BP 5131.6**

#### **Alcohol and Other Drugs**

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Superintendent or designee shall develop comprehensive programs and activities to foster safe, healthy, and drug-free environments that support academic achievement.

The district's alcohol and drug prevention and intervention programs shall be coordinated with other school and community-based services and programs and shall promote the involvement of parents/guardians. The Superintendent or designee may collaborate with the county office of education, community-based organizations, health providers, law enforcement agencies, local child welfare agencies, postsecondary institutions, businesses, and other public and private entities in program planning, implementation, and evaluation.

Prevention and intervention programs and activities may include, but are not limited to: (20 USC 7118)

1. Evidence-based drug and violence prevention activities and programs that educate students against the use of alcohol, tobacco, cannabis, smokeless tobacco products, and electronic cigarettes
2. Professional development and training for school staff, specialized instructional support personnel, and interested community members on drug prevention, education, early identification, intervention mentoring, recovery support services, and, where appropriate, rehabilitation referral
3. School-based mental health services, including early identification of drug use and referrals to counseling services, and/or partnerships with public or private health care entities that have qualified mental and behavioral health professionals
4. Programs and activities that provide mentoring and school counseling to all students, including students who are at risk of drug use and abuse

#### **Instruction**

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

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is prohibited. Instruction shall not include any message on responsible use of drugs or alcohol when such use is illegal. (Health and Safety Code 11999.2)

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

## **Intervention, Referral, and Student Assistance Programs**

The Superintendent or designee shall inform school staff, students, and parents/guardians about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral, and other student assistance programs.

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

## **Enforcement/Discipline**

Students shall not possess, use, or sell alcohol or other drugs and related paraphernalia on school grounds or at school-sponsored activities.

The Superintendent or designee shall clearly communicate to all students, staff, and parents/guardians the district's policies, regulations, and school rules related to the use of alcohol and other drugs.

Any student found by the Board to be selling a controlled substance listed in Health and Safety Code 11053-11058 shall be expelled in accordance with BP/AR 5144.1 - Suspension and Expulsion/Due Process. A student found to have committed another drug or alcohol offense, including possession or intoxication, shall be referred to appropriate behavioral interventions or student assistance programs, and may be subject to discipline on a case-by-case basis.

## **Program Evaluation**

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of district programs in reducing drug and alcohol use. The Superintendent or designee shall periodically report to the Board on the effectiveness of district activities in achieving identified objectives and outcomes. (20 USC 7116)

Legal Reference:

### **EDUCATION CODE**

44049 Known or suspected alcohol or drug abuse by student

44645 In-service training anabolic steroids

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

48901.5 Prohibition of electronic signaling devices

48902 Notification of law enforcement authorities; civil or criminal immunity

48909 Narcotics or other hallucinogenic drugs

48915 Expulsion; particular circumstances  
49602 Confidentiality of pupil information  
51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
51210 Areas of study  
51220 Areas of study, grades 7 to 12  
51260-51269 Drug education  
60041 Instructional materials  
60110-60115 Instructional materials on alcohol and drug education

#### BUSINESS AND PROFESSIONS CODE

25608 Alcohol on school property; use in connection with instruction

#### HEALTH AND SAFETY CODE

11032 Narcotics, restricted dangerous drugs and marijuana  
11053-11058 Standards and schedules  
11353.6 Juvenile Drug Trafficking and Schoolyard Act  
11357 Unauthorized possession of marijuana; possession in school or on school grounds  
11361.5 Destruction of arrest or conviction records  
11372.7 Drug program fund; uses  
11802 Joint school-community alcohol abuse primary education and prevention program  
11999-11999.3 Alcohol and drug program funding; no unlawful use  
124175-124200 Adolescent family life program

#### PENAL CODE

13860-13864 Suppression of drug abuse in schools

#### VEHICLE CODE

13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;

#### WELFARE AND INSTITUTIONS CODE

828 Disclosure of information re minors  
828.1 Disclosure of criminal records; protection of vulnerable staff & students

#### UNITED STATES CODE, TITLE 20

5812 National education goals  
7101-7122 Student Support and Academic Enrichment Grants

#### CITY OF PIEDMONT

Ordinance 715 N.S.

Management Resources:

#### WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:  
<http://www.cde.ca.gov/ls/he/at>  
California Healthy Kids: <http://www.californiahealthykids.org>  
Office of Safe and Healthy Students: <https://www2.ed.gov/about/offices/list/oese/oshs>

Adopted: June 4, 1986

Revised: July 5, 2000  
Revised: December 1995  
Revised: August 28, 2019

## **Piedmont Unified School District Administrative Regulation**

### **Students**

AR 5131.6

Alcohol and Other Drugs

### **Instruction**

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

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

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

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

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

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

### **Intervention**

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

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

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and

present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

Approved: July 5, 2000  
Revised: February 11, 2015  
Revised: August 28, 2019

## **Piedmont Unified School District Board Policy**

### **Students**

BP 5131.62

#### **Tobacco**

The Board recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

#### **Prohibition Against Tobacco Use**

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. (Education Code 48900, 48901)

*Smoking* means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

*Tobacco products* include: (Business and Professions Code 22950.5; Education Code 48901)

1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately



These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

### **Prevention Instruction**

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to Education Code 51202. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

### **Intervention/Cessation Services**

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

### **Program Planning**

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which is known to have received funding from the tobacco industry.

### **Program Evaluation**

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student

attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Legal Reference:

EDUCATION CODE

8900 Suspension or expulsion (grounds)  
48900.5 Suspension, limitation on imposition; exception  
48901 Smoking or use of tobacco prohibited  
51202 Instruction in personal and public health and safety  
60041 Instructional materials, portrayal of effects of tobacco use

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education  
104559 Tobacco use prohibition  
119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment  
6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

CITY OF PIEDMONT

Ordinance 715 N.S.

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

TUPE Acceptance of Funds Guidance  
Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

#### WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

#### WEB SITES

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

California Department of Education, Tobacco-Use Prevention Education:

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use:

<http://www.cdc.gov/tobacco>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

Adopted: August 28, 2019

**Piedmont Unified School District  
Administrative Regulation**

**Students  
AR 5131.62**

Tobacco

**Tobacco-Use Prevention Education Program**

The district's tobacco-use prevention program shall provide students in grades 4-8 instruction which addresses the following topics: (Health and Safety Code 104420)

1. Immediate and long-term undesirable physiologic, cosmetic, and social consequences of tobacco use
2. Reasons that adolescents say they smoke or use tobacco
3. Peer norms and social influences that promote tobacco use
4. Refusal skills for resisting social influences that promote tobacco use

The district's program for grades 9-12 shall:

1. Target students most at risk for beginning to use tobacco as identified through a local needs assessment.
2. Offer or refer students to pre-cessation readiness classes or cessation classes for current smokers.
3. Utilize existing antismoking resources.

Adopted: August 28, 2019

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5131.63**

### STEROIDS

The Governing Board recognizes that the use of steroids and other performance-enhancing supplements presents a serious health and safety hazard. As part of the District's drug prevention and intervention efforts, the Superintendent or designee and staff shall make every effort to ensure that students do not begin or continue the use of steroids or other performance-enhancing supplements.

Students participating in interscholastic athletics are prohibited from using steroids or any other performance-enhancing supplement.

Before participating in interscholastic athletics, a student athlete and his/her parent/guardian shall sign an agreement that the student athlete shall not use steroids, unless the student has a written prescription from a fully licensed physician, as recognized by the American Medical Association, to treat a medical condition.

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

All coaches shall educate students about the District's prohibition and the dangers of using steroids and other performance-enhancing supplements.

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

#### *Legal Reference:*

#### EDUCATION CODE

*51260-51269 Drug education, especially:*

*51262 use of anabolic steroids; legislative finding and declaration*

#### CIVIL CODE

*1812.97 Warning statement; posting in athletic facilities*

#### HEALTH AND SAFETY CODE

*110423.2 Dietary supplements*

#### *Management Resources:*

#### CALIFORNIA INTERSCHOLASTIC FEDERATION BYLAWS

*California Interscholastic Federation Constitution and Bylaws 2005-06*

#### WEB SITES

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

*California Interscholastic Federation: <http://www.cifstate.org>*

*National Center for Drug Free Sport: <http://www.drugfreesport.com>*

*National Institute on Drug Abuse: <http://www.nida.nih.gov>*

\_Adopted: February 8, 2006

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5131.63**

### STEROIDS

School personnel, including coaches, shall not sell, distribute, or promote to students performance-enhancing dietary supplements that promote muscle-building. School personnel and coaches may provide only nonmuscle-building nutritional supplements to student athletes for the purpose of providing additional calories and electrolytes. Permissible nonmuscle-building nutritional supplements are identified according to the following classes; carbohydrate/electrolyte drinks, energy bars, carbohydrate boosters, and vitamins and minerals.

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

#### Notice

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

Warning: Use of steroids to increase strength or growth can cause serious health problems. Steroids can keep teenagers from growing to their full height; they can also cause heart disease, stroke, and damaged liver function. Men and women using steroids may develop fertility problems, personality changes, and acne. Men can also experience premature balding and development of breast tissue. These health hazards are in addition to the civil and criminal penalties for unauthorized sale, use, or exchange of anabolic steroids.

Approved: February 8, 2006

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Students  
#5131.63**

**Exhibit**

**AGREEMENT FOR STUDENT ATHLETE AND PARENT/GUARDIAN  
REGARDING USE OF STEROIDS**

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(Print name of student athlete)

Directions: As a condition of membership in the California interscholastic Federation (CIF), the governing Board of the Piedmont Unified School District has adopted Board Policy 5131.63 prohibiting the use and abuse of androgenic/anabolic steroids. CIF Bylaw 524 requires that all participating students and their parents/guardians sign this agreement.

By signing below, we agree that the student shall not use androgenic/anabolic steroids without the written prescription of a fully licensed physician, as recognized by the American Medical Association, to treat a medical condition.

We recognize that under CIF Bylaw 200.D the student may be subject to penalties, including ineligibility for any CIF competition, if the student or his/her parent/guardian provides false or fraudulent information to the CIF.

We understand that the student's violation of the district's policy regarding steroids may result in discipline against him/her, including, but not limited to, restriction from athletics, suspension, or expulsion.

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Signature of student athlete

Date

---

Signature of parent/guardian Date

02/08/06



# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5131.7**

### **WEAPONS AND DANGEROUS INSTRUMENTS**

The Board of Education desires students and staff to be free from the fear and danger presented by firearms and other weapons. The Board therefore prohibits students from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related or school-sponsored activity away from school.

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

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 4158/4258/4358 - Employee Security)

Students possessing or threatening others with a weapon, dangerous instrument or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy and administrative regulations.

(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

The principal or designee shall notify law enforcement authorities when any student possesses a weapon or commits any act of assault with a firearm or other weapon.

(20 USC 7151; Education Code 48902; Penal Code 245, 626.9, 626.10)

**Note:** Penal Code 626.10 authorizes students to possess certain weapons with written permission of the principal when necessary for a school-sponsored activity or class. The Board encourages students to promptly report the presence of weapons, injurious objects or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential.

Legal Reference:

EDUCATION CODE

35291 Board of Education to prescribe rules for the government and discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions  
48916 Readmission  
49330 Injurious object  
49331 Removal from possession of pupil by designated employee  
49332 Notification of parent or guardian; retention of object by school personnel;  
release  
49333 Return of object  
49334 Injurious objects: notification to law enforcement  
PENAL CODE  
245 Assault with deadly weapon  
417.2 Imitation firearms  
417.4 Imitation firearm; drawing or exhibiting  
626.9 Gun-Free School Zone Act of 1995  
626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or  
on school grounds; exception  
12020-12028.5 Unlawful carrying and possession of concealed weapons  
12403.7 Weapons approved for self defense  
12403.8 Minors 16 or over; tear gas and tear gas weapons  
UNITED STATES CODE, TITLE 20  
6301-7941 No Child Left Behind Act; especially:  
7151 Gun-Free Schools Act

Adopted: July 5, 2000  
Revised: January 16, 2002

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5131.7**

### WEAPONS AND DANGEROUS INSTRUMENTS

Weapons and dangerous instruments include, but are not limited to:

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. Knives: any dirks, daggers or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 3- 1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade (Education Code 48915)
3. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices
4. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure or spring action, or any spot marker gun (Penal Code 626.10)
5. Any other dangerous device, instrument or weapon, especially those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, box cutters, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
6. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm (Education Code 48900)
7. Laser pointers

If an employee knows that a student possesses any of the above devices, he/she shall do one of the following:

1. Confiscate the weapon and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action

3. Immediately notify the local law enforcement agency and the principal

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

The principal shall report any possession of a weapon or dangerous instrument, including imitation firearms, to the student's parents/guardians by telephone, or by letter in person.

Approved: July 5, 2000

Revised: January 16, 2002

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5131.9**

### **Academic Honesty**

The Board of Education believes that personal integrity is basic to all solid achievement. Students will reach their full potential only by being honest with themselves and with others.

The Board expects students to respect the educational purpose underlying all school activities. All students need to prove to themselves that they can do successful work as a result of their own efforts. The Board expects that students will not cheat, lie or plagiarize.

Each school shall provide an environment that encourages honesty. Students must know that their teachers will not ignore or condone cheating and that anyone discovered cheating will be penalized.

(cf. 5144 - Discipline)

Each site shall develop appropriate regulations to encourage academic honesty.

Adopted: July 5, 2000

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Board Policy**

**Students**

**BP 5141**

**HEALTH CARE AND EMERGENCIES**

The Board of Education authorizes school personnel to take appropriate action whenever an emergency threatens the safety, health or welfare of a student at school or during school-sponsored activities. The Superintendent or designee shall ask parents/guardians to provide emergency information in order to facilitate immediate contact with parents/guardians if an accident or illness occurs.

The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible when student accidents and injuries occur and that parents/guardians are notified as appropriate.

The Superintendent or designee shall ask parents/guardians to provide emergency contact information in order to facilitate communication in the event of an accident or illness.

District staff shall appropriately report and document student accidents.

The Board authorizes the placement of automated external defibrillators (AEDs) at designated school sites for use by designated personnel who have volunteered to receive training in the use of AEDs.

The authorization of AEDs in district schools shall not be deemed to create a guarantee or obligation to use the AED in the case of an emergency nor any expectation that an AED or trained employee will be present and/or able to use an AED in an emergency or any expectation that the AED will operate properly. Health & Safety Code Section 11797.196 protects entities and individuals from civil liability resulting from the use of an AED in an emergency as long as certain conditions specified in the law are satisfied.

Legal Reference:

EDUCATION CODE

49407 Liability for treatment

49408 Information for use in emergencies

FAMILY CODE

6550-6552 Caregivers

(cf. 5141.1 - Accidents)

(cf. 3530 – Risk Management/Insurance)

(cf. 5143 – Insurance)

(cf. 6145.2 – Athletic Competition)

Adopted: July 5, 2000

Revised: September 26, 2007

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5141**

### HEALTH CARE AND EMERGENCIES

#### **Emergency Information**

Parents/guardians shall furnish the schools with the current information specified below in order to facilitate contact in case of an emergency or accident:

1. Home address and telephone number
2. Parent/guardian's business address and telephone number
3. Parent/Guardian's cell phone and email address, if applicable
4. Name, address and telephone number of a relative or friend, to whom the student may be released, and who is authorized by the parent/guardian to care for the student in cases of emergency when the parent/guardian cannot be reached
5. Local physician to call in case of emergency

Under Education Code 49407, no school district shall be held liable for the reasonable treatment of a student without the consent of the parent/ guardian when the student requires medical treatment and the parent/guardian cannot be reached, unless a written objection to medical treatment has been filed with the school district.

#### **Consent by Caregiver**

Persons 18 years of age and older who file with the district a completed caregiver's authorization affidavit shall have the right to consent to or refuse school-related medical care for a district student. The affidavit becomes invalid if the District receives notice from the caregiver that the minor has stopped residing with the caregiver. The caregiver's authorization shall be valid for one year after the date on which it is executed. The caregiver's decision shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health or safety. (Family Code 6550)

School-related medical care is medical care that is required by state or local governmental authority as a condition for school enrollment, including immunizations, physical examinations, and medical examinations conducted in schools for students. (Family Code 6550)

(cf. 5111.11 - Residency of Students with Caregiver)

#### **Automated External Defibrillators (AEDs)**

When an automated external defibrillator (AED) is placed in the school, the principal or designee shall ensure that:

1. School employees annually receive a brochure, with contents and style approved by the American Heart Association or American Red Cross, that describes the proper use of an AED
2. The American Heart Association or American Red Cross brochure or similar information is posted next to every AED
3. School employees are annually notified of the location of all AED units on school grounds

The principal shall designate the trained employees who shall be available to respond to an emergency that may involve the use of an AED during the hours of classroom instruction or when a school-sponsored activity is occurring on school grounds.

Legal References:

Health & Safety Code 1797.196

Approved: July 5, 2000

Revised: September 26, 2007



# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5141.1**

### ACCIDENTS

Although the district makes every reasonable effort to prevent student accidents and injuries, accidents occur. The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible and that parents/guardians are notified of accidents.

Universal precautions shall be observed whenever it is possible that students, employees or others may have contact with blood or body fluids as a result of the accident.

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

District staff shall appropriately report and document student accidents.

(cf. 3530 - Risk Management/Insurance)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 5142 - Safety)

(cf. 5143 - Insurance)

Legal Reference:

EDUCATION CODE

32040-32044 First aid equipment

49300-49307 School safety patrols

49408 Emergency information

49409 Athletic events; physicians and surgeons; emergency medical care; immunity

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

CODE OF REGULATIONS, TITLE 8

5193 California Bloodborne Pathogens Standard

Adopted: July 5, 2000

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Board Policy**  
**Administering Medication And Monitoring Health Conditions**

**BP 5141.21**  
**Students**

The Board of Education believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program.

(cf. 5113 - Absences and Excuses)  
(cf. 5113.1 - Chronic Absence and Truancy)

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan, as applicable.

(cf. 5141.24 - Specialized Health Care Services)  
(cf. 6159 - Individualized Education Program)  
(cf. 6164.6 - Identification and Education Under Section 504)

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing parents/guardians to administer medication to their child at school, designate other individuals to do so on their behalf, and, with the student's authorized health care provider's approval, request the district's permission for the student to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

(cf. 1250 - Visitors/Outsiders)  
(cf. 5141 - Health Care and Emergencies)  
(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.23 - Asthma Management)  
(cf. 5141.27 - Food Allergies/Special Dietary Needs)  
(cf. 6116 - Classroom Interruptions)

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction. (Education Code 49414)

The Superintendent or designee shall make naloxone hydrochloride or another opioid

antagonist available for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose. (Education Code 49414.3)

Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

The Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

### **Administration of Medication by School Personnel**

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

(cf. 3530 - Risk Management/Insurance)

(cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)

(cf. 4119.43/4219.43/4319.43 - Universal Precautions)

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

Legal Reference:

EDUCATION CODE

48980 Notification at beginning of term

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49414.3 Emergency medical assistance; administration of medication for opioid overdose

49414.5 Providing school personnel with voluntary emergency training

49422-49427 Employment of medical personnel, especially:

49423 Administration of prescribed medication for student

49423.1 Inhaled asthma medication

49480 Continuing medication regimen; notice

BUSINESS AND PROFESSIONS CODE

2700-2837 Nursing, especially:

2726 Authority not conferred

2727 Exceptions in general

3501 Definitions

4119.2 Acquisition of epinephrine auto-injectors

4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist

HEALTH AND SAFETY CODE

11362.7-11362.85 Medicinal cannabis

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 21

812 Schedules of controlled substances

844 Penalties for possession of controlled substance

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

COURT DECISIONS

American Nurses Association v. Torlakson, (2013) 57 Cal.4th 570

Management Resources:

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015

Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006

Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007

Program Advisory on Medication Administration, 2005

NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS

Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003

## WEB SITES

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

American Diabetes Association: <http://www.diabetes.org>

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

National Diabetes Education Program: <http://www.ndep.nih.gov>

U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information:

<http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>

Adopted: July 5, 2000

Revised: February 11, 2015

Revised: May 27, 2020

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Administrative Regulation**  
**Administering Medication And Monitoring Health Conditions**

AR 5141.21  
**Students**

Definitions

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423; 5 CCR 601)

Other designated school personnel means any individual employed by the district, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student and who may legally administer the medication to the student or assist the student in the administration of the medication. (5 CCR 601, 621)

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies. (5 CCR 601)

Epinephrine auto-injector means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reaction, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

(cf. 5141.23 - Asthma Management)  
(cf. 5141.27 - Food Allergies/Special Dietary Needs)

Opioid antagonist means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

Notifications to Parents/Guardians

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians

regarding those options. (Education Code 49480)

(cf. 5145.6 - Parental Notifications)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.

#### Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Submitting the parent/guardian written statement and the authorized health care provider's written statement each school year as described in the sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49423, 49423.1; 5 CCR 600, 626)
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician, and updating the information when needed. (Education Code 49480)
3. Providing medications in properly labeled, original containers along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider. (5 CCR 606)

#### Parent/Guardian Statement

When district employees are to administer medication to a student, the parent/guardian's written statement shall:

1. Identify the student
2. Grant permission for an authorized district representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication
3. Contain an acknowledgment that the parent/guardian understands how district employees will administer the medication or otherwise assist the student in its administration
4. Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment
5. Contain an acknowledgment that the parent/guardian understands the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration of medication at any time

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that the student be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration
2. Release the district and school personnel from civil liability if the student suffers an adverse reaction as a result of self-administering the medication

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the district to administer medication to the student, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation
2. That the individual is permitted to be on the school site
3. Any limitations on the individual's authority

#### Health Care Provider Statement

When any district employee is to administer prescribed medication to a student, or when a



student is to be allowed to carry and self-administer prescribed medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student (Education Code 49423, 49423.1; 5 CCR 602)
2. The name of the medication (Education Code 49423, 49423.1; 5 CCR 602)
3. The method, amount, and time schedules by which the medication is to be taken (Education Code 49423, 49423.1; 5 CCR 602)
4. If a parent/guardian has requested that the student be allowed to self-administer medication, confirmation that the student is able to self-administer the medication (Education Code 49414.5, 49423, 49423.1; 5 CCR 602)
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel (Education Code 49423, 49423.1; 5 CCR 602)
6. For medication that is to be administered on an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation
7. Possible side effects of the medication
8. Name, address, telephone number, and signature of the student's authorized health care provider

For self-administration of inhaled asthma medication, the district shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish, and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)

#### District Responsibilities

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel.

The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement
2. Accept delivery of medications from parents/guardians and count and record them upon receipt

3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and note on the list the type of medication and the times and dosage to be administered
4. Maintain for each student a medication log which may:
  - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
  - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication
5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student
6. Ensure that student confidentiality is appropriately maintained  
  
(cf. 5125 - Student Records)
7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities  
  
(cf. 5148.2 - Before/After School Programs)  
(cf. 6145.2 - Athletic Competition)  
(cf. 6153 - School-Sponsored Trips)
8. Report to a student's parent/guardian and the site administrator any refusal by the student to take the medication
9. Keep all medication to be administered by the district in a locked drawer or cabinet
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects
11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose
12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances

13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance

14. Report to the site administrator, the student's parent/guardian, and, if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement

#### Emergency Epinephrine Auto-Injectors

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

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

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414 and shall be based on the standards developed by the Superintendent of Public Instruction (SPI). Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

A school nurse or other qualified supervisor of health, or a district administrator if the district does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided one adult (regular) and one junior epinephrine auto-injector. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injector, unless there are any students at the school who

require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

(cf. 3290 - Gifts, Grants and Bequests)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

(cf. 3580 - District Records)

#### Emergency Medication for Opioid Overdose

The district may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonably believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable, and shall only administer the medication by nasal spray or auto-injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another

opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on the offer to volunteer and that there will be no retaliation against any employee for rescinding the offer to volunteer. (Education Code 49414.3)

The principal or designee may designate one or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3)

A school nurse, other qualified supervisor of health, or, if the district does not have a qualified supervisor of health, a district administrator shall obtain a prescription for naloxone hydrochloride or another opioid antagonist for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

If the medication is used, the school nurse, other qualified supervisor of health, or district administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3)

Information regarding defense and indemnification provided by the district for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

Approved: July 5, 2000  
Revised: February 11, 2015  
Revised: May 27, 2020

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

Students

BP 5141.22

### INFECTIOUS DISEASES

The Board of Education recognizes its dual responsibility to protect the health of students from risks posed by infectious diseases and to uphold the right of students to a free and appropriate education. The district requires all staff to routinely observe universal precautions to prevent exposure to bloodborne pathogens and prevent the spread of all infectious disease.

(cf. 4119.42/4219.42/4319.42- Exposure Control Plan for Bloodborne Pathogens)  
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)  
(cf. 5141.23 - Infectious Disease Prevention)

#### Students with Bloodborne Pathogen Infections

The Board recognizes that human immunodeficiency virus (HIV) and hepatitis B virus (HBV) are bloodborne pathogens and not casually transmitted. Children with bloodborne pathogen infections are entitled to attend school and receive a free and appropriate public education. The sole presence of bloodborne pathogens is not sufficient reason to exclude students from attending school. Parents/guardians are encouraged to inform the Superintendent or designee if their child has HIV/AIDS so that school staff may keep the student's parents/guardians informed of any outbreak of disease at school. The district will work cooperatively with the student's parent/guardian and physician to minimize the child's exposure to other diseases in the school setting.

#### Legal Reference:

##### EDUCATION CODE

48210-48214 Persons excluded

49073-49075 Privacy of pupil records

49076 Access to records by persons without written consent or under judicial order

49403 Cooperation in control of communicable disease and immunization of students

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49450 Rules to insure proper care and secrecy

49451 Parent's refusal to consent to medical exam

49602 Confidentiality of student information

##### CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

##### CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

HEALTH AND SAFETY CODE

120230 re exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120975 Prohibition against compelling identification of AIDS test subjects

120980 Unauthorized disclosures

121010 Disclosure to certain persons without written consent

121075-121125 Acquired Immune Deficiency Syndrome Research Confidentiality Act

121475-121520 Tuberculosis tests for pupils

UNITED STATES CODE, TITLE 20

1232 Family Educational and Privacy Rights Act

1400 et seq. Education for All Handicapped Children

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

Management Resources:

CDE PROGRAM ADVISORIES

0509.86 AIDS Guidelines

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

Adopted: July 5, 2000

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Administrative Regulation**

**Students**

**AR 5141.22**

**INFECTIOUS DISEASES**

In determining whether to exclude a child with a suspected or diagnosed infectious disease, the Superintendent or designee shall consult the child's parent/guardian and the student's physician and/or the County Health Department, as required by law. The Superintendent or designee also may refer to the State Department of Health Services document Control of Communicable Disease in California for assistance in this determination.

**Confidentiality**

The Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law. No district employee shall release medical information, including knowledge of a bloodborne pathogen infection, without written consent from the parent/guardian. Such information may be shared only with those persons specifically named in the written permission.

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Approved: July 5, 2000



**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Board Policy**

**Students**

**BP 5141.23**

**INFECTIOUS DISEASE PREVENTION**

The Board of Education recognizes its responsibility to consistently take precautions to prevent the spread of infectious diseases. A comprehensive approach to disease prevention requires the cooperation of the home and the community.

(cf. 1020 - Youth Services)

Legal Reference:

EDUCATION CODE

49403 Cooperation in control of communicable disease and immunization of pupils

51202 Instruction in personal and public health and safety

CODE OF REGULATIONS, TITLE 8

5193 California Bloodborne Pathogens Standard

CODE OF REGULATIONS, TITLE 17

2500-2508 Communicable disease reporting requirements

Management Resources:

CDE PROGRAM ADVISORIES

0509.86 AIDS Guidelines

1016.89 Guidelines for Informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS/HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

Adopted: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5141.23**

### INFECTIOUS DISEASE PREVENTION

#### Control of Science Laboratory Lessons

Before a class works with blood or blood products, the teacher must explain the potentially hazardous nature of blood, emphasizing the fact that through blood, various agents can be transmitted from one person to another. Before and after doing laboratory work, students must always wash hands with soap and water, dry hands, and cover any existing cut, wound, or open sore with a sterile dressing. The following techniques also must be used when students are working with human blood:

1. Specific procedures and safety precautions shall be explained carefully before starting each laboratory exercise.
2. Wherever possible, blood typing experiments shall be conducted by teacher demonstrations rather than being performed by individual students.
3. Students always shall work with their own blood, or shall use prepackaged ABO/Rh blood cell kits that have vials of blood previously tested for transmissible agents.
4. Students shall use individual sterile lancets for finger punctures, and lancets must not be reused.
5. Before the finger is punctured, it shall be wiped with a piece of cotton that has been immersed in alcohol.
6. If bleeding persists after the finger is punctured, the student shall apply a sterile bandage using moderate pressure.
7. Large beakers of a solution consisting of one part bleach to 10 parts water (1:10) shall be placed throughout the room. Lancets and any other materials with blood on them must be discarded into the solution. Solution shall be made fresh each day.
8. At the end of the class, laboratory desks shall be wiped with alcohol or 1:10 dilution of bleach.

Techniques similar to the above shall be used when working with any other body fluids.

Approved: July 5, 2000

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Board Policy**

**Students**

**BP 5141.24**

**DIABETES**

The Board of Education of the Piedmont Unified School District is committed to maximizing students' academic performance and physical wellbeing in a healthy and safe environment. The district recognizes that diabetes is a manageable chronic condition that if poorly controlled can be dangerous, impacting the student's health and ability to learn. Diabetes is a condition on the rise in children and requires coordinated management in the school setting.

The district defines a healthy and safe environment as one in which adults work together to provide the following environmental factors established by current research as necessary for the health and wellbeing of students with diabetes:

- Educating staff, students, and parents/guardians about diabetes type 1 and type 2
- Establishing management and support systems for students with diabetes

The goals of providing a healthy and safe environment for students with diabetes are to:

- Maximize academic performance
- Maximize participation in all areas of school curriculum and extra-curricular activities
- Minimize complications of diabetes
- Minimize absence due to diabetes related causes

The goals of providing staff with thorough training in providing a healthy and safe environment for students with diabetes are to:

- Assure effective response in case of diabetes-related emergency
- Minimize classroom disruption

Legal Reference:

**EDUCATION CODES**

33308.5 Program Guidelines

49414.5 Medical Assistance to Pupils with Diabetes

49423 Assistance in Taking Prescribed Medication

49423.6 Administration of Medication

51890 Comprehensive Health Education Programs

51913 Plan for a Comprehensive Health Education Program

51920 Inservice Training

**FEDERAL LAW**

Section 504 of the Rehabilitation Act of 1973

The Americans with Disabilities Act

Individuals with Disabilities Education Act

**UNITED STATES CODE, TITLE 29**

1904 and 1910

**STATE LAW**

**BUSINESS AND PROFESSIONS CODES**

2700-2837 Nursing, especially:

2726 Authority not conferred  
2727 Exceptions in general

ADDITIONAL REFERENCES

National Association of Nurses Position Statement: Nurse Role in Care and Management of the Child with Diabetes in the School Setting. Adopted: November, 2001

California School Nurses Organization Position Statement: Insulin Administration at School.  
Revised July, 2002

Institute of Safe Medication Practices

American Diabetes Association

Adopted: February 11, 2015

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Administrative Regulation**

**Students**

**AR 5141.24**

**DIABETES**

It is the goal of the Piedmont Unified School District that students attend school and reach their potential. The district is aware that the incidence of diabetes is rising in the student population. Complications related to diabetes may interfere with student achievement. To that end, the district will:

1. Educate staff, students, and parents/guardians about diabetes
  - a. Ensure that any school nurse(s), registered nurses, and/or nursing students be provided professional development training on diabetes, at which time they will receive appropriate curriculum for training staff, students, and parents/guardians.
  - b. Ensure that all staff be provided with in-service training, updated annually, by a nurse or other educator who has had diabetes training.
  - c. Provide a brief written summary including basic diabetes facts and the district policy regarding diabetes management and administration of insulin to parents/guardians of children with diabetes upon registration and at the beginning of each school year.
  - d. Provide schools with information regarding emergency management of diabetes to post in designated locations.
  - e. The principal of each school that has one or more students who have been diagnosed with diabetes shall ensure that provision is made for the school nurse or other nurse trained in Diabetes Management to educate the full staff about diabetes as soon as possible in the school year or as soon as possible after students are identified.
  - f. The principal shall designate at least three staff at the school site to be trained in the care of students with diabetes.
  
2. Establish management and support systems for students with diabetes
  - a. The school nurse will coordinate the District's diabetes-related activities.
  - b. Identify students who have diabetes by including relevant questions on the Student Emergency Card.
  - c. Provide copies of the district health forms to be completed related to diabetes to parents/guardians of children with diabetes upon registration or receipt by the school of the completed emergency card, at the beginning of each school year, or upon diagnosis of diabetes. The Diabetes Medical Management Plan completed by the child's physician will be kept on file in an accessible location in the school with a copy in the student's cumulative file.
  - d. Provide a list of students identified with diabetes to the school nurse each year and update the list as needed.
  - e. Confirm that students with diabetes may carry and self-administer insulin with signed release by a parent/guardian and medical provider.
  - f. A plan for management of blood glucose testing, administration of insulin, and any other accommodations necessary for the safety and well-being of the student with diabetes will be developed using a 504, Individualized Student Healthcare

Plan (ISHP), or IEP as appropriate in collaboration with the student, parents/guardians, and staff at the school. The school nurse or other nurse with training in diabetes will coordinate the management plan.

- g. All supplies shall be kept labeled and dated in a location readily accessible to the student, brought on field trips, and included in emergency evacuations.
3. Provide for blood glucose monitoring in the school
    - a. Blood glucose monitoring shall be implemented according to the Medical Management Plan provided by the physician and identified in the 504, ISHP, or IEP.
    - b. Ensure that each school has at least three volunteer staff members, who receive training in the testing of blood sugar for students with diabetes by the school nurse diabetes specialist or other nurse who has had diabetes training.
    - c. Parents/guardians will be notified as appropriate according to the agreements in the 504, ISHP, or IEP.
  4. Provide for glucagon administration in the school
    - a. Glucagon shall be administered according to the Diabetes Medical Management Plan provided by the physician and identified in the 504 Plan, ISHP, or IEP.
    - b. Only identified school staff who have been trained by the school nurse or other nurse with training in diabetes may administer glucagon.
  5. Provide for administration of insulin in the school
    - a. Insulin shall be administered according to the Medical Management Plan provided by the physician and identified in the 504, ISHP, or IEP.
    - b. Insulin provided by the parents/guardians will be kept labeled and dated in a location readily accessible to the student, brought on field trips, and included in emergency evacuations.
    - c. Insulin has been identified as a “high risk” medication, and shall be administered by a licensed nurse, physician, parent/guardian, or parent designee who is not employed by the district. Additionally, a student may self-administer insulin when authorized by his/her parent and physician, and after the physician has verified the student’s competency to self-inject and dispose of supplies.
    - d. Authorization:
      - i. The student’s physician or nurse practitioner must complete a Diabetes Medical Management Plan to be followed in the district.
      - ii. Insulin administration orders must be renewed when there is a change in the student’s health status or dosage.
      - iii. All physician orders/authorizations must be dated and in written form, and include physician’s name, address, phone/fax numbers, and signature.
      - iv. The Diabetes Medical Management Plan must be reviewed and signed by the parent/guardian and include a Release of Information.
      - v. Authorization must be renewed when there is a change in the student’s health status or dosage.
      - vi. Parents/guardians are responsible for informing the district of any change in information related to the child’s diabetes.

- vii. Standing daily insulin regimen may be withheld when requested by parent in writing, or by telephone when confirmed by a nurse and site administrator. Documentation of requests to withhold treatment must be filed in the student's Diabetes Management Binder.
- viii. Parent/guardian will be contacted immediately if student refuses treatment by school staff.

- e. Parent/guardian is responsible for providing all supplies and sharps disposal.

Injection Supplies: Must include alcohol wipes, insulin, insulin syringes, and sharps container. Insulin must be in a pharmacy-labeled container, and only unexpired and unopened vials of insulin may be brought to school. Once opened the insulin vial will be dated by the nurse and kept no longer than 30 days. Insulin syringes must be stored in a locked area. Safety syringes may be used when insulin is administered by a school nurse or other licensed nurse; if safety syringes are used they will be provided by the district.

General Supplies: Must include glucometer and testing equipment, as well as quick-acting glucose source and snacks, and Glucagon for emergency use per medical orders.

- f. Record keeping and documentation

The student's Diabetes Management Binder will be kept in the classroom or front office. All documentation must be filed in the student's Health Folder in the Cumulative Folder at the end of the school year. The student's Diabetes Management Binder shall contain the:

- i. 504, ISHP, or portion of the IEP related to Diabetes
- ii. Emergency Contacts
- iii. Diabetes Medical Management Plan
- iv. Procedure Guidelines
- v. Diabetes Log

A copy of the diabetes log will be given to the student's parent/guardian when necessary or requested by the parent/guardian.

- g. All teachers who instruct the student and trained staff (e.g., administrators, clerical/office staff) will be given information regarding diabetes emergencies and signs and symptoms of hyper/hypoglycemia by the school nurse or other nurse who has received diabetes training.

Staff will follow Universal Precautions to maintain needle stick safety.

- h. The school nurse or other nurse with diabetes training will:

- i. Assess student and confirm blood glucose results, review physician's orders and collect necessary supplies, verify insulin vial has not expired, and administer insulin as needed.
- ii. Document insulin administration in the diabetes log and communicate such information to the parent/guardian as agreed in the 504, ISHP, or IEP.

Approved: February 11, 2015



## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Board Policy**

#### Sexually Transmitted Infections and Pregnancy Prevention

##### **BP 5141.25**

###### Students

The Board of Education strongly encourages students to make responsible choices about their health. The Board also believes the responsibility for promoting healthy and safe choices in life begins at an early age and belongs primarily to the family. Our community of schools, religious institutions, health care providers, and social service agencies should support parents in educating their children in making sound choices.

Abstinence from sexual activity is the safest and only 100% effective way to prevent pregnancy, Human Immunodeficiency Virus (HIV), Acquired Immune Deficiency Syndrome (AIDS), and other sexually transmitted infections (STIs). Moreover, the initiation of sexual activity before age 14 is associated with adverse childhood experiences, increased exposure to trauma and sexual exploitation, and poor health outcomes in adolescence and adulthood. The Board, therefore, highly encourages students to abstain from sexual activity and requires sexual education include the promotion of abstinence as a valued, positive choice. Furthermore, students shall be advised not to engage in unlawful sexual activity and shall receive information explaining that, in California, the legal age of consent is 18 years of age and it is illegal for a person age 18 or over to have sexual intercourse with a minor.

The Board recognizes, however, that some students are engaging in sexual activity and other risk-taking behaviors that can lead to increased risk of HIV/AIDS, STIs, unplanned pregnancy, and other severe health complications including death. According to the Center for Disease Control (CDC), the use of condoms, when used properly, reduces incidences of pregnancy and are highly effective in reducing the transmission of HIV and some other sexually transmitted infections. They provide less protection against STIs spread through skin-to-skin contact, such as human papillomavirus (HPV), genital herpes, and syphilis.

California law stipulates that young people ages 12 and older can consent to diagnosis and treatment of sexually transmitted infections, and minors of any age can consent to pregnancy testing, contraceptives, and prenatal care. Consequently, the Board believes it has a responsibility to take steps to prevent pregnancy, HIV/AIDS, and other sexually transmitted infections among students who do not abstain from sexual activity. Prevention of STIs and unintended pregnancies contributes to positive attendance, higher graduation rates, and attainment of higher education. The Board, therefore, finds it appropriate for condoms to be made available to high school students as one component of an evidence-based, comprehensive sexual health education program.

(cf. 5146 - Married/Pregnant/Parenting Students)  
(cf. 6142.1 - Family Life/Sex Education)  
(cf. 6142.2 - AIDS Prevention Instruction)

While parent involvement in students' sexual decision-making is preferred and encouraged, California State Law requires adolescent confidentiality be maintained except in the following instances: emergency situations when danger to life is imminent; threat of suicide; threat of homicide; and issues of physical, sexual, or emotional abuse. All district employees are mandated reporters and will adhere to Child Protective Services reporting guidelines.

(cf. 5141.6 - Student Health and Social Services)  
(cf. 1020 - Youth Services)

Students' access to condoms supports California law allowing students to seek confidential reproductive health services. For students who choose not to abstain from sexual activity, condom availability in an educational environment connects the information acquired in the classroom to public health interventions and prevention strategies.

The district will notify parents/guardians annually of the Board policy and administrator regulations regarding the availability of condoms on high school campuses to prevent unwanted pregnancy and the transmission of infectious diseases. Parents/guardians may request information and educational materials designed to help them communicate effectively with their children about adolescent development, sexual health, and other related topics.

Legal Reference:

#### EDUCATION CODE

49062 Records; establishment, maintenance and destruction  
49069 Absolute right to access  
49422 Supervision of health and physical development of pupils  
51201.5 AIDS prevention instruction  
51930-51935 Required Comprehensive Sexual Health Education

#### FAMILY CODE

6925 Prevention or treatment of pregnancy  
6926 California Family Code  
6920 California Family Code

#### HEALTH AND SAFETY CODE

121255 Further findings and declarations

#### PENAL CODE

261.5 Unlawful sexual intercourse with females under age 18  
286 Sodomy

288 Lewd or lascivious acts with children under age 14  
288a Oral copulation

UNITED STATES CODE, TITLE 20  
7906 Prohibition against the use of federal funds for contraceptive distribution

COURT DECISIONS  
People v. Beeman (1984) 35 Cal. 3d 547, 561

Management Resources:

CDE: <http://www.cde.ca.gov>  
California Healthy Kids Resource Center: <http://www.hkresources.org>  
California Department of Health Services: <http://www.dhs.ca.gov>  
Centers for Disease Control and Prevention: <http://www.cdc.gov>  
National Association of State Boards of Education: <http://www.nasbe.org>

Adopted: February 12, 2020

## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Administrative Regulation**

### **Sexually Transmitted Infections and Pregnancy Prevention**

#### **AR 5141.25**

#### **Students**

1. As permitted by Board Policy 5141.25, high school students will have the option to obtain condoms as part of a comprehensive sexual health education program. Licensed health care professionals, health educators, or other trained staff will provide students with condoms free of charge. Condoms will be distributed in their original packaging along with written information on the proper use of condoms and the availability of community resources.

2. Consistent with our emphasis on education and our commitment to increasing access to caring adults on campus, a high school student is encouraged to attend a brief educational session led by a trained staff person prior to receiving condoms for the first time. Information on the following topics will be reviewed and/or confirmed during the session:

- Abstinence as the safest and only 100% effective choice for preventing pregnancy, HIV/AIDS, and other sexually transmitted infections
- The importance of communication, consent, choice in sexual decision-making, and the right to change one's mind
- Influence of alcohol and other drugs on behavior and decision-making
- Proper condom use and effectiveness demonstrated by the staff person using a model

The following information will be provided through educational literature and discussed with trained staff on site, upon student request:

- Healthy relationships
- Sexually transmitted infections, symptoms, and treatments
- Preventative health care and prompt treatment of symptoms
- Unlawful sexual activity for minors
- Community resources for health care and support

3. Condoms will be made available to students according to the partnership pact with the Alameda County Condom Access Project (CAP). Condoms will be displayed in an agreed-upon location, and excess condoms will be stored in a cool, dry location that is accessible only to designated staff. Education for students accessing condoms for the first time is encouraged; however, no student will be denied access to a condom for any reason.

4. Information about individual students' access to information, including diagnosis and treatment of sexually transmitted infections, pregnancy testing, contraceptives, and prenatal care, will not be entered into any student information system. Health care professionals will maintain records in accordance with all applicable federal and state laws and regulations. Such records shall be confidential to the extent required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy and Security Rules, 45 C.F.R. Parts 160, 162 and 164; California Civil Code §§ 56 et seq.; California Welfare & Institutions Code §§ 5328 et seq.; and other state law.

Adopted: February 12, 2020

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Board Policy**

**Students**

**BP 5141.26**

**Tuberculosis Testing**

The Board of the Piedmont Unified School District is committed to maximizing students' academic performance and physical wellbeing in a healthy and safe environment.

The Board recognizes that tuberculosis poses a public health threat. Identification and treatment of active cases of this disease is the most effective means of controlling its spread.

The County Public Health officer requires that each child be evaluated for tuberculosis infection and follow-up if appropriate, prior to initial school entry to Kindergarten or first grade in PUSD.

Education Code 48211 provides that the Board may exclude children suffering from contagious or infectious diseases. Health and Safety Code 121485-121505 provides for the exclusion of children reasonably suspected of having active tuberculosis.

The superintendent and the school nurse may require a health exam and a tuberculosis test when qualified medical personnel reasonably suspect that a student is at risk for tuberculosis infection. If there is a case of tuberculosis at any school, the superintendent and the school nurse, under the direction of the appropriate officials of the County Health Department, shall determine appropriate interventions.

A child may be exempt from the tuberculosis examination if it is contrary to his/her beliefs. The child's parent/guardian or custodian must provide the school with an affidavit stating that the required examination is contrary to the child's beliefs. If there is probable cause to believe that such a child has active tuberculosis, he/she may be excluded from school until the Board is satisfied that he/she is not so afflicted. (Health and Safety Code 121505)

Students known to have had a positive tuberculosis skin test shall be excluded from school until they provide evidence of a follow-up x-ray and appropriate medical care or are considered by qualified medical personnel not to be at risk for tuberculosis infection.

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.3 - Health Examinations)

All district staff shall receive information on how tuberculosis is spread and how it can be prevented and treated.

(cf. 4119.43 - Universal Precautions)

(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.23 - Infectious Disease Prevention)

Legal Reference:

EDUCATION CODE

48211 Habits and disease

49450 Rules to insure proper care and secrecy

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B

120880 Information to employees of school district

120230 Exclusion of persons from school

121475-121520 Tuberculosis tests for pupils

Adopted: February 11, 2015

Revised: June 10, 2015

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5141.27**

### FOOD ALLERGIES

The Governing Board desires to prevent students' exposure to foods to which they are allergic or intolerant and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school.

The Superintendent or designee shall develop guidelines for the care of food-allergic students. Such guidelines shall include, but are not limited to, strategies for identifying students at risk for allergic reactions, avoidance measures, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction.

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

(cf. 3552 - Summer Meal Program)

(cf. 3554 - Other Food Sales)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 5141 - Health Care and Emergencies)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Parents/guardians shall be responsible for notifying the Superintendent or designee, in writing, regarding any food allergies or other special dietary needs of their child in accordance with administrative regulation.

(cf. 5125 - Student Records)

When a student's food allergy or food intolerance substantially limits one or more major life activities, his/her parents/guardians shall be informed of the district's obligation to evaluate the student to determine if he/she requires accommodations pursuant to Section 504 of the federal Rehabilitation Act. The student shall be evaluated in accordance with law and the procedures specified in AR 6164.6 - Identification and Education Under Section 504. If that process results in the development of a Section 504 plan, the district shall provide the accommodations and/or aids and services identified in the plan.

(cf. 6145 - Extracurricular and Cocurricular Activities)

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

If a student's diet restrictions and needed services are addressed in an individualized education program (IEP), the Superintendent or designee shall ensure compliance with the IEP including any necessary food substitutions.



(cf. 6159 - Individualized Education Program)

Students shall not be excluded from school activities nor otherwise discriminated against, harassed, intimidated, or bullied because of their food allergy.

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

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

Any complaint of alleged noncompliance with this policy shall be addressed through appropriate district complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures) (cf. 3555 - Nutrition Program Compliance)

The district's food services program may, but is not required to, accommodate individual student preferences or diets that are not supported by a statement from the student's health care provider.

Legal Reference:

EDUCATION CODE

234.1 Prohibition against discrimination, harassment, intimidation, and bullying

49407 Liability for treatment

49408 Emergency information

49414 Emergency epinephrine auto-injectors

49423 Administration of prescribed medication for student

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

15562 Reimbursement for meals, substitutions

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

701-795a Rehabilitation Act, including:

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

1751-1769h National School Lunch Program

1771-1791 Child nutrition, especially:

1773 School Breakfast Program

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch Program

220.1-220.21 National School Breakfast Program

225.16 Meal programs, individual substitutions

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Training Standards for the Administration of Epinephrine Auto-Injectors,  
December 2004

FOOD ALLERGY RESEARCH AND EDUCATION PUBLICATIONS

School Guidelines for Managing Students with Food Allergies

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Legal and Practical Issues Relating to Accommodating Students with Peanut  
Allergies, Inquiry and Analysis, April 2009

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Accommodating Children with Special Dietary Needs in the School Nutrition  
Programs: Guidance for School Food Service Staff, 2001

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

Dear Colleague Letter and Questions and Answers on ADA Amendments Act of  
2008 for Students with Disabilities Attending Public Elementary and Secondary  
Schools, January 2012

WEB SITES

California Department of Education, Health Services: <http://www.cde.ca.gov/ls/he/hn>

Food Allergy Research and Education: <http://www.foodallergy.org>

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

U.S. Department of Agriculture: <http://www.fns.usda.gov>

U.S. Department of Education, Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr>

Adopted: June 24, 2015

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Administrative Regulation**

**Students**

**AR 5141.27**

**FOOD ALLERGIES**

Definitions

Special dietary needs include food intolerances, allergies, and other medical needs that may require avoidance of specific foods.

Food allergies are abnormal responses of the body's immune system to certain foods or ingredients.

Anaphylaxis is a potentially life-threatening hypersensitivity to a substance and may be caused by a food allergy. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Epinephrine auto-injector is a disposable drug delivery system with a spring-activated concealed needle that is designed for emergency administration of epinephrine to persons suffering a potentially fatal reaction to anaphylaxis. (Education Code 49414)

Notification by Parent/Guardian

The parents/guardians of any student who has a known food allergy or other special dietary need shall notify the Superintendent or designee, in writing, and provide written medical documentation, signed by the student's health care provider, that describes the nature of the student's condition, instructions, and necessary medications. If the student's condition requires food substitutions or modifications in school meals, the written statement shall also describe the specific foods to be restricted and the foods that should be substituted.

#### Health Plan –

Upon receiving notice of a student's food allergy or other special dietary need, the Superintendent or designee shall ensure that a food allergy and anaphylaxis emergency care plan is provided to the student's parents/guardians to complete with the health provider and return to the school in, to manage the student's needs while at school or at a school-sponsored activity.

When a student with a food allergy or other special dietary need has been identified as disabled pursuant to Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act, necessary accommodations and services shall be identified as part of the student's Section 504 services plan or individualized education program, as appropriate. The plan may include specific food prohibitions and substitutions, an identification of common school rooms where the student may be exposed, staff responsibilities, information and training to be provided to staff,

(cf. 5141.24 - Specialized Health Care Services)

(cf. 6159 - Individualized Education Program)

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

## Prevention Strategies

### 1. Notification to District Staff

To minimize students' exposure to foods to which they are allergic, the Superintendent or designee shall, at a minimum, implement the following preventive measures:

When notified by the parent/guardian that a student has a food allergy, the Superintendent or designee shall inform the student's principal, teacher(s), bus driver, school nurse, coach, and/or any other personnel responsible for supervising the student.

The principal or designee shall notify substitute staff of the identity of any students with known food allergies and the school's response plan.

(cf. 5125 - Student Records)

### 2. Food Services

At the elementary school level, peanuts or nut derivatives will not be used in menu items prepared by District food services, The District will instruct contracted food service providers that peanuts or nut derivatives shall not be used in any menu

items delivered to elementary schools the District. District food services shall review any ingredient lists to avoid purchasing contracted food service provider items containing peanuts or nut derivatives and avoid serving any such items that are inadvertently purchased by elementary schools.

At all schools, all menu items shall be clearly labeled and posted as part of the menu on the district/school/vendor web site and at any cafeteria to inform students with food allergies of all ingredients.

The District's food services program shall make food substitutions in breakfasts, lunches, and after-school snacks for any student considered to have a disability under Section 504 that restricts such student's diet and when a health care provider has signed a statement of need that includes recommended alternate foods. (7 CFR 210.10, 220.8)

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

(cf. 3552 - Summer Meal Program)

(cf. 3554 - Other Food Sales)

(cf. 5148.2 - Before/After School Programs)

Substitutions may be made on a case-by-case basis for students who do not have a disability under Section 504 but who cannot consume the regular breakfast, lunch, or after-school snack because of medical or other special dietary needs, when supported by a statement of need signed by a health care provider. (7 CFR 210.10, 220.8, 225.16)

When the District has received a statement of need from a health care provider that includes recommended alternate foods for a student, the District's food services staff shall check food labels or specifications to ensure that foods do not contain traces of substances to which the student is allergic.

Under no circumstances shall food services staff prescribe nutritional requirements or revise a diet order prescribed by a health care provider.

Food substitutions shall not result in any additional cost to the student.

### 3. Class Celebrations/School Activities

Without identifying individual students, the principal or teacher may notify parents/guardians of other students in a class that a student is allergic to a specific food and may determine that certain foods not be provided at class celebrations or other school events.

### 4. Staff

Food that staff bring from home or other sources *for their own consumption* may not be shared with students.

### 5. Sanitation and Cleaning

To avoid spreading allergens, cafeteria tables and classroom surfaces shall be cleaned with fresh cloth or disposable paper towels utilizing cleaning products known to effectively remove food proteins, excluding waterless cleaners or instant

hand sanitizers that do not involve a wet-wash step. Cross-contact from a sponge or cloth used to clean allergen-containing tabletops shall be avoided.

Staff shall use and promote hand-washing using soap and water before and after food handling.

Students shall be notified that exchanging meals or utensils is prohibited.

## 6. Professional Development

School-wide professional development shall be provided to appropriate staff on the identification and management of food allergies, including avoidance measures, typical symptoms, the proper use of epinephrine auto-injectors, documentation and storage of medication, and emergency drills.

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

## 7. Supervision of Students

When available, staff who are trained and knowledgeable about symptoms of anaphylaxis and actions to take in an emergency shall provide supervision in the classroom and cafeteria, on the playground, and on field trips or other school activities whenever students known to have a food allergy are present.

(cf. 6153 - School-Sponsored Trips)

## 8. Health Education



The district's health education curriculum may include instruction on food allergies in order to assist food-allergic students in taking responsibility for monitoring their diet and to teach other students about the dangers of sharing foods or utensils with others.

(cf. 6142.8 - Comprehensive Health Education)

#### Emergency Response

Epinephrine auto-injectors or other medicine provided for use in the event of an anaphylactic shock reaction shall be stored and used in accordance with law and BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions.

(cf. 4119.43 - Universal Precautions)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Staff shall call 911 and seek immediate medical attention for a student experiencing an anaphylactic shock reaction.

(cf. 5141 - Health Care and Emergencies)

As soon as possible, school staff shall contact the student's parents/guardians or other person identified as an emergency contact.

When a student with a known allergy will be off school grounds, such as on a field trip, he/she shall be accompanied by a kit containing at least two doses of epinephrine, other medications as noted by the student's health care provider, and, as appropriate, the student's individualized food allergy plan. At least one person

trained in the administration of epinephrine auto-injectors shall accompany students on field trips.

Adopted: June 24, 2015

Revised: June 22, 2016

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5141.3**

### HEALTH EXAMINATIONS

The Board of Education recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, the district shall administer tests for vision, hearing and scoliosis as required by law.

At the elementary level, all students are required to have an oral health assessment (dental checkup) by May 31 in either kindergarten or first grade, whichever is the student's first year in public school (see Administrative Regulation 5141.3).

(cf. 5141.26 - Tuberculosis Testing)

(cf. 5141.31 - Immunizations)

(cf. 5141.32 - Child Health and Disability Prevention Program)

(cf. 5141.6 - School-Based Health and Social Services)

All students who participate as cheerleaders, song leaders, or athletes in organized competitive sports shall first undergo and file with the district a current medical examination. Upon sustaining an injury or serious illness, a student may be required to have another examination before participating further. This requirement does not apply to participants in occasional play day or field day activities.

(cf. 5143 - Insurance)

(cf. 6145.2 - Athletic Competition)

The Superintendent or designee shall ensure that staff employed to examine students exercise proper care of each student and that examination results are kept confidential. Records related to these examinations shall be available only in accordance with law.

(cf. 5125 - Student Records)

Reports to the Board regarding the number of students found to have physical problems and the effort made to correct them shall in no way reveal the identity of students.

Legal Reference:  
EDUCATION CODE

44871-44879 Employment qualifications  
49400-49413 General powers-school boards (re pupil health)  
49422 Supervision of health and physical development  
49450-49457 Physical examinations (of pupils)  
49460-49466 Development of standardized health assessments

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable diseases  
121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5

590-596 Vision screening  
3027 Hearing and vision screening for special education  
3028 Audiological screening

Adopted: July 5, 2000

Revised: September 26, 2007

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5141.3**

### HEALTH EXAMINATIONS

#### Health Examination for School Entry

Students must provide documentation of a health examination within 12 months prior to entry into transitional kindergarten, kindergarten, or first grade to comply with CDPH requirements.

The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations.

(cf. 5145.6 - Parental Notifications)

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

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.22 - Infectious Diseases)

#### Vision and Hearing Tests

Students shall have their vision and hearing tested by qualified personnel authorized by the district. All students shall be tested for visual acuity when they first enroll in elementary school and every three years thereafter until the student completes grade 8. Teachers shall continuously observe students' appearance and behavior that may indicate vision difficulties. Should teachers be concerned about a student's vision, a referral shall be made to the school nurse.

For male students, color vision shall be tested one time at kindergarten or grade 1. Results of the test shall be entered into the student's health record. Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an optometrist specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision.

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. If made in writing, such reports shall not include a

referral to any private practitioner, and the report of a visual defect shall be made on a form prescribed by the Superintendent of Public Instruction.

The student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health.

### **Scoliosis Screening**

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law.

Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening.

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources.

### **Oral Health Assessment**

All students are required to have an oral health assessment (dental checkup) by May 31 in either kindergarten or first grade, whichever is the student's first year in public school. Assessments that have happened within the twelve (10) months before your student enters school also meet this requirement. The law specifies that the assessment must be done by a licensed dentist or other licensed or registered dental health professional. The Oral Health Assessment/Waiver Request form may be obtained from a school site or online at [www.cde.ca.gov/ls/he/hs](http://www.cde.ca.gov/ls/he/hs). Your child's identity will not be associated with any report produced as a result of this requirement.

### **LEGAL REFERENCES**

Education Code 49451

Education Code 49452, 49542.8, 49454

Education Code 49455

Education Code 49456

Education Code 49452.5

Education Code 48980

Approved: July 5, 2000

Revised: September 26, 2007

Revised: June 22, 2016

**PIEDMONT UNIFIED SCHOOL DISTRICT**

## **Board Policy**

### **Students**

#### **BP 5141.31**

#### **Immunizations**

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Board of Education wishes to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

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

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

Each student enrolling for the first time in a district school, preschool, or child care and development program or enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that the student has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

Transfer students shall be requested to present immunization records upon registration at district schools if possible.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

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

#### **Legal Reference:**

##### **EDUCATION CODE**

44871 Qualifications of supervisor of health

46010 Total days of attendance

48216 Immunization and exclusion from attendance

48853.5 Immediate enrollment of foster youth

48980 Required notification of rights

49403 Cooperation in control of communicable disease and immunizations

49426 Duties of school nurses

49701 Flexibility in enrollment of children of military families

51745-51749.6 Independent study  
HEALTH AND SAFETY CODE  
120325-120380 Immunization against communicable disease, especially:  
120335 Immunization requirement for admission  
120372 Statewide medical exemption electronic standardized form  
120395 Information about meningococcal disease, including recommendation for  
vaccination  
120440 Disclosure of immunization information  
CODE OF REGULATIONS, TITLE 5  
430 Student records; definition  
CODE OF REGULATIONS, TITLE 17  
6000-6075 School attendance immunization requirements  
UNITED STATES CODE, TITLE 20  
1232g Family Educational Rights and Privacy Act  
UNITED STATES CODE, TITLE 42  
11432 Immediate enrollment of homeless children  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Exemptions FAQs

Guide to Immunization Requirements for Pre-kindergarten (Child Care)

Guide to Immunization Requirements for K-12th Grade

Parents' Guide to Immunizations Required for Pre-kindergarten (Child Care)

Parents' Guide to Immunizations Required for School Entry

Vaccinations and Medical Exemptions Questions and Answers

California Immunization Handbook for Pre-kindergarten (Child Care) Programs and  
Schools, 10th Edition, July 2019

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

Guide for Annual Audits of K-12 Local Education Agencies and State Compliance  
Reporting

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009

WEBSITES :

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

California Department of Public Health, Immunization Branch:

<http://www.cdph.ca.gov/programs/cid/dcdc/pages/immunize.aspx>

California Department of Public Health, Shots for Schools: <http://www.shotsforschool.org>

California Health & Human Services Agency: <http://www.chhs.ca.gov/>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Education Audit Appeals Panel: <http://www.eaap.ca.gov>

U.S. Department of Education: <http://www.ed.gov>

Adopted: November 12, 2014

Revised: September 22, 2021



## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Administrative Regulation**

#### **Students**

#### **AR 5141.31**

#### **Immunizations**

Upon a student's registration at a district school, the Superintendent or designee shall provide the student's parents/guardians a written notice summarizing the state's immunization requirements.

The Superintendent or designee shall not unconditionally admit any student to a district school, preschool, or child care and development program for the first time nor admit or advance any student to grade 7, unless the student has been fully immunized. The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6025)

1. Measles, mumps, and rubella
2. Diphtheria, tetanus, and pertussis (whooping cough)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. Any other disease deemed appropriate by CDPH

(cf. 5141.22 - Infectious Diseases)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6170.1 - Transitional Kindergarten)

However, full immunization against hepatitis B shall not be a condition by which the Superintendent or designee shall admit or advance any student to grade 7. (Health and Safety Code 120335)

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and

this regulation. However, the district shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related services required by the student's IEP regardless of whether the student is fully immunized. (Health and Safety Code 120335)

(cf. 6159 - Individualized Education Program)

School personnel shall record information for each student regarding all doses of required immunizations and the status of all requirements in accordance with 17 CCR 6070. The school records shall be based on the student's immunization record provided by the student's health care provider, from the student's previous school immunization record, or through the California Immunization Registry (CAIR). (17 CCR 6070)

### Exemptions

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

1. A medical exemption is submitted using the standardized form developed by CDPH and transmitted using CAIR which includes, but is not limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary. (Health and Safety Code 120372)

A student who has a medical exemption issued prior to January 1, 2020 shall be allowed to continue enrollment until the next grade span, except that after July 1, 2021, a student may not be admitted or advanced to grade 7 unless the student has been immunized or a medical exemption form filed as stated above. (Health and Safety Code 120370)

A temporary exemption shall not exceed one year, and all medical exemptions shall not extend beyond the grade span. (Health and Safety Code 120372)

If a student's medical exemption is revoked by CDPH on the basis that the exemption does not meet applicable criteria for medical exemptions, the student shall continue in attendance and, within 30 calendar days of the revocation, commence the immunization schedule required for conditional admittance pursuant to 17 CCR 6050, as described below. (Health and Safety Code 120372)

The student's parent/guardian may appeal a revocation to the Secretary of California Health and Human Services. If a revocation is appealed, the student shall continue in attendance and shall not be required to commence the immunization schedule required for conditional admittance provided the appeal is filed within 30 calendar days of the revocation. (Health and Safety Code 120372, 120372.05)

2. The student's parent/guardian filed with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to the student's personal beliefs,

in which case the student shall be exempted from the immunization until the student enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-12). (Health and Safety Code 120335)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

When a student transfers to a different school within the district or transfers into the district from another school district in California, the student's personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the district shall present a copy of the personal beliefs exemption upon enrollment. When a student transfers into the district from outside California and presents a personal beliefs exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

3. The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction. (Health and Safety Code 120335)

(cf. 6158 - Independent Study)

#### Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that the student has not received all the immunizations required for the student's age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission. The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses as specified in 17 CCR 6035. (Health and Safety Code 120340; 17 CCR 6035)

(cf. 5145.6 - Parental Notifications)

In addition, a transfer student may be conditionally admitted for up to 30 school days while the student's immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6035)

The Superintendent or designee shall immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or district staff shall work with the student's prior school to obtain the student's immunization records or shall ensure that the student is properly immunized. (Education Code 48853.5, 49701; Health and Safety Code 120341; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, the student shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6040, 6070)

#### Exclusions Due to Lack of Immunizations

If an enrolled student who was previously believed to be in compliance with immunization requirements is subsequently discovered to not be in compliance with requirements for unconditional or conditional admission, the Superintendent or designee shall notify the parent/guardian that evidence of proper immunization or an appropriate exemption must be provided within 10 school days. This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216; 17 CCR 6040)

(cf. 5112.2 - Exclusions from Attendance)  
(cf. 5141.6 - School Health Services)

The Superintendent or designee shall exclude from further attendance an enrolled student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until documentation is provided indicating that the student has received a dose of each required vaccine due at that time. (17 CCR 6040, 6055)

The student shall also be reported to the attendance supervisor or principal.

#### Exclusion Due to Exposure to Disease

If the district has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and the student's documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120370)

#### Records

Each student's immunization record shall be retained as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

(cf. 5125 - Student Records)

The district shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.

At least annually, the Superintendent or designee shall file a written report on the immunization status of new students with CDPH and the local department of public health on forms prescribed by CDPH. (Health and Safety Code 120375; 17 CCR 6075)

#### Audits

If an audit reveals deficiencies in the district's reporting procedures, the Superintendent or designee shall present the Board with a plan to remedy such deficiencies.

Approved: July 5, 2000  
Revised: June 12, 2002  
Revised: November 12, 2014  
Revised: June 22, 2016  
Revised: September 22, 2021  
Revised: January 26, 2022

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5141.32**

### **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 Disabilities 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. (Health and Safety Code 124100, 124105)

The above information shall be provided with notifications about immunization requirements and when parents/guardians enroll any first grade children who have not attended kindergarten in the district. The district shall encourage parents/guardians to arrange for their children to obtain their health screening prior to or during their kindergarten year.

(cf. 5141.31 - Immunizations)

During the first 90 days of school, the Superintendent or designee may contact any first grade parents/guardians who have not provided evidence of a health screening or a waiver. If any parents/guardians do not respond to this notification, the Superintendent or designee may contact them a second time to ensure that they understand that their children may be eligible to receive a health screening at no cost.

The Board shall exclude from school, for up to five days, any first grade student who does not present evidence of a health screening or an appropriate waiver on or before the 90th day after entering the first grade. This exclusion shall begin on the 91st calendar day after the student's entrance into the first grade. If school is not in session that day, the exclusion shall begin on the next succeeding school day. Within limits established in law, the Superintendent or designee may exempt from exclusion students whose parents/guardians failed to respond to district attempts to obtain evidence of health screening or a signed waiver. (Health and Safety Code 124105)

(cf. 5112.2 - Exclusions from Attendance)

The Superintendent or designee shall annually provide the county Child Health and Disability Prevention Program, the State Department of Health Services and the California Department of Education with the health screening information required by law. (Health and Safety Code 124100)

Legal Reference:

HEALTH AND SAFETY CODE

104395 Child Health Disability Prevention Program expansion

124025-124100 Child Health and Disability Prevention Program, especially:

124040 Establishment of programs; standards for procedures

124085 Certificate of receipt; health screening and evaluation services; waiver by parent or guardian

124100 School districts and private schools; information to parents or guardians of kindergarten children

124105 Hughes Children's Health Enforcement Act

Adopted: July 5, 2000

## PIEDMONT UNIFIED SCHOOL DISTRICT

### Board Policy

**Students**

**BP 5141.33**

#### HEAD LICE

The Board of Education desires to maximize students' academic performance and physical wellbeing in a healthy and safe environment. The district recognizes that head lice infestations do not pose a health hazard, are not a sign of uncleanliness and are not responsible for the spread of any known disease. It is debatable whether school-based head lice screening programs have had a significant effect on the incidence of head lice in schools. The Board of Education recognizes that the responsibility for the treatment of head lice rests with the home. However, the schools can play an important role in educating parents, students, and staff about the prevention, diagnosis, and treatment of head lice.

The district defines a healthy and safe environment as one in which adults work together to:

- Educate staff, students, and parents/guardians about the prevention and management of head lice.
- Use evidence based research to guide the management for students with head lice.

The goals of providing a healthy and safe environment for students with head lice are to:

- Maximize academic performance and minimize absence due to unnecessary exclusion of students with head lice.

(cf. 5141.3 - Health Examinations)

(cf. 5141.6 - Student Health and Social Services)

Legal Reference:

EDUCATION CODE

33308.5 Program Guidelines

48210-48214 Persons excluded

48320-48325 School attendance review boards

49451 Physical examinations: parent's refusal to consent

51890 Comprehensive Health Education Program

51920 In service training

Management Resources:



AMERICAN ACADEMY OF PEDIATRICS

Head Lice, Official Journal of the American Academy of Pediatrics July 26, 2010

<http://pediatrics.aappublications.org/content/126/2/392.long>

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Guidelines on Head Lice Prevention and Control for School Districts and Child Care Facilities, 2012

CALIFORNIA SCHOOL NURSES ORGANIZATION

Position Statement: Pediculosis Management, 2011

IDENTIFY US

Lice Management Chart for Schools

<https://identify.us.com/idmybug/head-lice/head-lice-documents/lice-mgmt-chart-school.pdf>

WEB SITES

California Department of Public Health: <http://www.cdph.ca.gov>

California School Nurses Organization: <http://csno.org>

Centers for Disease Control and Prevention, Parasitic Disease Information, Head Lice

<http://www.cdc.gov/parasites/lice/head/>

Adopted: July 5, 2000

Revised: November 12, 2014

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5141.33**

### HEAD LICE

Piedmont Unified School District operates on a no exclusion evidence-based policy which means that a student suspected or confirmed to have head lice or nits shall remain in school and not be isolated or otherwise be subjected to restrictions to his/her activities. The parent/guardian of any such student shall be informed that their child is suspected of being infested by head lice and offered information and guidance on the biology and management of this condition.

(cf. 5141.3-Health Examination)

### Procedures for Management of Pediculosis (Head Lice) and Nits (Eggs)

1. Piedmont Unified School District operates on a no exclusion evidence-based policy supported by the American Academy of Pediatrics, the Centers for Disease Control, the National Association of School Nurses, the California School Nurses Organization, the Harvard School of Public Health, and the Alameda County Public Health Department.
2. By educating staff and parents with information on lice prevention and management, we aim to:
  - a. sustain a positive attitude towards containment of pediculosis/nits.
  - b. discourage head to head contact between students.
3. When a parent notifies a teacher that their child has head lice, the teacher will notify the site principal. The site principal will notify the school nurse so that he/she can forward any information about diagnosis and management and offer his/her services (if needed) to support the family.
4. To prevent misdiagnosis and overtreatment of head lice, when it is confirmed by the school nurse or designee (which may be verified by a note from a medical professional) that two or more students in a class or school have an active infestation, the principal or designee may notify parents/guardians of students in that class or school and provide them with information about the detection and treatment of head lice.

The principal and school nurse shall work with the parents/guardians of any student who has been determined to have a chronic infestation of head lice. This is done through

advocating for the education of staff, students, and parents/guardians about head lice and promoting evidence-based management for students with head lice.

5. Confidentiality of any student suspected or confirmed to have head lice or nits shall be maintained.

6. The Superintendent or designee shall provide student health information (including information on the prevention and management of head lice) to all parents/guardians in the District.

7. PUSD will encourage parents to notify the school when a child is found to have a health condition (including head lice).

(cf. 4131-Staff Development)

(cf. 4231-Staff Development)

(cf.1020-Youth Services)

(cf. 5113 - Absences and Excuses)

(cf. 5113.1 - Truancy)

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

#### CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Guidelines on Head Lice Prevention and Control For School Districts and Child Care Facilities, March 2012

A Parent's Guide to Head Lice 2008

#### CALIFORNIA SCHOOL NURSES ORGANIZATION

Pediculosis Management, Position Statement, 2011

#### WEB SITES

American Academy of Pediatrics: <http://www.aap.org>

California Department of Public Health: <http://www.cdph.ca.gov>

California School Nurses Organization: <http://www.csno.org>

Centers for Disease control and Prevention, Parasitic Disease Information, Head Lice: <http://www.cdc.gov/parasites/lice/head> 2012

Identify Us <https://identify.us.com/idmybug/head-lice/head-lice-documents/lice-mgmt-chart-school.pdf>

Approved: July 5, 2000

Revised: November 12, 2014

## PIEDMONT UNIFIED SCHOOL DISTRICT

### Board Policy

BP 5141.4

#### Students

#### CHILD ABUSE AND NEGLECT REPORTING PROCEDURES

The Board of Education is committed to supporting the safety and well-being of district students and to facilitating the prevention of and response to child abuse and neglect. The Superintendent or designee will:

1. Develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse or neglect;
2. Ensure that staff (?) and parents/guardians have access to procedures whereby they can report suspected child abuse and/or neglect at a school site to appropriate child protective agencies; and
3. Establish regulations for use by employees in identifying and reporting child abuse.  
(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 5141.41 - Child Abuse Prevention)

District employees will report known or suspected incidences of child abuse and/or neglect in accordance with district regulations and state law.

Employees will fully cooperate with the child protective agencies responsible for reporting, investigating and prosecuting cases of child abuse.

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

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. The reporting duties of mandated reporters are individual and cannot be delegated to another person. The Superintendent or designee shall provide training regarding the duties of mandated reporters. (Penal Code 11166).

Legal Reference:

EDUCATION CODE

[32280-32288 Comprehensive school safety plans](#)

[33195 Heritage schools, mandated reporters](#)

[33308.1 Guidelines on procedure for filing child abuse complaints](#)

[44252 Teacher credentialing](#)

[44691 Staff development in the detection of child abuse and neglect](#)

[44807 Duty concerning conduct of students](#)

[48906](#) Notification when student released to peace officer

[48987](#) Dissemination of reporting guidelines to parents

[49001](#) Prohibition of corporal punishment

[51220.5](#) Parenting skills education

[51900.6](#) Sexual abuse and sexual assault awareness and prevention

#### PENAL CODE

[152.3](#) Duty to report murder, rape, or lewd or lascivious act

[273a](#) Willful cruelty or unjustifiable punishment of child; endangering life or health

[288](#) Definition of lewd or lascivious act requiring reporting

[11164-11174.3](#) Child Abuse and Neglect Reporting Act

#### WELFARE AND INSTITUTIONS CODE

[15630-15637](#) Dependent adult abuse reporting

#### CODE OF REGULATIONS, TITLE 5

[4650](#) Filing complaints with CDE, special education students

#### UNITED STATES CODE, TITLE 42

[11434a](#) McKinney-Vento Homeless Assistance Act; definitions

#### COURT DECISIONS

[Camreta v. Greene \(2011\) 131 S.Ct. 2020](#)

Management Resources:

#### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Health Framework for California Public Schools, Kindergarten Through Grade Twelve

#### WEB SITES

California Attorney General's Office, Suspected Child Abuse Report Form:

[http://www.ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://www.ag.ca.gov/childabuse/pdf/ss_8572.pdf)

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

California Department of Social Services, Children and Family Services Division:

<http://www.childsworld.ca.gov>

U.S. Department of Health and Human Services, Child Welfare Information

Gateway: <https://www.childwelfare.gov/can>

Adopted: July 5, 2000

Revised: June 13, 2018

## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Administrative Regulation**

**AR 5141.4**

### **Students**

## **CHILD ABUSE AND NEGLECT REPORTING PROCEDURES**

### **Duty to Report**

All mandated reporters shall report known or suspected child abuse or neglect to a child protective agency by telephone immediately or as soon as practically possible and in writing within 36 hours. The reporting duties are individual and cannot be delegated to another individual except under circumstances set forth in Penal Code 11166.

### **Definitions**

1. Child abuse or neglect includes the following (Penal Code 11165.5, 11165.6):
  - a. A physical injury or death inflicted by other than accidental means on a child by another person
  - b. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1
  - c. Willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody (Penal Code 11165.3)
  - d. Unlawful corporal punishment or injury resulting in a traumatic condition (Penal Code 11165.4)
  - e. The negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person. (Penal Code 11165.2)
  - f. Neglect of a child or abuse in out-of-home care (Penal Code 11165.5)
2. Child abuse or neglect does not include:
  - a. A mutual affray between minors (Penal Code 11165.6)

- b. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment (Penal Code 11165.6)
  - c. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning (Education Code 44807)
  - d. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student (Education Code 49001)
    - (cf. 5131.7 0 Weapons and Dangerous Instruments)
    - (cf. 5144 - Discipline)
    - (cf. 6159.4 - Behavioral Interventions for Special Education Students)
  - e. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student (Education Code 49001)
    - (cf. 6142.7 - Physical Education and Activity)
    - (cf. 6145.2 - Athletic Competition)
  - f. Homelessness or classification as an unaccompanied minor (Penal Code 11165.15)
3. "Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; athletic coaches, administrators, and directors; administrators and employees of a licensed child day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program. ([Penal Code 11165.7](#))

4. Child protective agencies are those law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff department, county welfare or juvenile probation department, and child protective services.
5. "Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred, nor does it require a specific medical indication of child abuse or neglect. ([Penal Code 11166](#))

### *Responsibility of Mandated Reporters*

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect. The reporting duties of mandated reporters are individual and cannot be delegated to another person. ([Penal Code 11166](#))

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so will thereafter make the report. ([Penal Code 11166](#))

No supervisor or administrator will impede or inhibit a mandated reporter from making a report. ([Penal Code 11166](#))

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency. ([Penal Code 11166](#))  
([cf. 1240 - Volunteer Assistance](#))

A mandated reporter will make a report as outlined in this administrative regulation whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. ([Penal Code 11166](#))



Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency. ([Penal Code 11166.05, 11167](#))

Any district employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury against a victim who is a child under age 14 will notify a peace officer. ([Penal Code 152.3, 288](#))

### **Reporting Procedures**

1. To report known or suspected child abuse, any mandated reporter (as defined above) shall report by telephone to the Child Abuse Hotline of the Alameda County Social Services Agency at (510) 259-1800 and Piedmont Police Department (510) 420-3000.

The telephone report must be made immediately, or as soon as practically possible, upon suspicion. This report will include:

- a. The name of the person making the report;
- b. The name of the child;
- c. The present location of the child;
- d. The nature and extent of any injury; and/or
- e. Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse.

When the verbal report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Within 36 hours of making the telephone report, the mandated reporter shall complete and mail to the local child protective agency a written report which includes a completed Department of Justice form (DOJ SS 8572).

Mandated reporters may obtain copies of the above form either from the district or the local child protective agency. Instructions are included on the form, and reporters may ask the site administrator for help in

completing and mailing it; however, the mandated reporter is personally responsible for ensuring that the written report is correctly filed.

Reports of suspected child abuse or neglect shall include, if known:  
(Penal Code 11167)

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter;
- b. The child's name and address, present location, and, where applicable, school, grade, and class;
- c. The names, addresses, and telephone numbers of the child's parents/guardians;
- d. The name, address, telephone number, and other relevant personal information about the person who might have abused or neglected the child; and/or
- e. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information.

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her. (Penal Code 11167)

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to an incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05. (Penal Code 11167)

3. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator or designee as soon as possible after the initial verbal report by telephone. When so notified, the site administrator shall inform the Superintendent or designee.

Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and district regulations. At the mandated reporter's request, the principal may assist in completing and filing these forms.

If the mandated reporter does not disclose his/her identity to a district administrator, he/she shall at least provide or mail a copy of the written report to the district without his/her signature or name.

## **Training**

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to district employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. (Education Code 44691)

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified. (Education Code 44691; Penal Code 11165.7)

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training. (Education Code 44691)

## **Legal Responsibility and Liability**

Mandated reporters have absolute immunity. School employees required to report are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse.

If a mandated reporter fails to report an instance of child abuse which he/she knows to exist or reasonably should know to exist, he/she is guilty of a misdemeanor punishable by confinement in jail for up to six months, a fine of up to \$1,000, or both. The mandated reporter may also be held civilly liable for damages resulting from any injury to the child after a failure to report.

When two or more persons who are required to report have joint knowledge of a suspected instance of child abuse, and when they so agree, the telephone report may be made by either of them and a single report made and signed by that person. However, if any person knows or should know that the designated person failed to make the report, that person then has a duty to do so.

The duty to report child abuse is an individual duty and no supervisor or administrator may impede or inhibit such reporting duties. Furthermore, no person making such a report shall be subject to any sanction.

### **Victim Interviews**

Upon request, a child protective agency representative may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her, before the interview takes place, of the following legal requirements (Penal Code 11174.3):

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

### **Release of Child to Peace Officer or Child Protective Services Agent**

When a child is released to a peace officer or child protective services agent and taken into custody as a victim of suspected child abuse, the Superintendent or designee and/or principal shall not notify the parent/ guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer or agent with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers and child protective services agents will be asked to sign an appropriate release or acceptance of responsibility form.

(cf. 5145.11 - Questioning and Apprehension)

### **When School Employees are Accused of Child Abuse**

Regardless of who child abusers may be, the major responsibilities of mandated reporters are to:

1. Identify incidents of suspected child abuse, and
2. Comply with laws requiring the reporting of suspected abuse to the proper authorities.

Determining whether or not the suspected abuse actually occurred is not the responsibility of the school employee. Such determination and follow-up investigation will be made by a child protective agency.

Pending the outcome of an investigation by a child protective agency and before formal charges are filed, the employee may be subject a paid leave of absence.

Upon filing formal charges or upon conviction, the district may take disciplinary action in accordance with law, district policies, regulations and/or collective bargaining agreements.

The Superintendent or designee shall seek legal counsel in connection with either the suspension or dismissal of the employee.

### **Parent/Guardian Complaints**

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is not English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

To file a complaint against a district employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the

appropriate agency. The employee also is obligated pursuant to Penal Code [11166](#) to file a report himself/herself using the procedures described above for mandated reporters.

(cf. [1312.1](#) - Complaints Concerning District Employees)

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR [4650](#).

(cf. [1312.3](#) - Uniform Complaint Procedures)

### **Notifications**

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, their reporting obligations under Penal Code [11166](#), and their confidentiality rights under Penal Code [11167](#). The district also shall provide these new employees with a copy of Penal Code [11165.7](#), [11166](#), and [11167](#). (Penal Code [11165.7](#), [11166.5](#))

(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code [11166](#) and will comply with those provisions. The signed statement shall be retained by the Superintendent or designee. (Penal Code [11166.5](#))

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code [15630-15637](#).

(cf. [4117.4](#) - Dismissal)

(cf. [4118](#) - Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

### **Instruction on Child Abuse and Neglect**

The district's instructional program will include age-appropriate and culturally sensitive child abuse prevention curriculum, explaining a student's right to live free of abuse and including:

1. Instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly;
2. Information of available support resources;
3. Where to obtain help and disclose incidents of abuse; and
4. Age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention (Note: Upon written request of a student's parent/guardian, the student will be excused from taking such instruction). Ed Code 51900.6

cf. 6142.8 - Comprehensive Health Education

cf. 6143 - Courses of Study

Adopted: July 5, 2000  
Revised: June 13, 2018



**PIEDMONT UNIFIED SCHOOL DISTRICT  
Board Policy**

**Students**

**BP 5141.52**

**SUICIDE PREVENTION**

The Board of Education recognizes that suicide is a major cause of death among youth and should be addressed directly and affirmatively. In an effort to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop prevention strategies and intervention procedures for use in Piedmont schools. The Superintendent or designee shall involve school health professionals, school counselors, administrators, other staff, parents/guardians, students, local health agencies and professionals, and community organizations in planning, implementing, and evaluating the district's strategies for suicide prevention and intervention.

Suicide prevention strategies shall include, but not be limited to, efforts to promote a positive school climate that enhances students' feelings of connectedness with the school, with extra care taken to ensure historically marginalized groups feel a sense of belonging and acceptance, and is characterized by caring staff and positive interrelationships among students. The district's instructional and student support programs shall promote the healthy mental, emotional, and social development of students including, but not limited to, the development of problem-solving skills, coping skills, and resilience. The Superintendent or designee may offer parents/guardians education or information which describes the severity of the youth suicide problem, the district's suicide prevention efforts, risk factors and warning signs of suicide, basic steps for helping suicidal youth, reducing the stigma of mental illness, and/or school and community resources that can help youth in crisis.

Suicide prevention training for staff shall be designed to help staff identify and find help for students at risk of suicide. The training shall be offered under the direction of district staff and/or in cooperation with one or more community mental health agencies and may include information on:

- Research identifying risk factors, such as previous suicide attempt(s), history of depression or mental illness, substance use problems, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stress/loss, family instability, or other factors.
- Warning signs that may indicate suicidal intentions, including changes in student appearance, personality, or behavior
- Research-based instructional strategies for teaching the suicide prevention curriculum and promoting mental and emotional health.
- School and community resources and services for students and families in crisis and ways to access them.
- District procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide.

When a student is identified as potentially suicidal, every effort will be made to ensure the student is assessed by a professional, or a mental health professional working under professional supervision of a district-employed mental health professional.

The Superintendent or designee shall establish crisis intervention procedures to ensure student safety and appropriate communications in the event that a suicide occurs or an attempt is made by a member of the student body or staff on campus or at a school-sponsored activity.

Students shall be encouraged through education programs and in school activities to notify a teacher, principal, another school administrator, counselor, or other adult if they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

#### Legal Reference:

##### EDUCATION CODE

215 Pupil Suicide Prevention Policies  
32280-32289 Comprehensive safety plan  
49060-49079 Student records  
49604 Suicide prevention training for school counselors

##### GOVERNMENT CODE

810-996.6 Government Claims Act

##### WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent  
5850-5883 Mental Health Services Act

##### COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554

#### Management Resources:

##### CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

Twelve, 2008

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

##### CALIFORNIA DEPARTMENT OF MENTAL HEALTH PUBLICATIONS

California Strategic Plan for Suicide Prevention: Every Californian is Part of the Solution, 2008

##### CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

##### U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

National Strategy for Suicide Prevention: Goals and Objectives for Action, 2001

#### Web Sites:

American Foundation for Suicide Prevention Model School District Policy on Suicide Prevention [http://www.afsp.org/wp-content/uploads/2016/01/Model-Policy\\_FINAL.pdf](http://www.afsp.org/wp-content/uploads/2016/01/Model-Policy_FINAL.pdf)

American Psychological Association: <http://www.apa.org>

California Department of Education, Youth Suicide Prevention for California Schools,  
<http://www.cde.ca.gov/ls/cg/mh/suicideprevres.asp>

California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>

California Department of Mental Health, Children and Youth Programs:

<http://www.dhcs.ca.gov/services/mh/Pages/ProgramsforChildrenandYouth.aspx>

Centers for Disease Control and Prevention, Mental Health:  
<http://www.cdc.gov/mentalhealth>

National Institute for Mental Health: <http://www.nimh.nih.gov>

Palo Alto Unified School District Comprehensive Suicide Prevention Toolkit for Schools  
[https://www.pausd.org/sites/default/files/pdf-](https://www.pausd.org/sites/default/files/pdf-faqs/attachments/ComprehensiveSuicidePreventionToolkitforSchools.pdf)

[faqs/attachments/ComprehensiveSuicidePreventionToolkitforSchools.pdf](https://www.pausd.org/sites/default/files/pdf-faqs/attachments/ComprehensiveSuicidePreventionToolkitforSchools.pdf)

U.S. Department of Health and Human Services, Substance Abuse and Mental Health  
Services

Administration: <http://www.samhsa.gov>

Adopted: April 26, 2017

**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Administrative Regulations**

**Students**

**AR 5141.52**

**SUICIDE PREVENTION**

The District's suicide prevention curriculum shall be designed to help students to:

- Develop and understand the importance of safe and healthy choices and coping strategies
- Learn to recognize risk factors and warning signs of mental disorders and suicide in oneself and others
- Learn and develop help-seeking strategies for oneself or others, including how to engage school resources and refer friends for help
- Identify crisis intervention resources where help is available and recognize that there is no stigma associated with seeking support for mental health issues and concerns
- Understand the causal relationship between drug and alcohol misuse and depression, including suicidal behavior
- Address and understand the needs of high risk groups including, but not limited to, youth bereaved by suicide, youth with disabilities, mental illness or substance use disorders, youth experiencing homelessness or in out of home settings, LBGTQ youth

**Staff Development**

Annual suicide prevention training/materials will be provided in order for the district staff to learn to recognize the warning signs of suicidal crisis, to understand how to help suicidal youths, and to identify resources at school and in the community. Teachers, administrators, and support staff will receive information to assist with identifying potentially suicidal students and to report suicide threats to appropriate authorities. Training will be offered under the direction of trained district staff.

Staff shall promptly report suicidal threats or statements to the principal or to a trained District counselor/psychologist, who shall promptly assess the level of threat and alert the student's parents/guardians as appropriate, remaining with the student until the parent or guardian arrives.

**Intervention**

If a student is determined to be at imminent risk for a suicide attempt (shows clear and immediate intent to carry through with the act and outlines a clear and realistic plan), the following steps will be taken.

- The mental health professional will inform a site administrator about the emergency.

- The mental health professional will identify additional staff to assist with crisis intervention efforts. If a mental health professional is not available, a school nurse or administrator will be asked to assist.
- The intervention team will work together to identify the least traumatic procedure for guaranteeing the child is evaluated at an adolescent psychiatric inpatient facility or by a psychiatric professional at a hospital emergency department.
  - The first choice for transport will be the student's parent or guardian. The administrator or mental health professional will contact parents and direct them to transport their child immediately to an adolescent psychiatric inpatient facility. In advance, the administrator or mental health professional will call the hospital to ensure they have space available, should the child require a psychiatric hold.
  - When a parent cannot be reached or the mental health professional's judgment indicates that transport by the parents is not possible or is not in the best interest of the child, the local police or fire department will be contacted to request a transport to an adolescent psychiatric inpatient facility that already has been identified as having space available. Police and fire professionals will conduct their own suicide risk assessment before transporting the student. If the student will be transported by ambulance and appears to need continuous emotional support, the mental health professional may ride with the student to the psychiatric inpatient facility. Parents will be contacted and instructed to meet their child at the psychiatric inpatient facility.
  - Throughout this intervention, one member of the intervention team will continuously supervise the student to ensure his/her safety and provide emotional support.

## **Education**

Developmentally-appropriate, student-centered education materials will be integrated into the curriculum of all K-12 health classes. The content of these age-appropriate materials will include:

- the importance of safe and healthy choices and coping strategies;
- how to recognize risk factors and warning signs of mental disorders and suicide in oneself and others;
- help-seeking strategies for individual students or others, including how to engage school resources and refer friends for help;
- how bullying can lead to or worsen feelings of isolation, rejection, exclusion and despair, as well as leading to depression and anxiety.

Adopted: April 26, 2017

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5142**

### SAFETY

The Board of Education places a high priority on safety and on the prevention of student injury. Principals and staff are responsible for the conduct and safety of students from the time they come under school supervision until they leave school supervision, whether on school premises or not. The Superintendent or designee shall establish regulations and procedures as necessary to protect students from dangerous situations.

Although the district is not liable for the safety of students who are not under school supervision, the school district can and does hold students accountable for their behavior from the time they leave their homes for school until they return to their homes from school, in the playgrounds and during recess and while they are on school premises and/or under supervision of school district personnel. (Education Codes 44807, 44808)

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3514 - Environmental Safety)
- (cf. 3515.2 - Disruptions)
- (cf. 3516 - Emergencies and Disaster Preparedness Plan)
- (cf. 5131.1 - Bus Conduct)
- (cf. 5141 - Health Care and Emergencies)
- (cf. 5141.1 - Accidents)
- (cf. 5142.2 - Crossing Guards)
- (cf. 5144 - Discipline)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6161.3 - Toxic Art Supplies)

### Playgrounds

The Board recognizes that playgrounds present children with visible challenges which they may choose to take in order to test their skills and courage. Playground equipment shall be carefully selected and installed, so that while presenting such challenges, it minimizes accidents and present no unseen hazards. Safety shall receive prime consideration whenever playgrounds are planned or upgraded

The principal or designee shall ensure that playgrounds and other school facilities are regularly inspected, well maintained, and adequately supervised whenever in use by students during the school day or at school-sponsored activities. The principal or designee shall establish playground safety rules.

- (cf. 6143 - Courses of Study)
- Legal Reference:

## EDUCATION CODE

17280-17315 Approvals (Field Act)

32001 Fire alarms and drills

32020 School gates; entrances for emergency vehicles

32030-32034 School eye safety

32040 First aid equipment

32050 Hazing

38139 Missing children; posting of information

44807 Duty of teachers concerning conduct of pupils to hold them accountable for conduct to and from schools, on playgrounds, and during recess

44808 Exemption from liability when students are not on school property

44808.5 Permission for pupils to leave school grounds; notice (high school)

49068.5 Missing children; transfers

49341 Need for safety in school science laboratories

51202 Instruction in personal and public health and safety

## GOVERNMENT CODE

810-996.6 California Tort Claims Act, especially:

815 Liability for injuries generally; immunity of public entity

835 Conditions of liability

4450-4458 Access to public buildings by physically handicapped persons

## HEALTH AND SAFETY CODE

115725-115750 Playground Equipment

115775-115800 Wooden Playground Safety

## PENAL CODE

14200-14213 Violent crime information center

## PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by physically handicapped persons

## CODE OF REGULATIONS, TITLE 5

202 Exclusion of pupils with a contagious disease

5531 Supervision of social activities

5552 Playground supervision

5570 When school shall be open and teachers present

14103 Bus driver; authority over pupils

## CODE OF REGULATIONS, TITLE 24

4-314 Construction on school sites

## Management Resources:

### OFFICE OF THE STATE ARCHITECT ADVISORIES

0400.90 Death and Injury from Collapse of Free-Standing Walls

Adopted: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5142**

### **SAFETY**

#### **Supervision**

Teachers shall be present at their respective rooms and open them to admit students as specified in the collective bargaining agreement.

Safety rules for the use of facilities and equipment shall include as appropriate:

1. Rules on acceptable playground behavior and on the proper use of play apparatus in elementary schools.
2. Rules relating to gymnasium and field areas in high schools.
3. Safety rules clearly posted in chemistry classes.
4. Shop class rules, including the requirement that power equipment never be used without the teacher's presence in the shop.

School staff shall train students on the above rules and include safety instruction in their lesson plans when appropriate. Copies of the rules shall be sent to parents/guardians and be readily available at the school at all times.

#### **Release of Student to Adult**

Students shall be released during the school day in the custody of an adult only if:

1. The adult is the student's parent/legal guardian.  
(cf. 5021 - Noncustodial Parents)
2. The adult has appropriate identification and the verified authorization of the student's parent/legal guardian.
3. The adult is a properly authorized law officer acting in accordance with law.

(cf. 5145.11 - Questioning and Apprehension)

4. The adult is taking the student to emergency medical care, at the request of the principal or designee.

(cf. 5141.4 - Child Abuse Reporting Procedures)



## **Eye Protection Devices**

The district shall provide eye protection devices in accordance with law.

Staff shall ensure that all students, teachers and visitors wear eye protective devices when they are engaged in or observing an activity or using hazardous substances likely to cause injury to the eyes. (Education Code 32030, 32031)

## **Missing Children**

In order to enable district staff to assist in locating missing children, the Superintendent or designee shall ensure that Department of Justice information on missing children is posted at every school. In schools maintaining elementary grades, this information shall be posted in areas restricted to adult use. (Education Code 38139)

Approved: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5143**

### INSURANCE

A group student accident insurance plan shall be made available on a voluntary basis to every student registered in the district. The specific plan shall be approved by the Board of Education and shall specify that the insurance agent assume all administrative processes. (Education Code 35331, 49470, 49472)

The Board authorizes the distribution of literature concerning voluntary student insurance during the first week of every school year. All communications concerning the insurance shall be directed to the insurance company by the student's parent/guardian.

#### **Athletic Team Members Insurance**

Each member of a school athletic team shall be covered by an insurance policy for medical and hospital expenses resulting from accidental bodily injury.

Pursuant to Education Code 32220, "member of an athletic team" also includes:

Members of school bands or orchestras, cheerleaders and their assistants, pompon girls, team managers and their assistants, and any student or student selected by the school or student body organization to directly assist in the conduct of the athletic event. Such members shall be covered only while they are being transported by or under the sponsorship or arrangements of the district or a student body organization, to or from a school or other place of instruction and the place at which the athletic event is being conducted.

Pursuant to Education Code 32221, the insurance shall provide the following coverage: A group or individual medical plan with accidental benefits of a least \$200 for each occurrence and major medical coverage of a least \$10,000, with no more than \$100 deductible and no less than 80% payable for each occurrence.

The insurance shall provide for coverage during the student's:

1. Participation in athletic events sponsored by the district or student body organization
2. Participation in practice for an athletic event
3. Transportation provided by the school district, or under its sponsorship, to and from the school and place for the athletic event

The insurance required by this policy and Education Code 32221 shall not be required of those students who have insurance or a reasonable equivalent of health benefits provided them through other means.

The Board shall make an insurance plan available for purchase by students participating in athletic events as provided by Education Code 32221.

Legal Reference:

EDUCATION CODE

32220-32224 Insurance for athletic teams

33353.5 Interscholastic federation; insurance program; nontransaction of insurance

49470-49474 District medical services and insurance

51760 Insurance - work experience programs

52530 Insurance for healing arts program students

Adopted: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

**BP 5144**

### DISCIPLINE

The Board of Education desires to prepare youth for responsible citizenship by fostering self-discipline and personal responsibility. The Board perceives that good planning, a good understanding of each child, and parent involvement can minimize the need for discipline. Teachers shall use positive conflict resolution techniques and avoid unnecessary confrontations. When misconduct occurs, staff shall make every effort to identify and correct the causes of the student's behavior.

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules in accordance with law to meet the school's individual needs.

Staff shall enforce disciplinary rules fairly and consistently, without regard to race, creed, color, gender or sexual orientation.

In order to maintain safe and orderly environments, the Board shall give employees all reasonable support with respect to student discipline. If a disciplinary strategy is ineffective, another strategy shall be employed. Continually disruptive students may be assigned to alternative programs or removed from school.

(cf. 4158/4258/4358 - Employee Security)

(cf. 5131 - Conduct)

(cf. 5142 - Safety)

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

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

(cf. 6164.5 - Student Study Teams)

Legal Reference:

EDUCATION CODE

35146 Closed sessions

35291 Rules

35291.5 School-adopted discipline rules

35291.7 School-adopted discipline rules: additional employees

37223 Weekend classes

44807.5 Restriction from recess for disciplinary purposes

48630-48644.5 Opportunity schools

48900-48925 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49334 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

Management Resources:

CDE PROGRAM ADVISORIES

1023.88 Corporal Punishment, CIL: 88/9-5

110.89 Physical Exercise as Corporal Punishment, CIL 89/9-3

Adopted: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## ADMINISTRATIVE REGULATION

**Students**

**AR 5144**

### DISCIPLINE

#### Site-Level Rules

Rules for student discipline shall be developed at each school site and filed with the district office. These rules shall be adopted jointly by the principal or designee and a representative selected by classroom teachers employed at the school. The views of administrators, teachers, security personnel, parents/guardians and secondary school students shall be obtained when the rules are developed. The rules shall be consistent with law, Board of Education policy and district regulations. (Education Code 35291.5)

All avenues of discipline provided in policy, regulation and law may be used in developing site-level rules. These include but are not limited to advising and counseling students, conferring with parents/guardians, detention during and after school hours, and the use of alternative educational environments, suspension and expulsion.

#### Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student. (Education Code 49001). For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property. (Education Code 49001).

#### Recess Restriction

Certificated staff may restrict a student's recess time under the following conditions when he/she believes that this action is the most effective way to bring about improved behavior:

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

#### Detention After School

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

### **Community Service**

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

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

The principal of each school shall ensure that students and parents/guardians are notified in writing of all Board policies, administrative regulations and individual school rules related to discipline at the beginning of each school year. Transfer students and their parents/guardians shall be so advised upon enrollment.

The notice shall state that these rules and regulations are available on request at the principal's office in all district schools.

(cf. 5145.6 - Parental Notifications)

Approved: July 5, 2000  
Revised: May 9, 2001  
Revised: May 23, 2001

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

BP 5144.1

### Students

#### SUSPENSION AND EXPULSION - DUE PROCESS

The Board of Education has established policies and standards of behavior in order to promote learning and development, ensure welfare and well-being, and protect the safety and well-being of all students. The Board will develop rules and regulations setting the standards of behavior expected of district students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion. When these policies and standards are violated, it may be necessary to suspend or expel a student from regular classroom instruction. Suspended or expelled students will be excluded from all school-related extracurricular activities during the period of suspension or expulsion.

cf. 5144 - Discipline

The Board does not support a zero tolerance approach to discipline. Instead, the Board recognizes the importance of providing school-wide positive supports, using discipline and restorative justice strategies that keep students in school and in the classroom, and supporting students to learn to behave appropriately and solve conflicts peacefully.

#### **Suspension and Expulsion**

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

*Suspension.* Except where suspension for a first offense is warranted in accordance with law, suspension will be imposed only when other means of correction fail to bring about proper conduct, or when the student's presence causes a danger to persons or property or threatens to disrupt the instructional process (Education Code 48900.5).

*Expulsion.* Expulsion is an action taken by the Board for severe or prolonged breaches of discipline by a student. Except for single acts of a grave nature, expulsion is used only when there is a history of misconduct, when other forms of discipline, including suspension, are not feasible or have failed to bring about proper conduct, or when the student's presence causes a continuing danger to him/herself or others. (Education Code 48915)

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

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



[\(cf. 5112.5 - Open/Closed Campus\)](#)

4. During, going to, or coming from a school-sponsored activity District staff will enforce the rules concerning suspension and expulsion of students fairly, consistently, equally, and in accordance with the district's nondiscrimination policies.  
[\(cf. 0410 - Nondiscrimination in District Programs and Activities\)](#)

### **Appropriate Use of Suspension and Expulsion**

To correct the behavior of any student who is subject to discipline, the Superintendent or designee will, to the extent allowed by law, first use alternative disciplinary strategies specified in AR 5144.1 - Discipline.

[\(Education Code 48900.5, 489000.6\)](#)

[\(cf. 1020 - Youth Services\)](#)

(cf. 5138 - Conflict Resolution/Peer Mediation)

[\(cf. 5144 - Discipline\)](#)

[\(cf. 6142.4 - Service Learning/Community Service Classes\)](#)

[\(cf. 6164.2 - Guidance/Counseling Services\)](#)

(cf. 6164.5 - Student Success Teams)

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

[\(cf. 5113 - Absences and Excuses\)](#)

[\(cf. 5113.1 - Chronic Absence and Truancy\)](#)

District staff will not suspend any student for disruption or willful defiance, unless the suspension is warranted by documented repetitive behavior of the student or the disruption or willful defiance occurred in conjunction with another violation for which the student may be suspended.

A student's parents/guardians will be notified as soon as possible when there is an escalating pattern of misbehavior that could lead to classroom or school removal.

### **Student Due Process**

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

### **Removal from Class and Required Parental/Guardian Attendance**

The Board believes that parental involvement plays an important role in the resolution of classroom behavior problems. The Board expects that teachers will communicate with parents/guardians when behavior problems arise.

Whenever a student is removed from a class because he/she committed an obscene act, engaged in habitual profanity or vulgarity, disrupted school activities or otherwise willfully defied valid staff authority, the teacher of the class from which the student was removed may require that, upon the student's return to class, the student's parent/guardian attend a portion of a school day in that class to assist in resolving the classroom behavior problems. After completing the classroom visit and before leaving school premises, the parent/guardian also will meet with the principal or designee (Education Code 48900.1).

The Board encourages teachers, before requiring parental attendance, to make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

The teacher will apply this policy uniformly to all students within the classroom. This policy shall apply only to a parent/guardian who lives with the student. (Education Code 48900.1)

Parental attendance may be requested on the day the student returns to class or within one week thereafter. The principal or designee will contact any parents/guardians who do not respond to the request to attend school. The Board recognizes that parental compliance with this policy may be delayed, modified or prevented for reasons such as serious illness / injury / disability, absence from town, or inability to get release time from work.

### **Decision not to Enforce Expulsion Order**

In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order typically shall not be suspended by the Board, although the Board has the authority to do so. In all other cases of expulsion, the order for expulsion may be suspended by the Board, on a case-by-case basis, pursuant to the requirements of law.

### **Maintenance and Monitoring of Outcome Data**

The Superintendent or designee will annually present to the Board a report of the outcome data which the district is required to collect pursuant to Education Code 48900.8 and 48916.1, including the number of students recommended for expulsion, the grounds for each recommended expulsion, the actions taken by the Board, the types of referral made after each expulsion, and the disposition of the students after the expulsion period.

The report will be disaggregated by school and by numerically significant student subgroups, including, but not limited to, ethnic subgroups, socioeconomically disadvantaged students, English learners, foster youth, and students with disabilities. The report also will include information about whether and how the district is meeting its goals for improving school climate as specified in its local control and accountability plan.  
(cf. 0460 - Local Control and Accountability Plan)

Legal Reference:

EDUCATION CODE

212.5 Sexual harassment  
233 Hate violence reduction  
1981 Enrollment of students  
17292.5 Program for expelled students  
32050 Hazing  
35146 Closed sessions (re suspensions)  
35291 Rules (for government and discipline of schools)  
35291.5 Rules and procedures on school discipline  
48660-48666 Community day schools  
48900-48926 Suspension and expulsion  
48950 Speech and other communication  
49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11525 Contempt

54950-54963 Ralph M. Brown Act (re closed sessions)

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia

11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

240 Assault defined

242 Battery defined

243.4 Sexual battery

245 Assault with deadly weapon

261 Rape defined

266c Unlawful sexual intercourse

286 Sodomy defined

288 Lewd or lascivious acts with child under age 14 288a Oral copulation

289 Penetration of genital or anal openings

417.25 Laser scope

422.6 Interference with civil rights; damaging property

422.7 Aggravating factors for punishment

422.75 Protected classes

626.2 Entry upon campus after written notice of suspension or dismissal without permission

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razors or stun guns

868.5 Supporting person; attendance during testimony of witness

UNITED STATES CODE, TITLE 20

7151 Gun free schools

**COURT DECISIONS**

Woodbury v. Dempsey (2003) 108 Cal. App. 4th 421

Management Resources:

**CDE PROGRAM ADVISORIES**

0306.96 Expulsion Policies and Educational Placements, SPB 95/96-04

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**PIEDMONT UNIFIED SCHOOL DISTRICT**  
**Administrative Regulation**  
**Students**

**AR 5144.1**

**Suspension And Expulsion Due Process**

**Definitions**

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

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

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

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

*School day* means a day upon which the schools of the District are in. (Education Code 48925)

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

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

**Notice of Regulations**

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension

and expulsion. Transfer students and their parents/guardians shall be notified at the time of enrollment.

Notification shall include information about the availability of individual school rules and all District policies and regulations pertaining to student discipline.

### **Grounds for Suspension and Expulsion**

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense (Education Code 48900(a))
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence (Education Code 48900(b))
3. An explosive means destructive device and includes, but is not limited to, any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device. A destructive device also includes any other type of weapon (except a shotgun or shotgun shell recognized by the United States Secretary of the Army as suitable for sporting purposes) which might be converted to project an explosive
4. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind (Education Code 48900(c))
5. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage or intoxicant of any kind, and then sold, delivered or otherwise furnished to any person another liquid, substance or material and represented same as controlled substance, alcohol beverage or intoxicant (Education Code 48900(d))
6. Committed or attempted to commit robbery or extortion (Education Code 48900(e))
7. Caused or attempted to cause damage to school property or private property (Education Code 48900(f))
8. Stole or attempted to steal school property or private property (Education Code 48900(g))
9. Possessed or used tobacco or any products containing tobacco or nicotine products, including but not limited to cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products. (Education Code 48900(h))
10. Committed an obscene act or engaged in habitual profanity or vulgarity (Education Code 48900(i))

11. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5 (Education Code 48900(j))
12. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties (Education Code 48900(k))  
However, a K-3 student may not be suspended, and no student may be expelled, under this subdivision.
13. Knowingly received stolen school property or private property (Education Code 48900(l))
14. Possessed an imitation firearm, i.e., a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm (Education Code 48900(m))
15. Committed or attempted to commit a sexual assault as defined in Penal Code 261, 266c, 286, 288, 288a or 289, or committed a sexual battery as defined in Penal Code 243.4 (Education Code 48900(n))
16. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness (Education Code 48900(o))
17. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma. (Education Code 48900(p))
18. Engaged in, or attempted to engage in, hazing.
19. Bullying, including cyberbullying pursuant to Education Code section 48900(r).
20. Made terrorist threats, written or oral, against school officials and/or school property (Education Code 48900.7)

Pursuant to Education Code 48900.7, the making of a terrorist threat includes any written or oral statement 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 \$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.

21. A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury.
22. As used in this section, "school property" includes, but is not limited to, electronic files and databases.

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

1. Committed sexual harassment as defined in Education Code 212.5 (Education Code 48900.2)
2. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233 (Education Code 48900.3)
3. Intentionally engaged in harassment, threats or intimidation against District personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment (Education Code 48900.4) (also, see Item o. above)
4. Made terroristic threats against school officials or school property, or both (Education Code 48900.7) (see definition under Item)

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under Education Code 48900, 48900.2, 48900.3, 48900.4, and 48900.7.

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

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

### **Suspension by Superintendent, Principal or Principal's Designee**

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

The Superintendent or designee shall immediately suspend any student found at school or at a school activity to be (Education Code 48915):

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



3. Unlawfully selling a controlled substance listed in Health and Safety Code 1105311058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item “n” under "Grounds for Suspension and Expulsion" above
5. Possession of an explosive as defined in 18 USC 921

A student shall not be suspended for a first offense unless the Superintendent, principal or designee determines the student violated items a-e listed in "Grounds for Suspension and Expulsion" above, or when the student's presence causes a danger to persons or property or threatens to disrupt the instructional process. (Education Code 48900.5)

Other means of correction should be considered prior to suspension, which include, but are not limited to, the following:

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. Community Service pursuant to AR 5144.

A student may be suspended from school for not more than 20 school days in any school year, unless for purposes of adjustment a student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does

not apply when the suspension is extended pending an expulsion. (Education Code 48903, 48912)

The Superintendent or designee may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which a student may be suspended in any school year. (Education Code 48903)

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the principal, designee or the Superintendent with the student and, whenever practicable, the teacher, supervisor or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action and the evidence against him/her; the student shall be given the opportunity to present his/her version and evidence in support of his/her defense. (Education Code 48911(b))

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

2. **Administrative Actions:** All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.
3. **Notice to Parents/Guardians:** At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension. (Education Code 48911). This notice shall state the specific offense committed by the student. (Education Code 48900.8). In addition, the notice may also state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.
4. **Parent/Guardian Conference:** Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved and any other pertinent matter (Education Code 48914).

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend. (Education Code 48911)

5. Extension of Suspension: If the Board of Education is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board has made a decision (Education Code 48911(g)).

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process (Education Code 48911).

### **Authority to Expel**

A student may be expelled only by the Board. The Board shall expel, as required by law, any student found to have committed certain offenses listed below under "Mandatory Recommendation and Mandatory Expulsion."

The Board may also order a student expelled for any of the acts listed above under "Grounds for Suspension and Expulsion" upon recommendation by the principal, Superintendent, hearing officer or administrative panel, based on finding either or both of the following: (Education Code 48915(b) and (e))

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

### **Mandatory Recommendation for Expulsion**

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

1. Causing serious physical injury to another person, except in self-defense
2. Possession of any knife as defined in Education Code 48915(g), explosive or other dangerous object of no reasonable use to the student
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis
4. Robbery or extortion
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee

### **Mandatory Recommendation and Mandatory Expulsion**

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

1. Possessing, as verified by a District employee, or selling or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence
2. Brandishing a knife as defined in Education Code 48915(g) at another person
3. Unlawfully selling a controlled substance listed in Health and Safety Code 1105311058
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above
5. Possessing an explosive as defined in 18 USC 921

Upon finding that the student committed any of the above acts, the Board shall expel the student. (Education Code 48915)

### **Student's Right to Expulsion Hearing**

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred. (Education Code 48918(a))

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

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

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

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

### **Rights of Complaining Witness**

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

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

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

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

### **Written Notice of the Expulsion Hearing**

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

1. The date and place of the hearing
2. A statement of the specific facts, charges and offense upon which the proposed expulsion is based

3. A copy of District disciplinary rules which relate to the alleged violation
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the District to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or to employ and be represented by counsel or a non-attorney advisor.
6. Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.
7. Non-attorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case, and has been selected by the student or student's parent/guardian to provide assistance at the hearing.
8. The right to inspect and obtain copies of all documents to be used at the hearing
9. The opportunity to confront and question all witnesses who testify at the hearing
10. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses

### **Conduct of Expulsion Hearing**

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.

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

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

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made. (Education Code 48918(g))
3. Subpoenas: Before commencing a student expulsion hearing, the Board may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20 (Education Code 48918(i)).

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

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

4. Presentation of Evidence: While technical rules of evidence do not apply to expulsion hearings, evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board to expel must be supported by substantial evidence that the student committed any of the acts listed in "Grounds for Suspension and Expulsion" above.

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

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record. (cf. 5145.12 - Search and Seizure)

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

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



6. Decision Within 10 Days: The Board's decision on whether to expel a student shall be made within 10 school days after the conclusion of the hearing, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))
7. Decision Within 40 Days: If the Board does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed. (Education Code 48918(a))

### **Final Action by the Board**

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

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

Upon ordering an expulsion, the Board shall set a date when the student shall be reviewed for readmission to a school within the District. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. (Education Code 48916)

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

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

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

### **Written Notice to Expel**

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

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed in Education Code 48900(a)-(p), Education Code 48900.248900.4 and Education Code 48915(c) (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian (Education Code 48916)
3. Notice of the right to appeal the expulsion to the County Board of Education (Education Code 48918)
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion (Education Code 48918)
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1 (Education Code 48918)

### **Decision Not to Enforce Expulsion Order**

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

The suspension of the enforcement of an expulsion shall be governed by the following:  
(Education Code 48917)

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

5. Upon satisfactory completion of the rehabilitation assignment, the Board shall reinstate the student in a District school. Upon reinstatement, the Board may order the expunging of any or all records of the expulsion proceedings.
6. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.
7. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education. (Education Code 48918(j)).

### **Right to Appeal**

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

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

### **Post-Expulsion Placements**

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

1. Appropriately prepared to accommodate students who exhibit discipline problems
2. Not provided at a comprehensive middle, junior or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site
3. Not housed at the school site attended by the student at the time of suspension

When the placement described above is not available, and when the County Superintendent of Schools so certifies, students expelled for acts described in items #6 through #13 and #18 through #20 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school (Education Code 48915).

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-12. (Education Code 48916.1)

## **Readmission After Expulsion**

Readmission procedures shall be as follows:

1. On the date set by the Board when it ordered the expulsion, the District shall consider readmission of the student. (Education Code 48916)
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.
3. The Superintendent or designee shall transmit to the Board his/her recommendation regarding readmission. The Board shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 4907349079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board's decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other district students or employees (Education Code 48916).
6. If the Board denies the readmission of a student, the Board shall determine either to continue the student's placement in the alternative educational program initially elected or to place the student in another program that serves expelled students, including placement in a county community school (Education Code 48916).
7. The Board shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board's determination of the educational program which the Board has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district (Education Code 48916).

## **Maintenance of Records**

The Board shall maintain a record of each expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls, within five days of a written request by the admitting school (Education Code 48900.8, 48918(k)).

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

## **Notifications to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245. (Education Code 48902). The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10 (Education Code 48902).

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

## **Outcome Data**

The Superintendent or designee shall maintain the following data and report such data annually to the California Department of Education, using forms supplied by the California Department of Education: (Education Code 48900.8, 48916.1)

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

Adopted: July 5, 2000  
Revised: February 12, 2003  
Revised: June 23, 2004  
Revised: August 22, 2007  
Revised: June 13, 2018

## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Administrative Regulation**

**AR 5144.2**

#### **Students**

#### **Suspension and Expulsion Due Process (Students With Disabilities)**

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities. (cf. 5144.1 - Suspension and Expulsion/Due Process) (cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

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

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the District's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the district had knowledge that the student was disabled before the behavior occurred. (20 USC 1415(k)(8))

The District shall be deemed to have knowledge that the student had a disability if one of the following conditions exists: (20 USC 1415(k)(8); 34 CFR 300.534)

1. The parent/guardian has expressed concern in writing, to an administrator or teacher, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.530-300.536 (cf. 6164.4 - Identification of Individuals for Special Education).
3. The teacher of the student or other District personnel has expressed concern about the behavior of the student to the district's director of special education or to other personnel in accordance with the District's established special education referral system.

The District would be deemed to not have knowledge as specified in items #1-3 4 above if, as a result of receiving such information, the District either conducted an evaluation and determined that the student was not a student with a disability or determined that an evaluation was not necessary and provided notice to the parent/guardian of its determination (34 CFR 300. 534).

If it is determined that the District did not have knowledge that the student was disabled prior to taking disciplinary action against the student, then the student shall be disciplined in accordance with procedures established for students without (34 CFR 300.534).

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities (34 CFR 300.527).

## **Suspension**

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

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

## **Services During Suspension**

Students suspended for more than 10 school days in a school year shall continue to receive services during the term of the suspension, to the extent necessary to provide the student a free and appropriate public education. (20 USC 1412(a)(1)(A); 34 CFR 300.520) (cf. 3541.2 - Transportation for Students with Disabilities)

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

A student with a disability may be placed in an appropriate interim alternative educational setting for up to 45 school days when he/she commits one of the following acts: (34 CFR 300. 530)

1. Carries a dangerous weapon, as defined in 18 USC 930, to school or to a school function.
2. Knowingly possesses, uses or sells illegal drugs while at school or a school function
3. Inflicts serious bodily injury upon another person while at school or a school function.

The student's alternative educational setting shall be determined by the student's IEP team (20 USC 1415(k)(2)).

A hearing officer may order a change in placement of a student with a disability to an appropriate interim educational setting if the hearing officer: (34 CFR 300. 532)

1. Determines that the District has established that maintaining the current placement of the student is substantially likely to result in injury to the student or others.

The student may be placed in the interim alternative educational setting for up to 45 days, or until the conclusion of any due process hearing proceedings requested by the parent/guardian. (20 USC 1415(k)(2))

### **Procedural Safeguards/Manifestation Determination**

Note: The following "manifestation determination" is required when a district wishes to change a student's education placement pursuant to 34 CFR 300.519 (e.g., removal for more than 10 consecutive school days or removal that constitutes a pattern), when the student has been placed in an interim alternative setting pursuant to 34 CFR 300.520, or if the district wishes to expel a student in accordance with procedures for students without disabilities. According to the Analysis of Comments to the federal regulations, FR 12416 (34 CFR 300.a1), this manifestation determination is not required prior to a removal for 10 school days or less when that removal does not constitute a change in placement.

The following procedural safeguards shall apply when a student is suspended for more than 10 consecutive school days, when disciplinary action is contemplated for a dangerous behavior as described above, or when a change of placement is contemplated: 34 CFR 300. 530)

1. The parents/guardians of the student shall be immediately notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504 on the day the decision to take action is made.
2. Not later than 10 school days after the date of the decision, a manifestation determination review shall be made to determine the relationship between the student's disability and the behavior subject to the disciplinary action.
3. At this review, the IEP team and other qualified personnel shall consider, in terms of the behavior subject to the disciplinary action, all relevant information, including: (34 CFR 300. 530)
  - a. Information supplied by the student's parents/guardians
  - b. Teacher observations of the student
  - c. The student's IEP



In relationship to the behavior subject to the disciplinary action, the team shall then determine whether (a) the conduct in question was caused by, or had a direct and substantial relationship to, the child disability; or (b) if the conduct was the direct result of the District's failure to implement the IEP (34 CFR 300. 530)

If the team determines that the student's behavior was not a manifestation of his/her disability, then the student may be disciplined in accordance with the procedures for students without disabilities, as long as the student continues to receive services to the extent necessary to provide that student a free and appropriate public education. (20 USC 1415(k)(4); 34 CFR 300. 530)

If the team determines that the student's behavior was a manifestation of his/her disability, then the student's placement may be changed only via the IEP process. Further the District will conduct a functional behavior assessment, or review the student's existing behavior intervention plan. (20 USC 1415(k)(4))

### **Due Process Appeals**

If the parent/guardian disagrees with a decision that the behavior was not a manifestation of the student's disability or with any decision regarding placement, he/she has a right to appeal the decision. (20 USC 1415(k)(6); 34 CFR 300. 532)

If the student's parent/guardian initiates a due process hearing to challenge the interim alternative educational setting or the manifestation determination, the student shall remain in the interim alternative setting pending the decision of the hearing officer or the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and district agree otherwise. (34 CFR 300. 533)

If school personnel maintain that it is dangerous for the student to be placed in the current placement (placement prior to removal to the interim alternative education setting), during the pendency of the due process proceedings, the Superintendent or designee may request an expedited due process hearing. (34 CFR 300.526)

### **Services During Expulsion**

Expelled students and students suspended for more than ten (10) days in a school year shall continue to receive services to the extent necessary to provide the student a free and appropriate public education. Any alternative program must provide services to the extent necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP. (20 USC 1412(a)(1)(A); 34 CFR 300.121, 300. 530)

(cf. 6158 - Independent Study)  
(cf. 6185 - Community Day School)

### **Readmission**

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

### **Suspension of Expulsion**

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

### **Notification to Law Enforcement Authorities**

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

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10. (Education Code 48902)

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

#### Legal Reference:

##### EDUCATION CODE

35146 Closed sessions (re suspensions)

35291 Rules (of governing board)

48900-48925 Suspension and expulsion

56000 Special education; legislative findings and declarations

56320 Educational needs; requirements

56321 Development or revision of individualized education program

56329 Independent educational assessment

56340-56347 Individual education program teams

56505 State hearing

##### PENAL CODE

245 Assault with deadly weapon  
626.2 Entry upon campus after written notice of suspension or dismissal without permission  
626.9 Gun-Free School Zone Act  
626.10 Dirks, daggers, knives, razors or stun guns  
UNITED STATES CODE, TITLE 18  
930 Weapons  
UNITED STATES CODE, TITLE 20  
1412 State eligibility  
1415 Procedural safeguards  
UNITED STATES CODE, TITLE 21  
812(c) Controlled substances  
UNITED STATES CODE, TITLE 29  
706 Definitions  
794 Rehabilitation Act of 1973, Section 504  
CODE OF FEDERAL REGULATIONS, TITLE 34  
104.35 Evaluation and placement  
104.36 Procedural safeguards  
300.1-300.756 Assistance to states for the education of students with disabilities  
COURT DECISIONS  
Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489  
M.P. v. Governing Board of Grossmont Union High School District, (1994 S.D. Cal).  
858  
F.Supp. 1044  
Honig v. Doe, (1988) 484 U.S. 305  
Doe v. Maher, (1986) 793 F.2d 1470  
Management Resources:  
FEDERAL REGISTER  
34 CFR 300.a Appendix A to Part 300 - Questions and Answers  
34 CFR 300a1 Attachment 1: Analysis of Comments and Changes  
WEB SITES  
CDE: <http://www.cde.ca.gov>  
USDOE: <http://www.ed.gov>

Approved: February 12, 2003  
Revised: June 13, 2018

**Students**

**RESPONSE TO IMMIGRATION ENFORCEMENT**

The Governing Board is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at district schools, except as may be required by state and federal law. (Education Code 234.7)

(cf. 5111 - Admission)  
(cf. 5111.1 - District Residency)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the district's programs and activities on the basis of his/her immigration status. (Education Code 200, 220, 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 5131.2 - Bullying)  
(cf. 5145.3 - Nondiscrimination/Harassment)  
(cf. 5145.9 - Hate-Motivated Behavior)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

(cf. 5145.6 - Parental Notifications)

Consistent with requirements of the California Office of the Attorney General, the Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to district records, school sites, or students for the purpose of immigration enforcement.

(cf. 1340 - Access to District Records)  
(cf. 3580 - District Records)  
(cf. 5125 - Student Records)  
(cf. 5125.1 - Release of Directory Information)

Teachers, school administrators, and other school staff shall receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

The Superintendent or designee shall report to the Board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information.  
(Education Code 234.7)

Legal Reference:

EDUCATION CODE

200 Educational equity

220 Prohibition of discrimination

234.1 Safe Place to Learn Act

234.7 Student protections relating to immigration and citizenship status

48204.4 Evidence of residency for school enrollment

48980 Parental notifications

48985 Notices to parents in language other than English

GOVERNMENT CODE

8310.3 California Religious Freedom Act

PENAL CODE

422.55 Definition of hate crime

627.1-627.6 Access to school premises, outsiders

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

COURT DECISIONS

Plyler v. Doe, 457 U.S. 202 (1982)

Management Resources:

CSBA PUBLICATIONS

Legal Guidance on Providing All Children Equal Access to Education, Regardless of Immigration Status, February 2017

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

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

WEB SITES

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

California Office of the Attorney General: <http://oag.ca.gov>

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

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

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

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

U.S. Immigration and Customs Enforcement: <http://www.ice.gov>

U.S. Immigration and Customs Enforcement, Online Detainee Locator System:

<http://locator.ice.gov/odls>

Adopted: June 27, 2018

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

**Students**

BP 5145.1

### PRIVACY

The Board of Education recognizes that personal beliefs are a private matter. Without the written notice and written consent of a parent/ guardian, no student shall be given any test, survey, questionnaire or examination containing questions about personal or family beliefs or practices in sex, family life, morality or religion. (Education Code 51513)

The names of students classified as handicapped or identified as having exceptional needs or whose conduct has been disciplined shall not become part of the agenda or minutes of a public meeting nor part of any public record of the Board, but such students shall be designated by code.

Lists of students and individual student's names may be released when such students have achieved a distinction of honor granted by this school or participated in athletic or other school activities, except that any student's request that his/her name not be so released shall be granted.

As required by law, school counselors shall respect the confidentiality of any personal information disclosed by students 12 years of age or older during the course of educational counseling. Personal information given to a counselor by the parent/guardian of a student 12 or older shall also be kept confidential and included in the student's record only with the parent/guardian's written consent. Exceptions shall be made only as provided by law:

1. In discussion with health care providers, certain psychotherapists, or the school nurse, solely when referring the student for treatment.
2. As required by law when reporting child abuse or neglect.
3. To the principal or parents/guardians when the counselor believes it necessary to avert a clear and present danger to the health, safety, or welfare of the student, parents/guardians, other students, school staff or community members.

(cf. 5113 - Absences and Excuses)

4. To the principal, parents/guardians, other persons outside the school and other persons as necessary inside the school when the student says that a crime will be or has been committed involving the likelihood of personal injury or significant property loss.

5. When the student, 12 years of age or older, has read and signed a waiver naming one or more persons to whom information may be reported. The waiver must be kept in the student's file.

6. To law enforcement agencies when required by court order to aid in a criminal investigation, or when ordered to testify in administrative or judicial proceedings. In any case, the counselor shall not disclose information to parents/guardians when having any cause to believe that this disclosure would endanger the health, safety or welfare of the student.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 6144 - Controversial Issues)

Legal Reference:

EDUCATION CODE

49602 Confidentiality of pupil information

51513 Personal beliefs

Adopted: July 5, 2000



# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

Students

BP 5145.11

### QUESTIONING AND APPREHENSION

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

Except in cases of child abuse or neglect, the principal or designee shall notify the student's parent/guardian when a law enforcement officer conducts an interview on school premises.

At the law officer's discretion and with the student's approval, the principal or designee may be present during the interview.

If the law officer finds it necessary to remove the student from school, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately attempt to inform the student's parent/guardian except in cases of child abuse.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person. (cf. 5142 - Safety)

#### Subpoenas

Although subpoenas may legally be served at school, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

Legal Reference:

EDUCATION CODE

44807 Duty concerning conduct of pupils

48264 Arrest of truants

48265 Delivery of truant

48902 Notice to law authorities

48906 Release of minor pupil to peace officers; notice to parent, guardian or relative

48909 Narcotics and other hallucinogenic drugs (re arrest)

PENAL CODE

830-832.8 re peace officers

833-851.85 re arrests

1328 Service of subpoena

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

ATTORNEY GENERAL OPINIONS

54 Ops. Cal. Atty. Gen. 96 (1971)

34 Ops. Cal. Atty. Gen. 93 (1959)

32 Ops. Cal. Atty. Gen. 96 (1958)

Adopted: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5145.11**

### QUESTIONING AND APPREHENSION

#### Questioning on School Grounds

The school shall keep a record of any interviews of students by law officers on school premises. Such records shall include the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when he/she arrived and left, the fact that the principal or designee was or was not present during the interview, the reason for the questioning and/or release, and any other pertinent information.

#### Apprehension

Police officers, officers of the juvenile court, and other authorized law enforcement officials have an absolute right to enter a school to take a student into custody or to make an arrest of a student.

If a minor student is removed from school into the custody of a peace officer, the principal or designee including the police shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

If the student is suspected of being a victim of child abuse, the Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer, and the officer then has the responsibility of immediately notifying the parent/guardian. (Education Code 48906)

(cf. 5141.4 - Child Abuse Reporting Procedures)

Approved: July 5, 2000

**PIEDMONT UNIFIED SCHOOL DISTRICT**

**Board Policy**

**Students**

**BP 5145.2**

**FREEDOM OF SPEECH/EXPRESSION: PUBLICATIONS CODE**

Free inquiry and exchange of ideas are essential parts of a democratic education. The Board of Education respects students' rights to express ideas and opinions, take stands, and support causes, whether controversial or not, through their speech, writings, printed materials and/or the wearing of buttons, badges and other insignia.

(cf. 6144 - Controversial Issues)

Student freedom of expression shall be limited only as allowed by law in order to maintain an orderly school environment and to protect the rights, health and safety of all members of the school community. Students shall not be disciplined solely on the basis of constitutionally protected speech or other communication

(cf. 5137 - Positive School Climate)

(cf. 5144 - Discipline)

The Superintendent or designee shall ensure that due process is followed when resolving disputes regarding student freedom of expression.

(cf. 6145.3 - Publications)

Legal Reference:

EDUCATION CODE

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

51520 Prohibited solicitations on school premises

Adopted: July 5, 2000

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

**Students**

**AR 5145.2**

### **FREEDOM OF SPEECH/EXPRESSION/ASSEMBLY**

The primary liberties in a student's life have to do with the process of inquiry and learning, of acquiring and imparting knowledge, and of exchanging ideas. Students have the right to express opinions, to take stands and to support causes, publicly or privately. The school shall not interfere with these liberties, or with the students' access to or expression of controversial points of view except as allowed by law.

In imposing limitations on student expression for any reason under the provisions of this policy, the school must ensure that its rules are applied on a non-discriminatory basis and in a manner designed to assure maximum freedom of expression to the students without endangering the health or safety of other students.

#### **Limitations**

Students shall not be allowed to distribute materials, wear buttons, badges or other insignia, or post notices or other materials which:

1. Are obscene to minors according to current legal definitions.
2. Are libelous or slanderous according to current legal definitions.
3. Incite students, express or advocate racial, ethnic, sexual, sexual orientation, or religious prejudice so as to create a clear and present danger or the imminent commission of unlawful acts on school premises or the violation of lawful school regulations or the substantial disruption of the orderly operation of the school.
4. Are distributed, displayed or circulated in violation of the time, place and manner requirements.

#### **Approval of Materials**

All printed material posted or distributed on campus including but not limited to, all petitions, circulars, leaflets and newspapers and all material displayed on bulletin boards shall be submitted to the principal's office at least twenty four hours prior to such display or distribution. Approval or disapproval of such material shall be in accordance with the standards specified above. The principal may limit the number of students or groups of students that may distribute materials in one day.

#### **Bulletin Boards**

Bulletin boards shall be provided for students and student organizations to post materials relating to out-of-school activities or matters of general interest to students. The following general limitations on posting shall be applied:

1. Identification including address or contact location shall be required on any posted notice of the student or student group issuing same.
2. Notices or other communications shall be dated before posting. Posted material shall be removed after a reasonable time to assure full access to the bulletin boards by all students.
3. Student materials shall be submitted to the principal for his/her approval or disapproval prior to posting. The materials must conform to the limitations established by this policy.

### **Distribution of Printed Material and Circulation of Petitions**

Students shall be free to distribute handbills, leaflets and other printed material and to collect signatures on petitions concerning either school or out-of-school issues, whether such materials are produced within or outside the school.

No student shall use coercion to induce students or any other person to accept printed matter or to sign petitions. No funds or donations shall be collected for any material distributed.

The following general limitations on distribution shall be applied:

1. The time of such activity shall be limited to periods before school begins, after dismissal and during lunch time/brunch time.
2. The place of such activity shall be reasonably restricted to permit the normal flow of traffic within the school and at exterior doors.
3. The manner of conducting such activity shall be restricted to prevent undue levels of noise, or to prevent the use of coercion in obtaining signatures on petitions.
4. The school shall require that all printed matter and petitions distributed or circulated on school property bear the name and address or contact location of the sponsoring organization or individual.
5. Material must conform to the limitations established by this policy.

### **Buttons and Badges**

The wearing of buttons, badges, or armbands bearing slogans or sayings shall be permitted as another form of expression, unless the message thereof falls within the limitations established by this policy. No teacher or administrator shall attempt to interfere with this practice on the ground that the message may be unpopular with students or faculty.

### **Hearings**

Any student or student group deprived of freedom of expression under any of these provisions shall have the right to request a hearing to determine whether such deprivation is justified under these rules. Such a hearing must be held as soon as possible after request before an impartial body, including representatives of the faculty and student body. The hearing shall provide for a full and fair opportunity for both sides to present evidence and argument as to the propriety of the application of the regulation in question.

(cf. 6145.3 - Publications)

(cf. 6145.5 - Organizations/Associations)

Legal Reference:

EDUCATION CODE

48907 Exercise of free expression; rules and regulations

51512 Prohibited use of electronic listening or recording device; penalties

51520 Prohibited solicitations on school premises

Adopted: July 5, 2000

PIEDMONT UNIFIED SCHOOL DISTRICT  
**Board Policy**

**BP 5145.3**

**Students**

**NON-DISCRIMINATION and HARASSMENT**

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

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

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

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

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

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



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

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

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

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory

harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

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

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

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

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

(cf. 5144 - Discipline)

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

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

(cf. 5145.2 - Freedom of Speech/Expression)

The Board of Education designates the following employee to receive and investigate complaints of discrimination, hate-motivated incidents and hate crimes, hazing, harassment, (including sexual harassment), intimidation, bullying, or cyberbullying, and ensure District compliance with law:

Stephanie Griffin

760 Magnolia Avenue, Piedmont, CA 94611

(510) 594-2674

[sgriffin@piedmont.k12.ca.us](mailto:sgriffin@piedmont.k12.ca.us)

### **Record-Keeping**

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

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Student record

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities

UNITED STATES CODE, TITLE 29

794 Section 504 of Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

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

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

6101-6107 Age Discrimination Act of 1975

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

CODE OF FEDERAL REGULATIONS, TITLE 34

99.31 Disclosure of personally identifiable information

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

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

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

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

Management Resources:

CSBA PUBLICATIONS

Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Discrimination, March 2017

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

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

FIRST AMENDMENT CENTER PUBLICATIONS

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

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

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

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

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

#### WEB SITES

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

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

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

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

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

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

ADOPTED: July 5, 2000

REVISED: December 10, 2003

REVISED: June 23, 2004

REVISED: September 26, 2007

REVISED: September 24, 2008

REVISED: January 26, 2010

REVISED: December 1, 2015

REVISED: June 9, 2018

REVISED: September 28, 2022

## PIEDMONT UNIFIED SCHOOL DISTRICT

Administrative Regulation

AR 5145.3

### **Students**

#### **Non-Discrimination And Harassment**

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual or perceived race, color, ancestry, immigration status, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at:

(Education Code 234.1; 5 CCR 4621)

#### District Coordinator and Compliance Officer

Stephanie Griffin

760 Magnolia Avenue, Piedmont, CA 94611

(510) 594-2674

[sgriffin@piedmont.k12.ca.us](mailto:sgriffin@piedmont.k12.ca.us)

#### Measures to Prevent Discrimination

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

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians,

employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

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

(cf. [1113](#) - District and School Web Sites)

(cf. [1114](#) - District-Sponsored Social Media)

(cf. [5131.2](#) - Bullying)

(cf. [5145.9](#) - Hate-Motivated Behavior)

3. Post the definition of sex discrimination and harassment as described in Education Code [230](#), including the rights set forth in Education Code [221.8](#), in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

4. Post in a prominent location on the district web site in a manner that is easily accessible to parents/guardians and students information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code [221.6](#), [221.61](#), 234.6)

a. The name and contact information of the district's Title IX Coordinator, including the phone number and email address

b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code [221.8](#) and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

c. A description of how to file a complaint of noncompliance under Title IX, which shall include:

(1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

(2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site

(3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

d. A link to the Title IX information included on the California Department of Education's (CDE) web site

5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code [234.5](#), [234.6](#))

6. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.

7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. [5145.6](#) - Parental Notifications)

8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

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

9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.



(cf. [1240](#) - Volunteer Assistance)

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

10. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code [234.1](#))

(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)

11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

#### Definition of Discrimination, Harassment, Hazing, Intimidation, and Misconduct

Discrimination, harassment, intimidation, or means any gesture or written, verbal or physical act that causes or threatens to cause bodily harm or emotional suffering which takes place on school property, at any school-sponsored function, or on the way to or from school, or on a school bus, that is one or more of the following:

1. Acts motivated by any actual or perceived characteristic, such as ethnic group, religion, gender, gender identity or expression, sexual orientation, ancestry, immigration status, national origin, color, race, or mental, physical or sensory handicap, or by any other distinguishing characteristic;
2. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law.
3. Acts that a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his /her person or damage to his/her property, to include extortion;;
4. Acts that a reasonable person should know, under the circumstances, will have the effect of harming the property of a teacher, administrator, staff member, or any other person in the District authorized to transact business or perform services on behalf of

the District, or placing that person in reasonable fear of harm to his /her person or damage to his/her property;

5. Acts that have the effect of insulting, demeaning, or ridiculing any student or group of students in such a way as to cause substantial disruption in, or substantial interference with the orderly operation of the school.
6. Acts that have the effect of insulting, demeaning, or ridiculing any teacher, administrator, staff member, or any other person in the District authorized to transact business or perform services on behalf of the District or group thereof in such a way as to cause substantial disruption in, or substantial interference with the orderly operation of the school; or
7. Acts include those directed against someone because of their association or affinity with anyone who exhibits or is believed by the offender to exhibit any distinguishing characteristic protected by this policy, or in retaliation for their objection to or reporting of such misconduct.

### Definition of Hazing

Hazing includes any method of initiation or pre-initiation into a student organization or student body or any pastime or amusement engaged in with respect to these organizations which causes, or is likely to cause, bodily danger, physical harm, or personally degradation or disgrace resulting in physical or mental harms, to any pupil or other person attending any school in the state. The term hazing does not include customary athletic events or other similar contests or competitions (Education Code Section 32051).

### Definition of Transgender and Gender-Non Conforming Students

Gender identity means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7) corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with

his/her gender identity

2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the other sex
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

#### Definition of Misconduct

For economy of writing and ease of reading, the term “misconduct” is introduced below. For purposes of this policy, “misconduct” means Discrimination, Intimidation, Bullying, or Cyberbullying.

#### Type of Behavior Expected from Each Student

The Board of Education expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities. Conduct must show a proper regard for the rights and welfare of other students and school staff, for the educational purpose underlying all school activities, and for the care of school facilities and equipment. The Superintendent or designee shall ensure that students receive age-appropriate information related to these issues.

The District prohibits active or passive support for discrimination, hate-motivated incidents and hate crimes, hazing, harassment, sexual harassment, intimidation, bullying or cyberbullying. The District encourages support for students who do not participate in these acts, and expects students to report to the designated authority when they witness such an incident. Failure of a student to report an act may result in disciplinary action.

#### Procedures for Reporting Acts of Discrimination, Hazing, Harassment, Intimidation, or Misconduct

All students should report incidents that they experience or observe that they believe violate this policy as soon as is reasonably possible (within 24 hours) to the principal or the principal's designee, even if the victim has not complained. All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy.

At each school, the principal or designee is responsible for receiving complaints alleging violations of this policy. The reporting party is encouraged to use the District's Uniform & General Complaint Form, which is available from the principal of each site or at the school district office, or on the District's Internet site at [www.piedmont.k12.ca.us](http://www.piedmont.k12.ca.us). However, oral reports will also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. Information related to a complaint 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 principal and/or designee is responsible for determining whether an alleged act constitutes a violation of this policy. Within 24 hours of receiving a report, the principal or designee shall forward the complaint itself or a transcription of the oral report to the District's Compliance Officer. In so doing, the principal and/or designee shall conduct a prompt, thorough and complete investigation of the alleged incident.

Complaints against a student can be directed to the site administrator, who will follow the same process. Within 24 hours of receiving a report, the site administrator shall forward the complaint itself or a transcription of the oral report to the District's Compliance Officer.

Complaints against administrators or staff can be directed to the Superintendent or designee, who will follow the same process. Within 24 hours of receiving a report, the Superintendent or designee shall forward the complaint itself or a transcription of the oral report to the District's Compliance Officer.

Complaints against the Superintendent can be directed to the Board of Education, who will follow the same process. Within 24 hours of receiving a report, the Board of Education or designee shall forward the complaint itself or a transcription of the oral report to the District's Compliance Officer.

#### Procedures for Reporting Acts of Discrimination Against Transgender and Gender-Non Conforming Students

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. **Right to privacy:** A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's wellbeing. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the compliance officer shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the

student that will meet periodically to assess whether the student's arrangements are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intramural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. If available and requested by any student, regardless of the underlying reason, the district shall offer options to address privacy concerns in sex-segregated facilities, such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.
5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.
6. **Names and Pronouns:** If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.
7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

#### Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of misconduct. In so doing, he/she shall talk individually with:
  - a. The student who is complaining within two (2) school days of receiving the complaint
  - b. The target of the misconduct, if different from the person who is complaining within five (5) school days of receiving the complaint
  - c. The person accused of misconduct
  - d. Anyone who saw the misconduct take place

- e. Law enforcement agency, as necessary
- f. One or more teachers or staff members whose knowledge of the students involved may help to evaluate the situation.
- g. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, identify and request the presence of others who witnessed the incident, and to present any other information or evidence of the misconduct, and put his/her complaint in writing.
3. The person who is the subject of the complaint shall have an opportunity to describe the incident, to request the presence of others who witnessed the incident, and to present any other information or evidence.
4. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
  - a. The Superintendent or designee, including compliance officer;
  - b. The parent/guardian of the student who complained;
  - c. The parent/guardian of the person accused of misconduct;
  - d. A teacher or staff member whose knowledge of the people involved may help in determining who is telling the truth;
  - e. Anyone mentioned as having related information;
  - f. Child protective agencies responsible for investigating child abuse reports, if necessary;
  - g. Law enforcement agency responsible for investigating criminal activity, if necessary;
  - h. Legal counsel for the District;
5. When the victim and/or the student who complained agree along with the person accused of misconduct, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The victim and student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.
6. The principal or designee shall tell the student who complained that he/she has the right to file a formal complaint at any time in accordance with the District's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.
7. In reaching a decision about the complaint, the principal or designee may take into account:
  - a. Statements made by the persons identified above
  - b. The details and consistency of each person's account
  - c. Evidence of how the complaining student reacted to the incident
  - d. Evidence of past instances of misconduct prohibited by this policy by the accused person
  - e. Evidence of past complaints of misconduct that were found to have been unfounded.
8. To judge the severity of the misconduct, the principal or designee may take

into consideration:

- a. How the misconduct affected one or more students' safety, well-being or education; or how the misconduct affected the safety and well-being of a teacher, administrator, any other staff member, or any other person in the District authorized to transact business or perform services on behalf of the District
  - b. The type, frequency, pattern, violence and duration of the misconduct
  - c. The number of persons involved
  - d. The age, maturity and sex of the person accused
  - e. The subject(s) prompting the misconduct
  - f. The place and situation where the incident occurred
  - g. Other incidents at the school, including incidents of misconduct
  - h. According to the misconduct, a report may be obtained from the appropriate law enforcement agency
9. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
10. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that misconduct occurred, this report shall describe the actions he/she took to end the misconduct, address the effects on the victim, and prevent retaliation or further misconduct.
11. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the victim or the person who complained has been further discriminated against, by misconduct prohibited by this policy, or by retaliation for the initial complaint. The principal or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.

## Remedial Action

The District will consider the following factors in determining the appropriate response to students who commit or participate in one or more acts of misconduct:

8. developmental and maturity levels of the parties involved
9. levels of harm
10. surrounding circumstances
11. nature of the behaviors
12. past incidences or past or continuing patterns of behavior
13. relationships between the parties involved
14. context in which the alleged incidents occurred

Consequences and appropriate remedial action for students who commit misconduct that violates this policy may range from positive behavioral interventions up to and including suspension or expulsion.

## Retaliation for Reporting Misconduct



The District prohibits reprisal or retaliation against any student, or any participant in the complaint process who reports misconduct prohibited by this policy.

#### False Accusation of Misconduct

Consequences and appropriate remedial action for a student found to have falsely accused another of misconduct prohibited by this policy range from positive behavioral interventions up to and including suspension or expulsion.

#### Enforcement

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

1. All misconduct involving damage to property, such as graffiti, shall be photographed immediately and archived, prior to be removed. The Superintendent or designee may report the activity to the appropriate legal authorities.
2. Providing student counseling and appropriate sensitivity training and diversity education for students exhibiting hate-motivated behavior. The District shall also provide counseling, guidance and support, as necessary, to the students who are the victims of hate-motivated behavior or who make complaints about such behavior.
3. Notifying parents/guardians
4. Notifying child protective services for investigating child abuse reports
5. Notifying law enforcement agency for investigating hate crimes or sexual harassment/sexual violence that constitutes a crime.
6. Taking appropriate disciplinary action up to and including suspension or expulsion.
7. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint which he/she knew was not true.

#### Civil Law Remedies

A victim (and in some circumstances 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 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 law remedies. The 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 in accordance with 5 CCR Section 4622.

#### Annual Notification

The Superintendent or appropriate designee shall provide annually, at the beginning of the school year to students and their parents/guardians, the rules of the District regarding student conduct which shall:

1. Describe student responsibilities, including the requirements for students to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority;
2. Address appropriate recognition for positive reinforcement for good conduct, self- discipline, good citizenship and academic success;
3. Explain student rights;
4. Be displayed in a prominent location near each school principal's office (Education Code Section 231.5);
5. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code Section 231.5);
6. Identify disciplinary sanctions and due process.  
(BP/AR 6163.4, "Acceptable Use of Technology – Students and Employees," and BP 5131, Conduct")

#### LEGAL REFERENCES:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

220-221.1 Gender, gender identity and gender expression

221.7 School-sponsored athletic programs; prohibited sex discrimination 230

Particular practices prohibited

32261 Right to attend safe schools, free from the misconduct addressed in this policy 35181

Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students 48908

Duties of students

48900-48925 Grounds for suspension or expulsion; sexual harassment

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment 48904

Liability of parent/guardian for willful student misconduct 48907

Student exercise of free expression

48950 Freedom of speech

48980 Notice at beginning of term

49020-49023 Athletic programs

#### CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.6, 422.7, 422.75 Liability for crimes based on discriminatory intent, including hate crimes

UNITED STATES CODE

18 USC 245 Federally Protected Activities

20 USC 1681-1688 Title IX, 1972 Education Act Amendments

42 USC 2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS

34 CFR 104.7 Person Responsible for Overall Implementation of Title IX

34 CFR 106.8 Person Responsible for Overall Implementation of Title IX

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

COURT DECISIONS

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Governance and Policy Services Policy Brief, July 2007

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites, School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Set Straight on Bullies, 1989

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

California Coalition for Children's Internet Safety: <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://csriu.org> and <http://cyberbully.org> National School

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

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education: <http://www.ed.gov>

U.S. Office of Juvenile Justice and Delinquency Prevention: <http://www.ojjdp.ncjrs.org>

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**PIEDMONT UNIFIED SCHOOL DISTRICT'**

**Board Policy**

**Students**

**BP 5145.6**

**PARENTAL NOTIFICATIONS**

The Board of Education recognizes that notifications are essential to effective communication between the school and the home. The Superintendent or designee shall send students and parents guardians all notifications required by law, including notifications about their legal rights, and any other notifications he or she believes will promote parental understanding and involvement.

(cf. 5020 - Parent Rights and Responsibilities)  
(cf. 5124 - Communication with Parents/Guardians)  
(cf. 6020 - Parent Involvement)

The Superintendent or designee shall ensure that notifications which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school. (Education Code 48982)

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

(cf. 6174 - Education for English Language Learners)

Legal Reference:

EDUCATION CODE

221.5 Prohibited sex discrimination

231.5 Sexual harassment policy

262.3 Appeals; information re: availability of civil remedies

310 Structured English Immersion Program

17288 Pupils: school buildings

17612 Notification of pesticide use

32255-32255.6 Right to refuse harmful or destructive use of animals

32390 Fingerprint program; contracts; funding; consent of parent/guardian; mailing of documents containing fingerprints to parent/guardian

35178.4 Notice of accreditation status

35183 School dress codes; uniforms

35256 School accountability report card  
35291 Rules  
37616 Consultation  
39831.5 School bus rider rules and information  
44808.5 Permission to leave school grounds  
46010.1 Notice re: excuse to obtain confidential medical services  
46014 Regulations regarding absences for religious purposes  
46600-46611 Interdistrict attendance agreements especially:  
46601 Failure to approve interdistrict attendance  
48000 Minimum age of admission  
48070.5 Promotion or retention of students  
48204 Residency requirements for school attendance  
48205 Absence for personal reasons  
48206.3 Pupils with temporary disabilities; individual instruction; definitions  
48207 Pupils with temporary disabilities in hospitals outside of school district  
48208 Students with temporary disabilities in qualifying hospitals  
48213 Notice to parent or guardian  
48216 Immunization  
48260.5 Notice to parent re truancy  
48263 Referral to SARB or probation department  
48432.5 Involuntary transfers of pupils  
48637.1 Notice of intended assignment  
48900.1 Attendance of parent or guardian for portion of school day  
48904 Liability of parent/guardian for willful pupil misconduct  
48904.3 Withholding grades, diplomas, or transcripts  
48906 Notification of release of pupil to peace officer  
48911 Notification in case of suspension  
48912 Closed sessions; consideration of suspension  
48915.1 Expelled individuals: enrollment in another district  
48916 Readmission procedures  
48918 Rules governing expulsion procedures  
48980 Required notification at beginning of term  
48980.3 Notification of pesticide use  
48981 Time and means of notification  
48982 Signature; return to school; effect of signature  
48983 Contents of notice  
48984 Activities prohibited unless notice given  
48985 Notices to parents in language other than English  
48987 Child abuse information  
49063 Notification of parents of their rights  
49067 Regulations regarding pupil's achievement  
49068 Transfer of permanent enrollment and scholarship record  
49069 Absolute right to access  
49070 Challenging content of records  
49073 Release of directory information  
49076 Access to student records

49077 Access to information concerning a student in compliance with court order  
49091.14 Prospectus  
49302 Parental consent  
49332 Notifications of retention of object by school personnel; release  
49403 Cooperation in control of communicable disease and immunization  
49423 Administration of prescribed medication for pupil  
49451 Physical examinations: parent's refusal to consent  
49452.5 Screening for scoliosis  
49456 Report to parent  
49472 Medical and hospital services for pupils  
49480 Continuing medication regimen for nonepisodic conditions  
49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970  
51201.5 Instruction on AIDS and AIDS prevention  
51240 Excuse from instruction due to religious beliefs  
51513 Personal beliefs  
51550 Sex education courses  
51554 Parent notification; sex education courses  
51555 Parent notification in grades K-6; sex education courses  
51820 Venereal disease instruction; written notification to parent; inspection of instructional material; consensual pupil participation  
51870.5 Internet access policy  
52164.1 Census-taking methods; determination of primary language; assessment of language skills; notice  
52164.3 Notice of reassessment of language skills  
52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of pupil from program  
52244 Advanced Placement Program  
54444.2 Migrant education programs; parent involvement  
56301 Child-find system; policies re: written notification rights  
56321 Special education: proposed assessment plan  
56329 Written notice of right to findings; independent assessment  
56341 Individualized education program team  
56343.5 IEP meetings  
56346 Parental notice and consent to special education program  
58501 Alternative schools: notice required prior to establishment  
60641 Standardized Testing and Reporting Program  
60850 High School Exit Exam  
HEALTH AND SAFETY CODE  
1596.857 Right to enter child care facility  
120365 Immunizations  
120370 Immunizations  
120375 Immunizations  
120440 Sharing immunization information  
124085 Certificate of receipt; health screening and evaluation services; waiver by parent/guardian  
124100 School districts and private schools; information to parents or guardians of

kindergarten children; withholding of average daily attendance funds  
PENAL CODE  
627.5 Hearing request following denial or revocation of registration  
WELFARE AND INSTITUTIONS CODE  
18976.5 Parental notice; right of refusal to participate  
CODE OF REGULATIONS, TITLE 5  
863 Standardized Testing and Reporting Program  
3052 Behavioral intervention  
3831 General standards (Gifted and Talented Program)  
4622 Notice requirements and recipients  
4631 Responsibilities of the local agency  
11303 Reclassification of English language learners  
11309 Parental Exception Waivers  
11523 Notice of proficiency examinations (HS)  
18066 Policies and procedures absences for child care  
UNITED STATES CODE, TITLE 20  
1232g Family Educational and Privacy Rights Act  
1415 Procedural Safeguards  
1681-1688 Title IX, discrimination based on sex or blindness  
6311 State plans  
6312 Local educational agency plans  
6316 Academic assessment and local educational agency school improvement  
6318 Parental involvement  
7908 Armed forces recruiter access to students  
UNITED STATES CODE, TITLE 42  
2000d -2000d-7, Title VI, Civil Rights Act of 1964  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.7 Student records, annual notification  
99.34 Student records, disclosure to other educational agencies  
104.36 Procedural safeguards  
106.9 Dissemination of policy, nondiscrimination on basis of sex  
300.345 Parent participation  
300.502 Independent educational evaluation  
300.503 Prior written notice  
300.505 Parental consent  
300.507 Parent notice due process hearing  
300.523 Manifestation determination review  
CODE OF FEDERAL REGULATIONS, TITLE 40  
763.93 Management plans

Adopted: December 12, 2001  
Revised: August 21, 2002  
Revised: September 25, 2002



# PIEDMONT UNIFIED SCHOOL DISTRICT

## Exhibit

Students

E 5145.6

### PARENTAL NOTIFICATIONS

\*\*\*Note: This exhibit relates to notices which must be provided to parents/guardians. Unless otherwise indicated, code numbers below refer to Education Code sections.\*\*\*

#### I. Annually

When to Notify: Beginning of each school year

Education Code 17612, 48980.3

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Use of pesticide product, active ingredients, Internet address to access information

When to Notify: Beginning of each school year

Education Code 32255-32255.6, 48980

Board Policy/Administrative Regulation #: See BP 5145.8, See AR 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Annually

Education Code 35256

Board Policy/Administrative Regulation #: See BP 0510, See AR 0510

Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year

Education Code 35291, 48980

Board Policy/Administrative Regulation #: See BP 5144, See AR 5144.1

Subject: District and site discipline rules

When to Notify: Beginning of each school year

Education Code 35291, 48900.1, 48980

Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1

Subject: Required parental attendance

When to Notify: Beginning of each school year if high school open campus

Education Code 44808.5, 48980

Board Policy/Administrative Regulation #: See BP 5112.5

Subject: Open campus

When to Notify: Beginning of each school year if Board has adopted resolution allowing such absence

Education Code 46014, 48980

Board Policy/Administrative Regulation #: See BP 5113, See AR 5113

Subject: Absence for religious purposes

When to Notify: Beginning of each school year  
Education Code 48205, 48980  
Board Policy/Administrative Regulation #: See BP 5113, See AR 5113  
Subject: Absence for justifiable personal reasons

When to Notify: Beginning of each school year  
Education Code 48205, 48980  
Board Policy/Administrative Regulation #: See AR 6154  
Subject: Grade/credit cannot be reduced due to excused absence if work or test has been completed

When to Notify: Beginning of each school year  
Education Code 48206.3, 48207, 48208, 48980  
Board Policy/Administrative Regulation #: See AR 6183  
Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year  
Education Code 48216, 48980  
Board Policy/Administrative Regulation #: See BP 5141.31, See AR 5141.31  
Subject: Immunizations

When to Notify: Beginning of each school year  
Education Code 48980  
Board Policy/Administrative Regulation #: See AR 5116.1  
Subject: All statutory attendance options and available local attendance options

When to Notify: Beginning of each school year  
Education Code 48980, 231.5  
Board Policy/Administrative Regulation #: See AR 5145.7  
Subject: Sexual harassment policy as related to students

When to Notify: Beginning of each school year  
Education Code 48980, 52244  
Board Policy/Administrative Regulation #: See AR 6141.5  
Subject: Availability of state funds to cover costs of advanced placement exam fees

When to Notify: Beginning of each school year  
Education Code 48980  
Board Policy/Administrative Regulation #: See BP 6111  
Subject: Schedule of minimum days

When to Notify: Beginning of each school year for districts connected to the Internet  
Education Code 48980, 51870.5  
Board Policy/Administrative Regulation #: See AR 6163.4  
Subject: Policy on student access to the Internet

When to Notify: Beginning of each school year  
Education Code 49063, 49068, 49069, 20 USC 1232g, 34 CFR 99.7  
Board Policy/Administrative Regulation #: See BP 5125, See AR 5125

Subject: Student records; Inspect and review, access, types, location, persons responsible location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest

When to Notify: Beginning of each school year  
Education Code 49063, 49070  
Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3  
Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year  
Education Code 49063, 49073  
Board Policy/Administrative Regulation #: See AR 5125.1  
Subject: Release of directory information

When to Notify: Beginning of each school year  
Education Code 49063, 49091.14  
Board Policy/Administrative Regulation #: See AR 5020, See AR 5125  
Subject: Availability of course prospectus

When to Notify: Beginning of each school year  
Education Code 49423, 49480, 48980  
Board Policy/Administrative Regulation #: See AR 5141.21, See AR 5141.31  
Subject: Administration of prescribed medication

When to Notify: Beginning of each school year  
Education Code 49451, 48980  
Board Policy/Administrative Regulation #: See BP 5141.3  
Subject: Refusal to consent to physical examination

When to Notify: Beginning of each school year  
Education Code 49472, 48980  
Board Policy/Administrative Regulation #: See BP 5143  
Subject: Availability of insurance

When to Notify: Beginning of each school year  
Education Code 49510-49520, 48980  
Board Policy/Administrative Regulation #: See BP 3553  
Subject: Free and reduced price meals

When to Notify: Beginning of each school year  
Education Code 51240, 48980  
Board Policy/Administrative Regulation #: See BP 6141.2, See AR 6142.1, See BP 6142.8  
Subject: Excuse from health/sex education due to religious belief

When to Notify: Beginning of each school year  
Education Code 51550, 48980  
Board Policy/Administrative Regulation #: See AR 6142.1  
Subject: Sex education  
When to Notify: Annually

Education Code 56301

Board Policy/Administrative Regulation #: See BP 6164.4

Subject: Rights of all parents related to special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year

Education Code 58501

Board Policy/Administrative Regulation #: See BP 6181

Subject: Alternative schools

When to Notify: Beginning of each school year

20 USC 1681-1688, 42 USC 2001d-2001d-7, 34 CFR 106.9

Board Policy/Administrative Regulation #: See BP 0410

Subject: Nondiscrimination on basis of sex, disability, ethnicity or lack of English skills

When to Notify: Annually

5 CCR 4622

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Uniform complaint procedures and available appeals and civil law remedies; identity of coordinators

When to Notify: Annually to parent, teacher and employee organizations; in absence of organizations, to individuals

40 CFR 763.93

Board Policy/Administrative Regulation #: See AR 3514

Subject: Availability of complete, updated management plan for asbestos-containing material in school buildings

When to Notify: Beginning of each school year

Section 20 USC 1232h

Board Policy/Administrative Regulation #: See BP 5141.3\*, See AR 5141.3\*, See BP 5145.1\*, See BP 6162.8\*, See AR 6162.8\*

Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing

When to Notify: For districts receiving Title I funds, beginning of each school year

Section 20 USC 6311

Board Policy/Administrative Regulation #: See AR 4112\*, See AR 4112.2\*, See AR 4222

Subject: Right to request information re: professional qualification of their child's teacher and paraprofessional

## **II. At Specific Times During the Student's Academic Career**

When to Notify: At least once before counseling in grades 7 through 12

Education Code 221.5, 48980

Board Policy/Administrative Regulation #: See BP 6164.2

Subject: Course selection and career counseling

When to Notify: At beginning of school year if student had been placed in structured English immersion program

Education Code 310, 5 CCR 11309

Board Policy/Administrative Regulation #: See AR 6174

Subject: Placement of child in program and opportunity to apply for parental exception waiver

When to Notify: Before high school student attends specialized secondary program on a university campus

Education Code 17288

Board Policy/Administrative Regulation #: None

Subject: University campus buildings may not meet Education Code requirements for structural safety

When to Notify: Before presenting a course using live or dead animals or animal parts

Education Code 32255-32255.6

Board Policy/Administrative Regulation #: See BP 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: When child first enrolls in a public school, if the school offers a fingerprinting program

Education Code 32390, 48980

Board Policy/Administrative Regulation #: See BP 5142.1

Subject: Fingerprinting program

When to Notify: Upon registration, if K-6 students have not previously been transported

Education Code 39831.5

Board Policy/Administrative Regulation #: See AR 3543

Subject: School bus safety rules and information, list of stops, rules of conduct, red in a school bus light danger zones, walking to and from stops

When to Notify: Beginning of each school year in grades 7-12

Education Code 46010.1

Board Policy/Administrative Regulation #: See BP 5113

Subject: Absence for confidential medical services

When to Notify: Upon admission to school

Education Code 48216, 49403, Health and Safety Code 120365, 120370, 120375

Board Policy/Administrative Regulation #: See AR 5141.31

Subject: Immunizations

When to Notify: Before early entry to kindergarten, if offered

Education Code 48000

Board Policy/Administrative Regulation #: See AR 5111

Subject: Effects, advantages and disadvantages of early entry

When to Notify: Before assigning student to opportunity school/class/program

Education Code 48637.1

Board Policy/Administrative Regulation #: See BP 6182, See AR 6182

Subject: Assignment to an opportunity school/class/program

When to Notify: Beginning each school year in grades 9-12 and when high school students transfers into the district

Education Code 48980, 60850

Board Policy/Administrative Regulation #: See AR 6146.1, See 6162.52

Subject: Requirement to pass the high school exit exam including: date of exam, requirements for passing, consequences of not passing, and that passing is a condition of graduation

When to Notify: Beginning of each school year or before receiving instruction on AIDS, family life human sexuality, sexually transmitted diseases

Education Code 51201.5, 51555

Board Policy/Administrative Regulation #: See AR 6142.1, See 6142.2

Subject: Explanation of the instruction; right to request specific Education Code sections

When to Notify: Prior to child participation in child abuse prevention program

Education Code 51550, Welfare and Institutions Code 18976.5

Board Policy/Administrative Regulation #: See BP 5141.41

Subject: Child abuse prevention programs

When to Notify: At least 15 days before instruction starts

Education Code 51820

Board Policy/Administrative Regulation #: See AR 6142.1

Subject: Venereal disease instruction

When to Notify: Upon assessment and reassessment of English proficiency and enrollment in program of education for English language learners

Education Code 52164.1, 52164.3, 52173, 5 CCR 11303

Board Policy/Administrative Regulation #: See AR 6174

Subject: Program of education for English language learners

When to Notify: Within 20 working days of receiving results of standardized achievement tests

Education Code 60641, 5 CCR 863

Board Policy/Administrative Regulation #: See AR 6162.51

Subject: Results of tests; test purpose, individual score and intended use

When to Notify: When child is enrolled in kindergarten

Health and Safety Code 124085, 124100

Board Policy/Administrative Regulation #: See BP 5141.32

Subject: Health screening examination

When to Notify: Prior student participation in gifted and talented program  
5 CCR 3831

Board Policy/Administrative Regulation #: See AR 6172

Subject: Gifted and talented student program

When to Notify: Within 30 calendar days of receipt of results  
5 CCR 11511.5  
Board Policy/Administrative Regulation #: See AR 6174  
Subject: CELDT test results

When to Notify: To students in grades 11 and 12, early enough to enable registration for current fall test  
5 CCR 11523  
Board Policy/Administrative Regulation #: See AR 6146.2  
Subject: Notice of proficiency examination provided under Education Code 48412

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners  
Section 20 USC 6312  
Board Policy/Administrative Regulation #: See AR 6174  
Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

### **III. When Special Circumstances Occur**

When to Notify: Upon receipt of a complaint alleging discrimination  
Education Code 262.3  
Board Policy/Administrative Regulation #: See AR 1312.3  
Subject: Civil law remedies available to complaints

When to Notify: At least 72 hours before use of pesticide product not included in annual list  
Education Code 17612  
Board Policy/Administrative Regulation #: See AR 3514.2  
Subject: Intended use of pesticide product

When to Notify: If school has lost its WASC accreditation status  
Education Code 35178.4  
Board Policy/Administrative Regulation #: See BP 6190  
Subject: Loss of status, potential consequences

When to Notify: At least six months before implementing a schoolwide uniform policy  
Education Code 35183  
Board Policy/Administrative Regulation #: See AR 5132  
Subject: Dress code policy requiring schoolwide uniform

When to Notify: Before implementing a continuous school program  
Education Code 37616  
Board Policy/Administrative Regulation #: See BP 6117  
Subject: Continuous school program

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days

Education Code 46601  
Board Policy/Administrative Regulation #: See AR 5117  
Subject: Appeal process

When to Notify: When student identified as being at risk of retention  
Education Code 48070.5  
Board Policy/Administrative Regulation #: See AR 5123  
Subject: Student at risk of retention

When to Notify: When Board denies transfer into district based on parent employment  
Education Code 48204  
Board Policy/Administrative Regulation #: See AR 5111.12  
Subject: Denial of admission and rationale

When to Notify: When excluding a student from attendance  
Education Code 48213  
Board Policy/Administrative Regulation #: See AR 5112.2  
Subject: Reasons for exclusions; parental rights

When to Notify: When a student is classified a truant  
Education Code 48260.5  
Board Policy/Administrative Regulation #: See AR 5113  
Subject: Parental obligation

When to Notify: When a truant is referred to a SARB or probation department  
Education Code 48263  
Board Policy/Administrative Regulation #: See AR 5113  
Subject: Name and address of SARB or probation department and reason for referral

When to Notify: Prior to involuntary transfer to continuation school  
Education Code 48432.5  
Board Policy/Administrative Regulation #: See AR 6184  
Subject: Right to require a meeting prior to involuntary transfer to continuation school

When to Notify: When teacher requires parental attendance  
Education Code 48900.1  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Parent/guardian attendance pursuant to law

When to Notify: Prior to withholding grades, diplomas, or transcripts  
Education Code 48904  
Board Policy/Administrative Regulation #: See AR 5125.2  
Subject: Damaged school property

When to Notify: When withholding grades, diplomas or transcripts from transferring student  
Education Code 48904.3  
Board Policy/Administrative Regulation #: See AR 5125.2  
Subject: Next school will continue withholding grades, diplomas or transcripts



When to Notify: When student is released to peace officer  
Education Code 48906  
Board Policy/Administrative Regulation #: See BP 5145.11  
Subject: Release of student to peace officer

When to Notify: At time of suspension  
Education Code 48911  
Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1  
Subject: Notice of suspension

When to Notify: When original period of suspension is extended  
Education Code 48911  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Extension of suspension

When to Notify: Before holding a closes session re: suspension  
Education Code 48912  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Intent to hold a closed session re: suspension

When to Notify: When student expelled from another district for certain acts seeks admission  
Education Code 48915.1, 48918  
Board Policy/Administrative Regulation #: See AR 5119  
Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied  
Education Code 48916  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Reasons for denial; determination of assigned program

When to Notify: When expulsion occurs  
Education Code 48916  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Description of readmission procedures

When to Notify: 10 calendar days before expulsion hearing  
Education Code 48918  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs  
Education Code 48918  
Board Policy/Administrative Regulation #: See AR 5144.1  
Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: One month before the scheduled minimum day  
Education Code 48980  
Board Policy/Administrative Regulation #: See BP 6111

Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents request guidelines for filing complaint of child abuse at a school site

Education Code 48987

Board Policy/Administrative Regulation #: See BP 1312.1

Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course

Education Code 49067

Board Policy/Administrative Regulation #: See AR 5121

Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school

Education Code 49068

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to receive copy of student's record and to challenge its content

When to Notify: Within 24 hours of release of information to a judge or probation officer

Education Code 49076

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of student record information to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena

Education Code 49077

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of information pursuant to court order or subpoena

When to Notify: Before student serves on safety patrol

Education Code 49302

Board Policy/Administrative Regulation #: See AR 5142.2

Subject: Parental consent

When to Notify: When injurious object is taken from student

Education Code 49332

Board Policy/Administrative Regulation #: See AR 5131.7

Subject: Weapons and dangerous objects

When to Notify: When screening results in suspicion that student has scoliosis

Education Code 49452.5

Board Policy/Administrative Regulation #: See BP 5141.3

Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects

Education Code 49456

Board Policy/Administrative Regulation #: See BP 5141.3

Subject: Vision or hearing test

When to Notify: When a district with junior/high schools does not provide medical/hospital services for injured athletic students

Education Code 49471

Board Policy/Administrative Regulation #: See AR 5143

Subject: Unavailability of services

When to Notify: Before guest speaker or assembly on AIDS prevention, family life, human sexuality, sexually transmitted diseases

Education Code 51201.5, 51554, 51555

Board Policy/Administrative Regulation #: See AR 6142.1, See AR 6142.2

Subject: Date of instruction, name of organization, right to request specific Education Code sections

When to Notify: Before any test questioning personal beliefs

Education Code 51513

Board Policy/Administrative Regulation #: See BP 5145.1

Subject: Permission for test questioning personal beliefs

When to Notify: When migrant education program is established

Education Code 54444.2

Board Policy/Administrative Regulation #: See BP 6175, See AR 6175

Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program

Health and Safety Code 1596.857

Board Policy/Administrative Regulation #: See AR 5148

Subject: Parent right to enter facility

When to Notify: When sharing student immunization information with an immunization system

Health and Safety Code 120440

Board Policy/Administrative Regulation #: See AR 5125

Subject: The name and address of the agency; acceptable use of the information; right to examine; right to refuse to share

When to Notify: When hearing is requested by person asked to leave school premises

Penal Code 627.5

Board Policy/Administrative Regulation #: See AR 3515.2

Subject: Notice of hearing

When to Notify: When providing written decision in response to a complaint re: discrimination, special education, or noncompliance with laws regulating educational program

5 CCR 4631

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Appeal rights and procedures

When to Notify: When child participates in licensed child care and development program  
5 CCR 18066

Board Policy/Administrative Regulation #: See AR 5148

Subject: Policies re: unexcused absences

When to Notify: When student transfers out-of-state and records are disclosed without consent pursuant to 34 CFR 99.30

34 CFR 99.34

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to review records

When to Notify: For districts receiving Title I funds, when a child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"

20 USC 6311

Board Policy/Administrative Regulation #: See AR 4112.2

Subject: Timely notice to parent of child's assignment

When to Notify: When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress

20 USC 6312

Board Policy/Administrative Regulation #: See AR 0520.2

Subject: Notice of failure to parents of ELL students

When to Notify: When school identified for program improvement or corrective action

20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.2, See AR 5116.1

Subject Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

When to Notify: For districts with schools that have been identified for program improvement or corrective action, annually

20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.2

Subject: Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy

20 USC 6318

Board Policy/Administrative Regulation #: See AR 6171

Subject: Notice of policy

When to Notify: For districts with secondary students receiving Title I funds

20 USC 7908

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Notice that parents may request that district not release name, address, phone number of student to military recruiters without prior consent

#### **IV. Special Education Notices**

When to Notify: Within 15 days of referral for assessment for special education programs  
Education Code 56321  
Board Policy/Administrative Regulation #: See AR 6164.4  
Subject: Proposed assessment plan and related parental rights

When to Notify: Upon completion of administration of assessment  
Education Code 56329, 34 CFR 300.502  
Board Policy/Administrative Regulation #: See AR 6164.4  
Subject: IEP meeting scheduled and determination at meeting

When to Notify: If parent disagrees with assessment  
Education Code 56329, 34 CFR 300.502  
Board Policy/Administrative Regulation #: See AR 6164.4  
Subject: Right to obtain independent educational assessment

When to Notify: 24 hours before IEP when intending to tape record  
Education Code 56341  
Board Policy/Administrative Regulation #: See AR 6159  
Subject: Intention to tape record IEP meeting

When to Notify: When parent orally requests review of IEP  
Education Code 56343.5  
Board Policy/Administrative Regulation #: See AR 6159  
Subject: Need for written request

When to Notify: Prior to participation in special education  
Education Code 56346  
Board Policy/Administrative Regulation #: See AR 6159  
Subject: Notice of IEP meetings, why participation necessary

When to Notify: Before functional behavioral assessment begins  
5 CCR 3052  
Board Policy/Administrative Regulation #: See AR 6159.4  
Subject: Notification and consent

When to Notify: Before modification of behavioral intervention plan  
5 CCR 3052  
Board Policy/Administrative Regulation #: See AR 6159.4  
Subject: Need for modification, right to question modification

When to Notify: Within one school day of emergency intervention or serious property damage  
5 CCR 3052  
Board Policy/Administrative Regulation #: See AR 6159.4  
Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation or placement

20 USC 1415(c), 34 CFR 300.503  
Board Policy/Administrative Regulation #: See AR 6159.1  
Subject: Prior written notice

When to Notify: Initial referral for evaluation  
20 USC 1415(d)  
Board Policy/Administrative Regulation #: See AR 6159.1  
Subject: Procedural safeguards notice

When to Notify: Notification of IEP meeting  
20 USC 1415(d)  
Board Policy/Administrative Regulation #: See AR 6159.1  
Subject: Procedural safeguards notice

When to Notify: Reevaluation of student  
20 USC 1415(d)  
Board Policy/Administrative Regulation #: See AR 6159.1  
Subject: Procedural safeguards notice

When to Notify: Registration of complaint  
20 USC 1415(d)  
Board Policy/Administrative Regulation #: See AR 6159.1  
Subject: Procedural safeguards notice

When to Notify: Suspension for more than 10 days or disciplinary action taken for dangerous behavior  
20 USC 1415(k), 34 CFR 300.523  
Board Policy/Administrative Regulation #: See AR 5144.2  
Subject: Decision

When to Notify: Change of placement for more than 10 days  
20 USC 1415(k), 34 CFR 300.523  
Board Policy/Administrative Regulation #: See AR 5144.2  
Subject: Decision

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting  
34 CFR 300.345  
Board Policy/Administrative Regulation #: See AR 6159  
Subject: Time, purpose, location, who in attendance, participation of other with special knowledge, transition statements if appropriate

When to Notify: Upon requesting a due process hearing  
34 CFR 300.507  
Board Policy/Administrative Regulation #: See AR 6159.1  
Subject: Child's name, address, school, description of problem, proposed resolution  
Exhibit PIEDMONT UNIFIED SCHOOL DISTRICT  
version: 2003 Piedmont, California

## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Board Policy**

#### **BP 5145.7**

#### **Students**

### **SEXUAL HARASSMENT**

The Board of Education is committed to promoting and maintaining a safe school environment that is free from harassment and discrimination. Sexual harassment devalues all students, undermines students' physical safety, impedes students' ability to learn, and reinforces social inequality. The Board:

1. Is committed to eliminating sexual harassment and repairing the harm it causes;
2. Prohibits sexual harassment of students at school or at school-sponsored or school-related activities; and
3. Prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages and supports any who feels that they are being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity, or by a district employee in a non-school setting or non-school-related/sponsored event. Any employee who receives a report or observes an incident of sexual harassment will notify the Title IX coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

### **Instruction and Information**

The Superintendent or designee will take appropriate actions to reinforce the district's sexual harassment policy, and will ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information will include:

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

### **Disciplinary Actions**

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

### **Record-Keeping**



In accordance with law and district policies and regulations, 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 district schools.

Adopted: June 13, 2018

Revised: September 22, 2021

# PIEDMONT UNIFIED SCHOOL DISTRICT

## Administrative Regulation

AR 5145.7

### Students

## SEXUAL HARASSMENT

### Definitions

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

- i. Submission to the harassing conduct is explicitly or implicitly made a term or condition of the student's academic status or progress;
- ii. Submission to, or rejection of, the harassing conduct is the basis of academic decisions affecting the student;
- iii. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
- iv. Submission to, or rejection of the harassing conduct is the basis of any decision affecting the student regarding services, honors, programs, or activities available at or through the District;

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5145.3 - Nondiscrimination/Harassment)

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

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the

student's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

### Examples of Sexual Harassment

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

**Title IX Coordinator/Compliance Officer**

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Stephanie Griffin, Director of Instructional Technology  
760 Magnolia Avenue, Piedmont, CA 94611  
510-594-2674  
[sgriffin@piedmont.k12.ca.us](mailto:sgriffin@piedmont.k12.ca.us)

## **Notifications**

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

(cf. 5145.6 - Parental Notifications)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)

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

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

### **Complaint Procedures**

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint.

All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Adopted: June 13, 2018

Revised: September 22, 2021

## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Administrative Regulation**

#### **AR 5145.71**

#### **Students**

### **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under BP/AR 1312.3 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for BP/AR 1312.3 are concurrently met while implementing the Title IX procedure.

#### **Reporting Allegations/Filing a Formal Complaint**

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

### **Supportive Measures**

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

### **Emergency Removal from School**

A student shall not be disciplined for alleged sexual harassment under Title IX until the investigation has been completed. However, on an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave



during the pendency of the formal complaint process. (34 CFR 106.44)

### **Dismissal of Complaint**

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

### **Informal Resolution Process**

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

### **Written Notice**

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.

3. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
4. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
5. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

### **Investigation Procedures**

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report

7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

### **Written Decision**

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

## **Appeals**

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties.

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

The district's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

## **Remedies**

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

## **Corrective/Disciplinary Actions**

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

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

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

## **Record-Keeping**

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if

- applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
  3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

Adopted: September 22, 2021

# **PIEDMONT UNIFIED SCHOOL DISTRICT**

## **Exhibit**

**AR 5145.71**

## **Students**

### **TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES**

#### **NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY**

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to employees, job applicants, and employee organizations:

The district does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school district to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The district has designated and authorized the following employee as the district's Title IX Coordinator, to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

Stephanie Griffin, Director of Instructional Technology  
760 Magnolia Avenue, Piedmont, CA 94611  
510-594-2674  
[sgriffin@piedmont.k12.ca.us](mailto:sgriffin@piedmont.k12.ca.us)

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment and AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures on the district's web site at [www.piedmont.k12.ca.us](http://www.piedmont.k12.ca.us).

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact: Superintendent's Office at 510-594-2614.

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process are also publicly available on the district's web site or at the district office upon request.

Adopted: September 22, 2021



# PIEDMONT UNIFIED SCHOOL DISTRICT

## Board Policy

BP 5145.9

### Students

#### HATE-MOTIVATED BEHAVIOR

The Board of Education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. In order to create a safe learning environment for all students, the Board of Education desires to protect the right of every student to be free from hate-motivated behavior, and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in society. The district prohibits discriminatory behavior or statements that degrade an individual on the basis of his/her actual or perceived race, color, ethnicity, ethnic group identification, culture, heritage, immigration status, national origin, nationality, ancestry, age, marital or parental status, gender, gender identity, gender expression, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices, or association with a person or group with one or more of these actual or perceived characteristics.

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

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [3515.4](#) - Recovery for Property Loss or Damage)

(cf. [5131.5](#) - Vandalism and Graffiti)

(cf. [5136](#) - Gangs)

(cf. [5137](#) - Positive School Climate)

(cf. [5141.52](#) - Suicide Prevention)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5147](#) - Dropout Prevention)

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of district and community resources.

(cf. [1020](#) - Youth Services)

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

(cf. [1700](#) - Relations Between Private Industry and the Schools)

(cf. [5148.2](#) - Before/After School Programs)

(cf. [5148.3](#) - Preschool/Early Childhood Education)

(cf. [6020](#) - Parent Involvement)

The district shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

(cf. [5138](#) - Conflict Resolution/Peer Mediation)

(cf. [6142.3](#) - Civic Education)

(cf. [6142.4](#) - Service Learning/Community Service Classes)

(cf. [6142.94](#) - History-Social Science Instruction)

The Superintendent or designee shall ensure that staff receive training on recognizing hate-motivated behavior and on strategies to help respond appropriately to such behavior.

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

### **Definition of Hate-Motivated Incidents and Hate Crimes**

A “hate-motivated incident” means an act or attempted act which constitutes an expression of hostility against a person, property, or institution because of the target’s real or perceived race, color, ethnicity, ethnic group identification, culture, heritage, immigration status, national origin, nationality, ancestry, age, marital or parental status, gender, gender identity, gender expression, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices, or association with a person or group with one or more of these actual or perceived characteristics. This may include using bigoted insults, taunts, or slurs in words or writing, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, posting or circulating demeaning jokes or leaflets, or sending insulting or threatening messages by phone, e-mail, Web sites, or any other electronic or written communication.

Some hate-motivated behavior may also be a crime as defined in state or federal law. These crimes include, but are not limited to: bomb threats, cross burnings, destruction or defacement of property, and certain types of vandalism and assaults. (Education Code Section 233(e); Penal Code Sections 422.6, 422.7, 422.75). They may also include an act that willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person. (18 USC Section 249)

### **Grievance Procedures**

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Coordinator/Compliance Officer or Principal. Upon receiving such a complaint, the Coordinator/Compliance Officer or Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 1312.3 – Uniform Complaint Procedures. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

District Coordinator and Compliance Officer  
760 Magnolia Avenue, Piedmont, CA 94611  
(510) 549-2686  
Cwozniak@piedmont.k12.ca.us

(cf. [1312.1](#) - Complaints Concerning District Employees)  
(cf. [1312.3](#) - Uniform Complaint Procedures)  
(cf. [5131](#)- Conduct)  
(cf. [5144](#) - Discipline)  
(cf. [5144.1](#) - Suspension and Expulsion/Due Process)  
(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))  
(cf. [5145.7](#) - Sexual Harassment)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Coordinator/Compliance Officer or Principal, Superintendent or designee, and/or law enforcement, as appropriate.

(cf. [3515.3](#) - District Police/Security Department)  
(cf. [4158/4258/4358](#) - Employee Security)

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

(cf. [6164.2](#) - Guidance/Counseling Services)

Legal Reference:

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

[32282](#) School safety plans

[48900.3](#) Suspension for hate violence

[48900.4](#) Suspension or expulsion for threats or harassment

PENAL CODE

[422.55](#) Definition of hate crime

[422.6](#) Crimes, harassment

CODE OF REGULATIONS, TITLE 5

[4600-4687](#) Uniform Complaint Procedures

[4900-4965](#) Nondiscrimination in elementary and secondary education programs

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

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

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL

ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997

WEB SITES

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

California Association of Human Relations Organizations: <http://www.cahro.org>

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

National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>  
U.S. Department of Justice, Community Relations Service: <http://www.usdoj.gov/crs>  
(6/99) 7/09

Adopted: June 13, 2018