

**RANCHO SANTA FE SCHOOL DISTRICT**

**SERIES 5000**

**PUPIL RIGHTS AND RESPONSIBILITIES**

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## RANCHO SANTA FE SCHOOL DISTRICT

### Board Policy No. 5000: NONDISCRIMINATION

- A. It is the policy of the District to provide to every pupil an equal opportunity to receive an education as required by federal and/or state law in any District program or activity. The Board desires to provide a safe educational environment that allows all pupils equal access to and opportunities in the District's academic, extracurricular, and other educational programs, services, and activities. This Policy applies to all acts related to school activity or school attendance occurring within the jurisdiction of the Board.
- B. No person shall illegally discriminate against, harass, intimidate or bully a pupil because of the pupil's race, sex, gender, gender identity, gender expression, sexual orientation or preference, color, religion, mental or physical disability, nationality, ancestry, ethnicity, immigration status, or any other characteristic that is contained in or identified in Section 422.5 of the Penal Code and Section 220 of the Education Code. Further, the District shall not tolerate discrimination against a pupil because another perceives that the pupil has one or more of the characteristics of a member of the above-protected groups or because the pupil is associated with a person who has or is perceived to have any of the characteristics of a member of the above protected groups.
- C. Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed in Paragraph B, above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a pupil'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 pupil's academic performance; or otherwise adversely affects a pupil's educational opportunities.
- D. Unlawful discrimination also includes disparate treatment of pupils based on one of the categories listed in Paragraph B, 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.
- E. No teacher shall give any instruction, nor shall there be any activity or textbook or instructional materials used which reflect adversely upon persons because of their race, sex, gender, gender identity, gender expression, sexual preference or orientation, color, religion, disability, nationality, ancestry, or ethnic group identification or because another perceives that a pupil has one or more of the characteristics of the above protected groups. No textbook or other instructional materials shall be used which contain any matter reflecting adversely upon persons in the above-identified protected groups.
- F. The Governing Board 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.

Legal Reference:

20 U.S.C. section 1681

42 U.S.C. section 2000c and 2000d

Education Code sections 200, 220, 234.1 201, 210-212.6, 220, 221.5, 221.7, 224, 225, 229, 230, 231, 231.5,

233.5, 241, 51004, 51500, 51501

Government Code sections 11135, 51930 *et seq.*

Penal Code section 422.55

5 C.C.R. section 4900 *et seq.*

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: February 10, 1999; March 20; 2002; January 13, 2005; July 9, 2020

May 17, 2007; June 5, 2008; July 18, 2013; June 22, 2018, October 14, 2022

## **RANCHO SANTA FE SCHOOL DISTRICT**

### **Board Policy No. 5001: PUPIL COMPLAINT PROCEDURE**

#### **A. Prohibited Discrimination**

Except as otherwise provided by law, a pupil shall not be excluded from participation in, denied the benefits of, or subjected to discrimination, harassment, intimidation, or bullying under any academic, extracurricular, or other educational program or activity operated by the District or denied any aid, benefit or service provided by the District on the basis of any prohibited discrimination in Board Policy 5000.

#### **B. Compliance Officer**

The Governing Board designates the following compliance officer responsible for receiving, coordinating and investigating the complaints of unlawful discrimination and for complying with state and federal civil rights laws and to answer questions concerning the District's nondiscrimination policies.

Superintendent  
Rancho Santa Fe School District  
5927 La Granada  
Rancho Santa Fe, California, 92067  
(858) 756-1141 ext. 114

Mailing Address:  
Rancho Santa Fe School District  
P.O. Box 809  
Rancho Santa Fe, California, 92067

The Superintendent is designated as the Equal Educational Opportunity Officer/Title IX Coordinator directly responsible for coordinating efforts to ensure compliance with all nondiscrimination laws. The Superintendent may designate another administrator to be directly responsible.

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

Pupils who feel that they have been subjected to unlawful discrimination described above or in Board Policy 5000 are strongly encouraged to immediately contact the Superintendent, Principal, or any other staff member. In addition, pupils who observe any such incident are strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is

reported shall report the incident to the Superintendent or Principal within one (1) school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so.

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying based on a protected class or affiliation with a protected class, is made to or received, the Superintendent or Principal shall notify the pupil and parent/guardian of the right to file a formal complaint in accordance Board Policy 6006, Uniform Complaint Procedures. Once notified verbally or in writing, the Superintendent or designee shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all pupils have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a pupil who is the victim of the alleged unlawful discrimination.

D. Notice

1. A copy of this Policy shall be displayed in a prominent location and on the District's website.
2. A copy of this Policy shall be provided as part of any orientation program conducted for new pupils at the beginning of each quarter, semester or summer session as appropriate.
3. A copy of this Policy shall be provided for each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired.
4. A copy of this Policy shall appear in any publication that sets for the District's comprehensive rules, regulations, procedures and standards of conduct.

Legal Reference:

Education Code sections 212.5, 220, 234.1, 221.5, 221.7, 224, 225, 229, 230, 231, 231.5, 48900.2

Date Policy Adopted By The Board: February 10, 1999

Dates Policy Revised By The Board: January 13, 2005; May 17, 2007; June 5, 2008; March 1, 2012; June 22, 2018; October 14, 2022, August 3, 2023

## RANCHO SANTA FE SCHOOL DISTRICT

### Board Policy No. 5001.1: SEXUAL HARASSMENT OF PUPILS INCLUDING TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

#### A. Introduction

The District recognizes that harassment on the basis of sex is unlawful. Employees and pupils will not engage in conduct constituting sexual harassment. This Board Policy prohibits any act of sexual harassment as defined by this Board Policy where such act is related to any school activity or school attendance as allowed by law. The District will not condone or tolerate sexual harassment. The District will take appropriate disciplinary action against all employees or pupils found to have engaged in sexual harassment.

#### B. Compliance Officer/Title IX Coordinator

The Governing Board designates the following compliance officer/Title IX Coordinator responsible for receiving, coordinating and investigating the complaints of sexual harassment and for complying with state and federal civil rights laws and to answer questions concerning the District's sexual harassment policies.

Superintendent  
Rancho Santa Fe School District  
5927 La Granada  
Rancho Santa Fe, California, 92067  
(858) 756-1141 ext. 114

Mailing Address:  
Rancho Santa Fe School District  
P.O. Box 809  
Rancho Santa Fe, California, 92067

#### C. Definitions of Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. It includes but is not limited to circumstances in which:

1. Submission to such conduct is made a term or condition of a pupil's academic status or progress.
2. Submission to or rejection of such conduct is used as the basis for any academic decision affecting such pupil.

3. Such conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to, or rejection of, the conduct is used as the basis for any decision affecting benefits and services, honors, programs, or activities available at or through the school.

C. Forms of Sexual Harassment

Forms of sexual harassment include but are not limited to the following:

1. Oral harassment such as derogatory comments, jokes or slurs;
2. Physical harassment such as unnecessary, unwelcome or offensive touching, or impeding or blocking movement;
3. Visual harassment such as derogatory or offensive posters, cards, cartoons, pictures, graffiti, drawings, or gestures; and
4. Unwelcome sexual advances, requests, or demands for sexual favors, and other oral or physical conduct of a sexual nature.
5. Electronic communications including, but not limited to, unwelcome communications, photos, videos, or other content sent through electronic messaging that is sexual in nature, such as texts, emails, and social media.

D. Complaint Procedure For All Illegal Harassment

A pupil or parent/guardian who believes that the pupil has been subjected to sexual harassment by another pupil, 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 (1) 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 pupil shall, within one (1) school day, report the observation to the principal or Title IX Coordinator, regardless of whether the alleged victim files a formal complaint.

When a report of sexual harassment is made to or received, the Superintendent or Principal shall notify the pupil and parent/guardian of the right to file a formal complaint in accordance Board Policy 6006, Uniform Complaint Procedures. Once notified verbally or in writing, the Superintendent or designee shall begin the investigation and shall implement immediate measures necessary to stop the harassment and ensure that all pupils have access to the educational program and a safe school environment.



Any pupil wishing to make a complaint of sexual harassment should immediately report it to the Principal or designee. However, there is absolutely no requirement that a pupil must make a complaint to the alleged harasser. If the Principal or designee is the alleged harasser, the pupil should make the complaint to the Superintendent. A pupil making a complaint of sexual harassment shall not suffer any reprisal for doing so. The District will promptly and thoroughly investigate all complaints of sexual harassment. The District also will take immediate and appropriate action to resolve such complaints. All incidents of sexual harassment will be remedied. A report of the results of the investigation will be made to the complainant, the alleged harasser, and the supervisor of the alleged harasser.

E. Title IX Sexual Harassment Complaint Procedures

1. The complaint procedures described in this Paragraph E shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a pupil, 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:
  - a. A District employee conditioning the provision of a District aid, benefit, or service on the pupil's participation in unwelcome sexual conduct.
  - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a pupil equal access to the District's education program or activity.
  - c. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291.

2. 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 support 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.

3. Emergency Removal from School

A pupil 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 pupil 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 pupil or other individual arising from the allegations, and provides the pupil with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a pupil does not modify a pupil's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

4. Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment under 34 CFR 106.30. The Title IX Coordinator shall also dismiss any complaint as required by Title IX. 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 "Appeal" below. If a complaint is dismissed, the Title IX Coordinator shall evaluate whether the complaint shall be investigated under the District's Uniform Complaint Procedures.

5. Written Notice to the Parties

The Title IX Coordinator shall provide the known parties with written notice of the following:

- a. The District's complaint process, including any informal resolution process;
- b. 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.
- c. 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.
- d. 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.
- e. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process.

6. Investigation Procedures

- a. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- b. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- c. 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.
- d. 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 .
- e. 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.
- f. 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.
- g. 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.
- h. 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.

7. Written Decision

- a. 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.
- b. After sending the investigative report to the parties and before reaching a determination regarding responsibility, 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.
- c. 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.
- d. The written decision shall be issued within 60 calendar days of the receipt of the complaint, unless the timeframe is extended by the District for good cause. The District shall provide written notice to the parties of any extension.

- e. 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.
- f. 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 pupils as for complaints against employees.

8. Appeals

- a. 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 of the Title IX Coordinator, investigator, or decision-maker affected the outcome.
- b. 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.
- c. A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.
- d. The District's decision may be appealed to the California Department of Education within 30 days of the written decision.
- e. 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.
- f. The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining order, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

9. Recordkeeping: The Superintendent or designee shall maintain for a period of seven (7) years:

- a. 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
- b. 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 circumstance
- c. 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.

10. 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.
11. This grievance process does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

F. Dissemination Of Policy

1. A copy of this Policy on sexual harassment shall be provided as part of any orientation program conducted for new pupils at the beginning of each quarter, semester, or summer session, as applicable.
2. A copy of this Policy shall be displayed in a prominent place in the main administrative building or other area of the campus or school site where notices regarding the rules, regulations, procedures and standards of conduct are posted.
3. A copy of this Policy shall be provided to each employee at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired.
4. A copy of this Policy shall appear in any publication that sets forth the comprehensive rules, regulations, procedures and standards of conduct for the institution.
5. A copy of this Policy must be provided annually to parents in the District's annual notices to parents required by Education Code section 48980.

Legal Reference:

Education Code sections 210-231.5, 210-212.5, 220, 221.5, 221.7, 224, 225, 229, 230, 231, 231.5, 48980

Title IX of the Education Amendments of 1972

Date Policy Adopted By The Board: March 17, 1993

Dates Policy Revised By The Board: January 13, 2005; May 17, 2007; June 5, 2008; June 22, 2018, October 14, 2022, August 3, 2023

**RANCHO SANTA FE SCHOOL DISTRICT**

**Board Policy No. 5002:      EXCLUSION OF PUPILS**

- A.      The Superintendent is authorized to exclude pupils in accordance with applicable laws as long as proper and legal notice is provided to the parents and legal guardians of such pupils.

Legal Reference:

Education Code sections 48213, 48216 and 49451

Health and Safety Code section 120230

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: March 17, 1993; January 13, 2005; June 5, 2008; July 18, 2013

## RANCHO SANTA FE SCHOOL DISTRICT

**Board Policy No. 5003:     ADMISSION/EXCLUSION AND EDUCATION OF PUPILS  
INCLUDING THOSE DIAGNOSED AS HAVING  
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)**

- A.     The Board fully recognizes that education is a fundamental right guaranteed and protected by various constitutional and statutory provisions. The Board also fully recognizes that it may take reasonable action to protect the safety and welfare of students, and to protect the safety and welfare of employees and visitors to the District.
  
- B.     The Board may exclude children suffering from contagious or infectious diseases. Pursuant to Education Code section 49451, school authorities may send home a child suffering from a recognized contagious or infectious disease and not permit his or her return until school authorities are satisfied that any contagious or infectious disease does not exist.
  
- C.     The Board is not required to send prior notice of the exclusion to the parent or legal guardian of the child, but shall send the notice as soon as is reasonably possible after the exclusion.
  
- D.     It is the policy of the Board to require an individual review and evaluation of each child who is diagnosed as a carrier of a dangerous or potentially dangerous disease or condition. The individual review and evaluation will consider: the health and safety of other children and school personnel; the health and safety of the child; the past behavior and predictable behavior of the child; the neurological development of the child; the physical condition of the child; any possibilities of the uncontrollable or unsafe release of body secretions; biting or open lesions; the desires of the parents of the child; and the potential environment in which the child will be educated. The individual review and evaluation shall at least include participation by the following: a District designated medical doctor; a state or county health officer; the Principal or the Superintendent.
  
- E.     A decision to exclude a child from attendance at regular school classes under this Board Policy will be reviewed periodically. Any child excluded from attendance at regular school classes pursuant to this Board Policy shall, to the extent feasible, be placed in an educational program, which may be home tutoring, which will serve the best interests of the child.
  
- F.     Any employee who has reason to believe that a child currently enrolled in the District or newly enrolled in the District has been diagnosed with the disease AIDS or is a carrier of the AIDS virus, the employee shall notify the Superintendent while maintaining the child's right to privacy.
  
- G.     All medical records of any child shall be treated as confidential pursuant to Education Code section 49076. The District shall not release or permit access to any such medical

records unless authorized by Education Code section 49076, written parental or legal guardian consent, judicial order, or compliance with a lawfully issued subpoena.

#### H. Immunizations

1. The District shall exclude any pupil who has not been immunized properly. The Superintendent shall notify the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized, or that the pupil is exempted from the immunization requirements. The Superintendent shall include in the notice referral to the child's medical doctor for immunization, the County Health Department or the District if immunizations will be administered at the District.
2. In certain limited cases expressly permitted by law, pupils may be exempt from the immunization requirements. Effective January 1, 2021, all medical exemptions must be on a standardized, statewide medical exemption certification form and submitted by a pupil's physician into the California Immunization Registry (CAIR) and to the District.
3. The District shall annually file a written report on the immunization status of new pupils with the California Department of Public Health and San Diego County Health and Human Services. The San Diego County Health and Human Services shall have access to the complete health information as it relates to immunization of each pupil in order to determine immunization deficiencies.

#### Legal Reference:

Section 504 of the federal Vocational Rehabilitation Act  
Education Code sections 48215, 48216, 49076, and 49451  
Health and Safety Code section 120230

Dates Policy Revised By The Board: March 12, 1997; January 13, 2005; May 17, 2007; June 5, 2008; July 18, 2013, July 9, 2020



## RANCHO SANTA FE SCHOOL DISTRICT

### Board Policy No. 5004: HEALTH EXAMINATIONS

- A. To determine the health status of pupils, facilitate the removal of handicaps to learning, determine whether special adaptations of the school program may be necessary, and in accordance with State law, the District shall require that periodic examinations be conducted which include tests for vision, hearing and scoliosis. All personnel employed to examine pupils shall exercise proper care of each pupil being examined and shall ensure that the examination results are kept confidential.
1. A parent/guardian may annually file a statement with the Principal withholding consent to any physical examination of his/her pupil. The pupil shall be exempt, but shall be subject to exclusion whenever there is good reason to believe that the pupil is suffering from a suspected contagious or infectious disease. The pupil shall be sent home and not permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist.
  2. The Principal shall notify parents/guardians of the rights of pupils and parents/guardians relating to health examinations.
  3. The Board may, from time to time, require reports regarding the number of pupils found to have physical problems and the effort made to correct them.
- B. Vision and Hearing
1. During the kindergarten year or upon first enrollment or entry in the District, and in grades 2, 5, and 8, a pupil's vision shall be appraised by the school nurse or other authorized person under Education Code section 49452.
  2. A pupil whose first enrollment or entry occurs in grade 4 or 7 shall not be required to be appraised in the year immediately following the pupil's first enrollment or entry.
  3. The appraisal shall include tests for visual acuity, including near vision, and color vision; however, color vision shall be appraised once and only on male pupils, and the results of the appraisal shall be entered in the health record of the pupil. Color vision appraisal need not begin until the male pupil has reached the first grade.
  4. A pupil's vision may be appraised by using an eye chart or any other scientifically validated photoscreening test. Photoscreening tests shall be performed, under an agreement with, or the supervision of, an optometrist or ophthalmologist, by the school nurse or a trained individual who meets requirements established by the California Department of Education.

5. 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. The District shall adhere to the procedures in Education Code section 49456.

C. Scoliosis Screening

The District shall arrange for scoliosis screening for female students in grade seven and male pupils in grade 8.

D. Oral Health Assessment

Kindergarten pupils, and first year pupils not previously enrolled in kindergarten shall, by May 31 of the school year, present proof of having received an oral health assessment by 11 a licensed dentist or other licensed or registered dental health professional within 12 months prior to the date of the pupil's initial enrollment. The District shall notify parents or guardians of the oral health assessment requirement. Such notification shall include the following information:

1. An explanation of the oral health assessment requirement.
2. Information on the importance of primary teeth and the importance of oral health to overall health and to learning.
3. A toll free number to request an application for Healthy Families, Medi-Cal, or other government subsidized health insurance program and contact information for the county health department.
4. A statement of privacy.
5. A section in which the parent or guardian can indicate the reason why an assessment could not be completed including that completion of an assessment poses an undue financial burden, lack of access to a licensed or registered dental health professional, or that the parent or guardian does not consent to an assessment.

E. Informational Materials for Parents/Guardians

1. In accordance with Education Code section 49452.6, the District shall provide type 1 diabetes informational materials to the parent or guardian of a pupil when the pupil is first enrolled in elementary school, or with the information provided pursuant to Education Code Section 48980. The information sheet may include, but is not limited to, the information set forth in Education Code section 49452.7.
2. In accordance with Education Code section 49452.7, the District shall provide an information sheet regarding type 2 diabetes to the parent or guardian of incoming

seventh grade pupils. The information sheet shall include the information required by Education Code section 49452.7.

Legal Reference:

Education Code sections 49450-49457, 49452.7

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: January 13, 2005; May 17, 2007, June 5, 2008, March 1, 2012; June 4, 2015, October 14, 2022

## RANCHO SANTA FE SCHOOL DISTRICT

### Board Policy No. 5005: ABSENCES AND EXCUSES

- A. Absence from school shall be allowed only for health reasons, family emergencies and justifiable personal reasons, as permitted by law. Parents or guardians shall be notified of their pupil's absences. Such notification shall be on the day of each absence.
- B. When pupils who have been absent return to school, the Board requires that they present a satisfactory explanation from their parent/guardian, verifying the reason for the absence. The parent/guardian may explain the absence in person, by telephone, or in a written, signed note. Absences for confidential medical appointments shall be exempt from this requirement and may be verified by the pupil or his/her physician.
- C. Any of the following methods may be used to verify absences due to illness, quarantine, medical, dental, religious reasons, optometrical services or death in the immediate family. The following methods shall be used to verify all absences except absences due to confidential medical services.
  - 1. Conversation, in person or by telephone, between the verifying employee and the pupil's parent, guardian, or parent-representative. A subsequent written record of the conversation will include the following:
    - a. Name of pupil.
    - b. Name of parent, guardian, or parent-representative,
    - c. Name of verifying employee.
    - d. Date or dates of absence.
    - e. Reason for absence.
  - 2. Written note from parent, guardian, or parent-representative.
  - 3. Visit to the pupil's home by the verifying employee.
  - 4. Any other reasonable method which establishes the fact that the pupil was actually absent for the reasons stated. A written record shall be made, including information outlined above.
- D. Pupils shall be excused from school when the absence is:
  - 1. Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health.

2. Due to quarantine under the direction of a county or city health officer;
3. For the purpose of having medical, dental, optometrical, or chiropractic services rendered;
4. For the purpose of attending the funeral services of a member of the pupil's immediate family so long as the absence is not more than one (1) day if the service is conducted in California and not more than three (3) days if the service is conducted outside of California;
5. For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization when the pupil's absence is requested in writing by the parent or guardian and approved by the principal.
6. For the purpose of spending time with a member of the pupil's immediate family, who is an active duty member of the uniformed services, as defined in Education Code section 49701, and has been called to duty for, is on leave from, or has immediately returned from, deployment to a combat zone, or combat support position. Absences granted pursuant to this subparagraph shall be granted for a period of time to be determined at the discretion of the Superintendent.
7. For the purpose of attending the pupil's naturalization ceremony to become a United States citizen.
8. For the purpose of a medical appointment or illness of a pupil's child including absences to care for a sick child. The District shall not require a note from a doctor for these absences. Pregnant and parenting pupils are entitled to accommodations set forth in Education Code section 46015, including 8 weeks of parental leave, or more if deemed medically necessary by the pupil's physician.
9. For the purpose of participating in a cultural ceremony or event. "Cultural" means relating to the habits, practices, beliefs, and traditions of a certain group of people.
10. For middle school pupils, for the purpose of participating in a civic or political event provided that the pupil notifies the school ahead of the absence. A middle school pupil who is absent to attend a civic or political event will only be excused for one schoolday-long absence per school year. Additional excused absences to participate in a civil or political event may be permitted in the discretion of a school administrator. For purposes of this policy, a "civic or political event" includes voting, poll working, strikes, public commenting, candidate speeches, political or civic forums, and town halls.

E. Pupils absent from school for the reasons set forth in paragraph D above shall be allowed to complete all assignments and tests missed during the absence that can be reasonably provided and, upon satisfactory completion within a reasonable period of time, shall be given full credit therefore. The teacher of any class from which a pupil is absent shall determine the tests and assignments which shall be reasonably equivalent to, but not necessarily identical to, the tests and assignments that the pupil missed during the absence.

F. Absences for Confidential Medical Services

Education Code section 46010.1 requires a school district to notify the parents or guardians of seventh or eighth grade students that it may be excusing them for the purpose of procuring confidential medical services. When excusing pupils for confidential medical services or verifying such appointments, District staff shall not ask the purpose of such appointments but may contact a doctor or medical office in order to verify the time and date of the appointment only. Parents and pupils shall be asked to schedule medical appointments during non-school hours.

Legal Reference:

Education Code sections 46010.1, 48205, 48260, 48260.5, 48261, 49701

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised by the Board: October 15, 1997; January 13, 2005; June 5, 2008, March 1, 2012; June 22, 2017, July 11, 2019, October 14, 2022, August 3, 2023

## **RANCHO SANTA FE SCHOOL DISTRICT**

### **Board Policy No. 5006: ABSENCES FOR RELIGIOUS PURPOSES**

- A. Pursuant to Education Code section 46014, the District may allow pupils to be absent for religious instruction or to participate in religious exercises away from school property. Such absences shall be considered excused absences subject to the following:
1. The pupil shall attend at least the minimum school day.
  2. The pupil shall be excused for no more than four (4) school days per month.
  3. The District has received prior written consent of the parent/guardian.
- B. Pursuant to Education Code section 48205, a pupil shall be excused from school in order to observe a holiday or ceremony of the pupil's religion, or to attend a religious retreat if requested in writing by the parent/guardian and approved by the Principal. Absences for the purpose of attending a religious retreat will be excused if they do not exceed four hours per semester.

Legal Reference:

Education Code sections 46014, 48205

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008

**RANCHO SANTA FE SCHOOL DISTRICT**

**Board Policy No. 5007: ASSIGNMENT OF FAILING GRADE DUE TO UNEXCUSED ABSENCES**

- A. Unexcused absences from class exceeding ten (10) days in a school semester may be sufficient reason for a teacher to assign the pupil a failing grade for the class. The teacher may assign a failing grade in such cases.
- B. The pupil and parent/guardian shall be notified of each unexcused absence. The pupil and parent/guardian shall be given three (3) days to explain the absence. If the absence is not verified as an excusable absence, it shall be recorded as unexcused, together with the reason for the absence as given by the parent and the date when the explanation was given. The name of the person receiving any oral explanation of the absence shall also be recorded.
- C. If a pupil receives a failing grade because of unexcused absences exceeding the above maximum, school records shall specify that the grade was given because of excessive unexcused absences.
- D. As required by Education Code section 49067(a), whenever it becomes evident that a pupil is in danger of failing due to unexcused absences, the teacher shall schedule a conference with the parent(s) or legal guardian or make a written report to the parent(s) or guardian. The refusal or failure of a parent to attend the conference shall not preclude failing the pupil at the end of the grading period.

Legal Reference:

Education Code sections 48205, 49067

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008



## RANCHO SANTA FE SCHOOL DISTRICT

### Board Policy No. 5008: TRUANCY

- A. The Principal or other designee of the Superintendent shall gather the information necessary to comply with Education Code section 48273 relating to truants. This administrator shall gather and transmit to the County Superintendent of Schools the number of referrals and types of referrals made to the county school attendance review board and the number of requests for petitions made to the juvenile court pursuant to Education Code section 48263.
- B. Any pupil subject to compulsory education who is absent without valid excuse three full days in one school year or tardy or absent for more than any 30-minute period during the school days without a valid excuse on three occasions in one school year, or any combination thereof, shall be classified as a truant and shall be reported to the Principal or other designee of the Superintendent. For purposes of this Board Policy, a valid excuse includes, but is not limited to, the reasons for which a pupil may be excused from school pursuant to Education Code section 48205 (see Board Policy 5005) and Education Code section 48225.5 and may include other reasons that are within the discretion of the Superintendent based on the facts of the pupil's circumstances as allowed under Education Code section 48260.
- C. Any pupil who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be reported as a truant to the Principal or other designee of the Superintendent.
- D. Any pupil is deemed an habitual truant who has been reported as a truant three or more times per school year, but no pupil shall be deemed an habitual truant unless the Principal or other designee of the Superintendent has made a conscientious effort to hold at least one conference with the parent/guardian of the pupil and the pupil after the notification in either B or C above.
- E. The Principal or other designee of the Superintendent shall establish a procedure whereby parents/guardians receive written notices if pupils under their control are truant. Such notice shall conform with the requirements in Education Code section 48260.5 and other applicable law.

#### Legal Reference:

Education Code sections 48205, 48225.5 and 48260-48273

Date Policy Adopted By The Board: September 6, 1990

Date Policy Reviewed By the Board: January 13, 2005

Dates Policy Revised By The Board: February 21, 1996; June 5, 2008; July 18, 2013

## RANCHO SANTA FE SCHOOL DISTRICT

### Board Policy No. 5009: PARTICIPATION IN EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES FOR PUPILS IN GRADES 7-8

#### A. General Provisions

1. Extracurricular activities are those programs that have all of the following characteristics:
  - a. The program is supervised or financed by the District.
  - b. Pupils participating in the program represent the District.
  - c. Pupils exercise some degree of freedom as determined by the Administration of the District in either the selection, planning, or control of the program.
  - d. The program includes both preparation for performance and performance before an audience or spectators.
2. Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit, and do not take place during class time.
3. Co-curricular activities are programs that may be associated with the curriculum in a regular classroom.
4. A program that has as its primary goal the improvement of academic or educational achievement is not an extracurricular or co-curricular activity under this Policy.

#### B. Academic Eligibility Requirements

1. In order to encourage and promote academic excellence, all pupils in grades five through eight participating in extracurricular or co-curricular activities shall demonstrate satisfactory educational progress in the previous grading period.
2. In order to be eligible for participation in extracurricular or co-curricular activities, a pupil shall have earned a minimum of a 2.5 grade point average during the preceding grading period in all enrolled classes on a 4.0 scale, and shall have earned at least a "satisfactory" grade in citizenship in all classes, and shall not have received a "D" or an "F" in any subject.
3. The "previous grading period" does not include any grading period in which the pupil was not in attendance for all, or a majority of the grading period due to

excused absences. In that event, the previous grading period is deemed to mean the grading period immediately prior to the grading period or periods excluded.

4. Eligibility will be determined within five school days of the end of each grading period.
5. An incomplete (I) grade is not a passing grade. For the purpose of eligibility, it will be counted as an "F" until cleared. When cleared, and a letter grade given, eligibility status will be re-determined.

#### C. Probationary Period

1. A pupil who does not achieve satisfactory educational progress in academic subjects in the previous grading period as defined in paragraph B2 may remain eligible to participate in extracurricular and co-curricular activities during a probationary period. An incoming pupil with a grade point average during the preceding grading period of less than 2.5 or "C+" automatically shall be placed on probation.
2. The probationary period is the next grading period. During the probationary period, the pupil will be monitored on a regular basis. During the first three (3) week of the probationary period a pupil may continue to participate in "practice only" status. At the end of this three (3) week period, the pupil may continue to be on probation and in "practice only" status or may continue to be in probation but be allowed to move into "practice and regular participation" status. However, at any time, if satisfactory educational progress is not being sought or achieved, the pupil may be declared ineligible to participate. A pupil who does not achieve satisfactory educational progress as defined by this Policy during the probationary period shall not be allowed to participate in extracurricular and co-curricular activities in the subsequent grading period.
3. A pupil who receives a "Needs Improvement" (N) in citizenship also will be placed on probation. During the probationary period, the pupil will be monitored, evaluated and treated in the same manner as in subparagraph 2 immediately above.
4. Pupils who are eligible for differential standards of proficiency pursuant to Board Policy are covered by this Policy, consistent with any allowances for disabilities.
5. Pupils who engage in serious misconduct, as determined by the Principal or Superintendent, may be immediately made ineligible to participate in extracurricular and co-curricular activities until determined otherwise by the Principal or Superintendent.

#### D. Appeal Process

1. A decision on eligibility by the Principal may be appealed in writing to the Superintendent.

E. Required Supervision

1. All extracurricular and co-curricular activities of the District shall be under the general supervision of District employees.

G. Opioid Factsheet

1. The District shall annually provide each pupil who participates in a District athletic program with the Opioid Factsheet for Patients published by the Centers for Disease Control and Prevention. The pupil and his/her parent or guardian shall sign a document acknowledging receipt of the Opioid Factsheet and shall return that document to the District before the pupil initiates practice or competition. This requirement shall not apply to a pupil engaging in an athletic activity during the school day or as part of a physical education course required pursuant to Education Code section 51220.

H. Protocol for Pupil Concussions Occurring During A School-Sponsored Athletic Activity and Concussion And Head Injury Information Sheet (Education Code section 49475)

1. A student athlete who is suspected of sustaining a concussion or head injury in an athletic activity shall be immediately removed from the athletic activity for the remainder of the day, and shall not be permitted to return to the athletic activity until he or she is evaluated by a licensed health care provider.
2. The student athlete shall not be permitted to return to the athletic activity until he or she receives written clearance to return to the athletic activity from a licensed health care provider. If the licensed health care provider determines that the athlete sustained a concussion or a head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed health care provider.
3. For purposes of Paragraph “H,” “licensed health care provider” means a licensed health care provider who is trained in the management of concussions and is acting within the scope of his or her practice.
4. The District shall annually provide each pupil who participates in a District athletic program with a Concussion and Head Injury Information Sheet. The pupil and his/her parent or guardian shall sign a document acknowledging receipt of the Concussion and Head Injury Information Sheet and shall return that document to the District before the pupil initiates practice or competition. This requirement shall not apply to a pupil engaging in an athletic activity during the school day or as part of a physical education course required pursuant to Education Code section 51220.

Legal Reference

Education Code section 35160.5, 49475, 49476

Health and Safety Code section 124235

Opioid Factsheet: <https://www.cdc.gov/drugoverdose/pdf/AHA-Patient-Opioid-Factsheet-a.pdf>

Parent/Athlete Concussion Information Sheet:

[https://www.cdc.gov/headsup/pdfs/custom/HeadsUpConcussion\\_Parent\\_Athlete\\_Info.pdf](https://www.cdc.gov/headsup/pdfs/custom/HeadsUpConcussion_Parent_Athlete_Info.pdf)

Date Policy Adopted By The Board: September 6, 1990

Date Policy Last Revised By The Board: August 20, 2009, July 11, 2019, October 10, 2019

## RANCHO SANTA FE SCHOOL DISTRICT

### Board Policy No. 5010: PUPIL RECORDS AND INFORMATION – CONFIDENTIALITY

- A. In collecting, maintaining and disseminating pupil record information, the school administration shall establish safeguards to protect the pupil and the pupil's family from an invasion of privacy. The Superintendent, or designee, and the Principal shall make recorded information accessible only to those legally entitled to review it.
- B. Where the requirements of the Federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) conflict with similar rights under the California Education Code, the District shall comply with the more restrictive requirements.
- C. For the purposes of this Policy:

"Parent" means a natural parent, an adopted parent, or legal guardian. If parents are divorced or legally separated, only the parent having legal custody of the pupil 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. Once a pupil reaches the age of eighteen (18) or is attending a post-secondary school, he/she alone shall exercise all of the rights under this Policy including the right to grant consent for the release of records. Access to pupil records and information shall not be denied to a parent because he/she is not the pupil's custodial parent.

"Pupil record" means any item of information, other than directory information, which is directly related to an identifiable pupil and maintained by the District or required to be maintained by a school employee. Such information may be recorded in handwriting, print, tapes, film, microfilm or by other means. The pupil record shall include the pupil's health record. "Pupil record" shall not include informal notes about a pupil which a school employee keeps for private use or for use by a substitute employee.

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

- D. As required by law, parents of currently enrolled or former pupils shall be permitted to inspect and review pupil records.
- E. The Superintendent or Superintendent's designee and the Principal shall act as custodians of records for pupils enrolled in the District.
- F. Access to Pupil Records

1. Although pupil records are confidential, access to the records may be granted in compliance with state and federal laws. Certificated personnel will be provided to interpret records where appropriate. All persons requesting access to pupil records shall be required to provide identification demonstrating the right to access.
2. Parents of currently enrolled or former pupils as defined in paragraph C herein have an absolute right of access to any and all pupil records related to their children which are maintained by the District.
3. Information concerning a pupil shall be furnished in compliance with a court order or a lawfully issued subpoena. The District shall make a reasonable effort to notify the parent or legal guardian and the pupil in advance of compliance with a lawfully issued subpoena and, in the case of compliance with a court order, if lawfully and reasonably possible within the requirements of the order.
4. Information specific to a particular pupil's identify and location that relates to the transfer of that pupil's records to another school district within this state or any other state, or to a private school in this state shall be provided by the District to law enforcement upon request when a proper police purpose exists under Section 49076.5 of the Education Code.
5. Third parties identified in Education Code section 49076 are entitled to access and to copies of pupil records without written parental consent.
6. For each pupil's record, the Superintendent, Superintendent's designee or Principal shall require that a log be kept identifying all persons or agencies who request or receive information from the record, together with the time and reason why access was granted or denied and a notation if copies are made. The log may be inspected by a parent, the school custodian of records, and certain state/federal officials as specified in Education Code section 49064.

The log need not include:

- Parents or adult pupils (age 18 or older).
- Pupils sixteen (16) years of age or older who have completed the tenth grade.
- Parties obtaining only directory information, in accordance with District policy.
- Parties who provide written parental consent. In such case, the consent notice shall be filed with the record. Written consent shall not apply to school lunch applications and related information which shall be retained by the District in the manner most useful to the administration of the school lunch program.

- School officials or employees who have legitimate educational interests.
7. The log shall be open to inspection only by a designated custodian of records, parent, and to the Comptroller General of the United States, the Secretary of Health, Education and Welfare, and administrative head of an education agency as defined by federal law and state educational authorities as a means of auditing the operation of the system.
- G. Requests by parents for access to pupil records shall be granted no later than five working days after the request.
- H. All pupil records forwarded from the District that require prior written consent for release shall include a statement indicating that the information is released solely to the individual or agency specified on the consent form and no other individual agency may be provided access or copies of the record(s) without the written consent of the parent.
- I. Notification.

The District shall notify parents or guardians in writing upon the date of initial enrollment and annually thereafter in the pupil's home language insofar as practicable of the following:

1. That they may inspect and review pupil records during regular school hours no later than five (5) days following the date of the request;
2. The availability of qualified certificated personnel to interpret records where required;
3. That such access may be requested of the Principal;
4. That parents and guardians are entitled to copies of all pupil records;
5. What types of records are kept and where they are located;
6. What fees if any are charged for copies and under what circumstances the District may determine that it may legitimately deny requests for such copies;
7. Related information which must be available for inspection;
8. That Pupil records shall not be released without the prior written consent of a parent or guardian with certain exceptions required by law and contained in Education Code sections 49076, 49076.5 and 49077; and
9. The types of directory information that the District will release without objection pursuant to Board Policy 1002 (Release of Pupil Directory Information).



## J. Challenging the Contents of Pupil Records

1. Following inspection and review, a parent, guardian or eligible student may challenge the content of any pupil record. The right to challenge becomes the sole right of the pupil when the pupil becomes eighteen (18) or is attending a post-secondary institution.
2. The parent may file with the Superintendent a written request to correct or remove any information recorded in the written records concerning his/her child which the parent alleges to be any of the following:
  - Inaccurate.
  - An unsubstantiated personal conclusion or inference.
  - A conclusion or inference outside of the observer's area of competence.
  - Not based on the personal observation of a named person with the time and place of observation noted.
  - Misleading.
  - In violation of the privacy or other rights of the pupil.
3. Within thirty (30) days of receipt of the request, the Superintendent or designee shall meet with the parent, guardian or eligible student and with the certificated employee (if still employed) who recorded the information in question. The Superintendent shall then sustain or deny the allegation(s). If the allegations are sustained, the Superintendent shall order the correction, or the removal and destruction of the information.
4. If the Superintendent denies any or all of the allegations and refuses to order the correction or removal of the information, the parent, guardian or adult student may within thirty (30) days appeal the decision to the Board. The appeal shall be in writing. Within thirty (30) days of the receipt of the appeal, the Board shall meet in closed session with the parent and the certificated 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 them, the Superintendent shall immediately correct or remove and destroy the information from the pupil's records. If the information in dispute appears on microfilm, it shall be expunged. If appropriate, reference to that record shall be removed from the locator card and the record physically scraped from the microfilm surface.
5. If the final decision of the Board is unfavorable to the parent, or if the parent accepts an unfavorable decision by the Superintendent, the parent shall have the

right to submit a written statement of objections. This statement shall become a part of the pupil's record until such time as the information in question is corrected or removed.

6. Before any pupil grade is changed either by the Superintendent or at the decision of the Board, the teacher who gave that grade shall be given the opportunity to state orally, in writing, or both, why the grade was given. Insofar as practicable, the teacher shall be included in all discussions related to a grade change.
  7. Both the Superintendent and the Board have the option of appointing a hearing panel in accordance with Education Code section 49071 to assist in the decision making. The hearing panel may be used at the discretion of the Superintendent or the Board provided that the parent consents to releasing relevant pupil records to panel members.
  8. The decision of the Board shall be final. Records of these administrative proceedings shall be maintained in a confidential manner and shall be destroyed one year after the decision of the Board, unless the parents initiate legal proceedings.
- K. Whenever there is included in any pupil record information concerning any disciplinary action taken by District personnel in connection with the pupil, the parent may include in such pupil record a written statement or response concerning the disciplinary action.
- L. The Superintendent or designee is authorized to transfer the accurate, updated academic record of any transferring pupil in a timely manner in accordance with Education Code section 49068. Timely manner means “no later than ten (10) school days following the date the request is received from the public school or the private school where the pupil intends to enroll.”
- M. Gathering And Retaining Pupil And Family Information
- a. The purpose of this Section “M” is to comply with the requirements set forth in Education Code section 234.7.
  - b. The District shall avoid disclosure of information that might indicate a pupil’s or family’s citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA).
  - c. The District shall not specifically inquire about a pupil or his/her parent/guardian’s citizenship or immigration status, nor request complete social security numbers. The District shall not create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin, except as required by state or federal law or as required to administer a state or federally supported educational program.
  - d. If the District acquires information related to a pupil’s immigration status, citizenship

status, or national origin, or if the parent/guardian chooses not to provide information, neither the information nor the parent/guardian's actions shall be used to deny the pupil from enrolling in or attending school.

- e. If citizenship or immigration status information is needed to satisfy eligibility for a special program or a federal benefit program, the District shall solicit that information separately from the enrollment process and, if necessary, may only request the last four digits of an adult household member's social security number. If the District collects the last four digits of an adult household member's social security number, the District will explain the limited purpose for which this information is collected. Failure to provide this information will not bar the pupil from enrolling in or attending school.
- f. Directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin.

N. District Procedures To Respond To Immigration Authorities Access To District Property, A Pupil, Or Pupil Information

- a. The purpose of this Section "N" is to comply with the requirements set forth in Education Code section 234.7.
- b. District personnel shall take the following steps upon receiving a request by an immigration enforcement officer for either information related to a pupil's or family's immigration or citizenship status, or access to a pupil:
  - a. Immediately notify the Superintendent or designee about the request. The Superintendent or designee shall ask for the officer's credentials, ask why the agents are requesting access, and ask to see a warrant or a court order signed by a judge;
  - b. Provide the impacted pupils and families with reasonable notice and a description of the immigration officer's request;
  - c. Document any verbal or written request for information by immigration authorities; and
  - d. Unless prohibited, provide the pupil and his/her family with any documents issued by the immigration-enforcement officer.
- c. Absent a judicial warrant or other court order, federal immigration enforcement agents will not be permitted access to District property, pupils, or pupil records.
- d. District personnel shall require consent from the pupil's parent/guardian before a pupil can be interviewed or searched by an officer seeking to enforce civil immigration laws, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order or judicial subpoena.

- e. Absent exigent circumstances or a judicial warrant, District personnel are not required to give an immigration-enforcement officer permission or consent to enter a nonpublic area of the District, to voluntarily disclose directory information, or conduct a search of any kind.
- f. Except for investigations of child abuse, child neglect, or child dependency, or when a subpoena served on the District prohibits disclosure, or when disclosure is prohibited by state or federal law, the District shall provide the parent/guardian notification of any court orders, warrants, or subpoenas before responding to such requests.
- g. The Superintendent shall report to the Governing Board in a timely manner any requests for information or access to the school by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures the confidentiality and privacy of any potentially identifying information.

#### O. Name and Gender Changes to Records of Former Pupils

- a. If the District receives government-issued documentation demonstrating that a former pupil's legal name or gender has been changed, the District shall update the former pupil's records to include the updated legal name or gender. Acceptable government issued documentation includes, but is not limited to, the following:
  - A state-issued driver's license;
  - Birth certificate;
  - Passport;
  - Social security card; or
  - Court order indicating a name change or a gender change, or both.
- b. If the District receives any of the above documents, the District shall reissue any documents conferred upon the former pupil with the former pupil's updated legal name or gender. Documents that may be reissued include, but are not limited to, transcripts or other similar documents conferred upon the former pupil.
- c. This Policy does not require the District to modify records that the former pupil has not requested for modification or reissuance.
- d. If a former pupil requests that the former pupil's name or gender be changed and the requested records are reissued, the District shall add a new document in the former pupil's file that includes all of the following:
  - 3. The date of the request.
  - 4. The date the requested records were reissued to the former pupil.
  - 5. A list of the records that were requested by, and reissued to, the former pupil.
  - 6. The type of documentation provided by the former pupil in order to demonstrate the legal name or gender change.

6. The name of the employee that completed the request.
7. The current and former name or gender of the former pupil.

The District shall indefinitely retain this document as a confidential record.

- e. Former pupils who are unable to provide government-issued documentation demonstrating legal name or gender change may request a name or gender change, or both, to the former pupil's records through the challenge to pupil records process described in Paragraph J of this Policy.

Legal Reference:

Education Code sections

234.7 Pupil Protections Relating to Immigration and Citizenship Status

49061 Definition

49064 Log of Persons and Organizations Requesting or Receiving Information

49066 Grades, finalization, Change of Grade, Effect of Physical Education

Class Apparel

49068 Transfer of Pupil's Academic Record

49069 Absolute Right to Access

49070 Challenging the Content of Records

49071 Hearing Panel To Assist In Making Determination

49072 Right to Include Statement or Response to Disciplinary Actions

49075 Access to Records by any Person With Written Parental Consent

49076 Access to Records by Persons Without Written Parental Consent or

Under Judicial Order

49076.5 Peace Officer Record Access; Pupil Kidnapping; Offense; Criminal or Civil Liability

49077 Disclosure of student information; compliance with Court Order or Lawfully Issued Subpoena; Notification of Pupil and Guardian

California Code of Regulations, Title 5 sections 430-438;

Board Policy 1002 (Release of Pupil Directory Information)

Date Policy Adopted by the Board: September 6, 1990

Dates Policy Revised By The Board: March 12, 1997; January 13, 2005; May 17, 2007; June 5, 2008; July 18, 2013; June 22, 2018; July 9, 2020

## **RANCHO SANTA FE SCHOOL DISTRICT**

### **Board Policy No. 5011:     PUPIL EMERGENCY INFORMATION**

- A.     For the protection of the health and welfare of the District's pupils and pursuant to the authority contained in Education Code sections 49408 and 49480, the parent or legal guardian of every pupil enrolled in the District must provide to the Principal and keep current the following pupil emergency information:
1.     The name, home address, telephone number, business address and business telephone number of the parents or legal guardian of a District pupil; and
  2.     The name, home address, telephone number, business address and business telephone number of a relative or friend who is authorized to care for the pupil in an emergency situation if the parent or legal guardian cannot be reached.
  3.     The identity of any medications, the current dosage, and the name and telephone number of the supervising physician in any case in which a District pupil is on a continuing medication regimen for a non-episodic condition.
  4.     The name and telephone number of the pupil's and/or family's physician or medical health care provider; any known allergies or sensitivities to drugs or medications; or the existence of any medical condition or information which may be pertinent to assist in safeguarding the health and safety of the pupil.
  5.     The name and telephone number of the pupil's dentist.
- B.     With the consent of the parent or legal guardian, the Superintendent, the Principal or the Principal's designee may communicate with the physician designated in A 3 above and may counsel with appropriate school personnel regarding the possible effects of the drug or medication on the pupil's physical, intellectual or social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose. Absent such consent, the above information only will be provided to paramedical, medical or other appropriate personnel when the pupil requires emergency first aid or medical treatment. In any case, the foregoing information will be treated as confidential.
- C.     With the consent of the parent or legal guardian, the Superintendent, the Principal or the Principal's designee may counsel with appropriate school personnel regarding the possible effects of any identified medical condition, allergy or sensitivity to medication on the pupil's physical, intellectual and social behavior, as well as possible behavioral signs and symptoms which may indicate potential danger to the health or safety of the pupil.

Absent such consent, the above information only will be provided to paramedical, medical or other appropriate personnel when the pupil requires first aid or medical treatment. In any case, the foregoing information will be treated as confidential.

- D. The parent or legal guardian of each pupil upon enrollment for the first time or re-enrollment in the District will be required to provide the information contained in A 1-5 above in writing upon a District form and to report any changes in any of the above information in writing to the Principal.
- E. Subsequent to initial enrollment in the District, each parent or legal guardian annually will be sent a notice which will include a reminder of the requirement to immediately update the information contained in A 1 through A 5 above if the information previously provided should change.
- F. Upon initial enrollment and annually thereafter, parents or legal guardians of District pupils will be provided the opportunity to object in writing to the provision of reasonable medical treatment, other than first aid, to their ill or injured pupils and the reasons therefore. However, appropriate paramedical and medical personnel will initiate medical treatment where a pupil is threatened with serious physical harm or illness.
- G. If a parent or guardian is unable to care for a pupil, the District shall first use the pupil's emergency card contact information and release the pupil to the person(s) designated as emergency contact(s). Alternatively, the District shall release the pupil into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the pupil. The District shall only contact Child Protective Services in the event the District is unable to timely secure placement for the pupil with either the emergency contact or with an individual who presents a Caregiver's Authorization Affidavit.

Legal Reference:

Education Code sections 234.7, 49408, 49480

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008; June 22, 2018

## RANCHO SANTA FE SCHOOL DISTRICT

### Board Policy No. 5012: PUPIL DISCIPLINE: SUSPENSION AND EXPULSION

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#### **A. Introduction**

1. It is the intent of the Board that all pupils will comply with federal and state laws and District policies and regulations. Pupils also shall pursue the required course of study and submit to the authority of teachers and administrators of the District.
2. This Policy is adopted by the Board as a policy of the District pursuant to Education Code Section 35291.
3. It is the intent of the Board that its policies be consistent with current law. Any part of this Policy which is not consistent with current law shall be void.
4. As used in this Policy:
  - a. "Day" means a calendar day unless otherwise specifically provided.
  - b. "Expulsion" means removal of a pupil from (1) the immediate supervision and control, or (2) the general supervision, of school personnel, as those terms are used in relevant law.
  - c. "School day" means a day upon which the schools of the District are in session or weekdays during the summer recess.



- d. "Suspension" means removal of a pupil from ongoing instruction for adjustment purposes. However, "suspension" does not mean any of the following:
  1. Reassignment to another education program or class at the same school where the pupil will receive continuing instruction for the length of day prescribed by the Board for pupils of the same grade level.
  2. Referral to a certificated employee designated by the Principal to advise pupils.
  3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the pupil to the Principal or the Principal's designee. Removal from a particular class shall not occur more than once every five school days.

#### **B. Suspension By A Teacher**

1. A teacher may suspend any pupil from the teacher's class, for any of the acts enumerated in Education Code section 48900 (which are restated in provision C of this Policy), for the day of the suspension and the day following. The teacher shall immediately report the suspension to the Principal in writing and send the pupil to the Principal or the Principal's designee for appropriate action. The teacher shall provide the Principal with a written statement of reasons for the suspension. If the suspension requires the continued presence of the pupil at the school site, the pupil shall be under appropriate supervision. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. The Principal or designee shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the Principal. The teacher may require the pupil to complete any assignments and tests missed during the suspension.
2. A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day, this provision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
3. A teacher may also refer a pupil, for any of the acts enumerated in provision C of this Policy, to the Principal or designee for consideration of a suspension from the school.

#### **C. Grounds For Suspension Or Expulsion**

This provision restates the grounds in Education Code sections 48900, 48900.2, 48900.3, and 48900.7. This provision shall not be interpreted to be inconsistent with that statute.

A pupil shall not be suspended from school or recommended for expulsion unless the Superintendent or the Principal determines that the pupil has:

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.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any such object of this type, the pupil had obtained written permission to possess the item from a certificated school employee, which is concurred in by the Principal or the designee of the Principal.
3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance (listed in Health And Safety Code sections 11053, et seq.), an alcoholic beverage, or an intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance (listed in Health And Safety Code section 11053, et seq.), an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stolen or attempted to steal school property or private property.
8. Possessed or used tobacco, or any products containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel electronic cigarettes that can deliver tobacco or nicotine and non-nicotine vaporized solutions, or electronic smoking devices. However, this provision does not prohibit use or possession by a pupil of his or her own prescription products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.
10. Unlawfully possessed, or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia (defined in Health and Safety Code section 11014.5).
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. Except as provided in provision (B), above, a pupil enrolled in kindergarten or any grades 1 to 3, inclusive, shall not be suspended for any of the acts enumerated in this subdivision, and this subdivision shall not constitute grounds

for a pupil enrolled in kindergarten or any of grades 1 to 8, inclusive, to be recommended for expulsion.

- a. Except as provided in Paragraph (B), commencing July 1, 2020, a pupil enrolled in kindergarten or any of grades 1 to 5, inclusive, shall not be suspended for any of the acts enumerated in subdivision 11, and those acts shall not constitute grounds for a pupil enrolled in kindergarten or any of grades 1 to 8, inclusive, to be recommended for expulsion.
- b. Except as provided in Paragraph (B), commencing July 1, 2020, a pupil enrolled in any of grades 6 to 8, inclusive, shall not be suspended for any of the acts specified in subdivision 11. This paragraph shall be inoperative on July 1, 2025.

12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm. An "imitation firearm" means a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.
14. Committed or attempted to commit a sexual assault as defined in Section 261, 266c, 286 288, 288a or 289 of the Penal Code or committed a sexual battery as defined in Section 243.4 of the Penal Code.
15. Sexual harassment as defined by law, except that this provision does not apply to pupils enrolled in Kindergarten and grades 1 to 3, inclusive.
16. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined by law except that this provision does not apply to pupils enrolled in Kindergarten and grades 1 to 3 inclusive. "Hate violence" means any act punishable under Section 422.6, 422.7 or 422.75 of the Penal Code.
17. Intentionally engaged in harassment, threats, or intimidation directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment except that this provision does not apply to pupils enrolled in Kindergarten and grades 1 to 3, inclusive.
18. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both.
19. Made terrorist threats against school officials or school property, or both. The term "terrorist threat" shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to

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

20. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug SOMA.
21. Engaged in, or attempted to engage in, hazing. For purposes of this subparagraph, "hazing" means a method of initiation or preinitiation in to a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For the purposes of this subparagraph, "hazing" does not include athletic events or school- sanctioned events.
22. A pupil who aids or abets as defined in Penal Code section 31, the infliction or attempted infliction of physical injury to another person may suffer suspension, but not expulsion except that a pupil who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to discipline pursuant to paragraph 1 above.
23. Engaged in an act of "bullying." "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of electronic act, and including one or more acts committed by a pupil or group of pupils constituting prohibited sexual harassment, prohibited hate violence, and prohibited harassment, threats or intimidation, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
  - a. Placing a reasonable pupil or pupils in fear of harm to that pupil's or pupils' person or property.
  - b. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
  - c. Causing a reasonable pupil to experience substantial interference with his or her academic performance.
  - d. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities or privileges provided by a school.

“Electronic act” for purposes of this Board Policy means the creation or transmission originated on or off campus, by means of an electronic device, including but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to the following:

- (i) A message, text, sound, video, or image.
- (ii) A post on a social network Internet Web Site, including, but not limited to, any of the following:
  - a. Posting or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in Section C, Paragraph 23.
  - b. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in Section C, Paragraph 23. “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  - c. Creating a false profile for the purpose of having one or more of the effects listed in Section C, Paragraph 23. “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
- (iii) An act of cyber sexual bullying.
  - a. For purposes of this clause, “cyber sexual bullying” means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in Section C, Paragraph 23, subparagraphs (A) to (D). A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
  - b. For purposes of this clause, “cyber sexual bullying” does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.

“Reasonable pupil” for purposes of this Board Policy means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with this or her exceptional needs.

#### **D. Limitations On Suspension Or Expulsion**

A pupil may not be suspended or expelled for any act unless that act is related to school activity or school attendance. A pupil may be suspended or expelled for any act in provision C related to school activity or attendance which occurs at any time, including, but not limited to, any of the following:

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

Alternatives to suspensions or expulsions should be imposed against any pupil who is truant, tardy, or otherwise absent from school activities.

#### **E. Limitations On Suspension And Mandatory Suspensions**

1. A suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, may be suspended for any of the reasons enumerated in provision C upon a first offense, if the Principal or Superintendent determines that the pupil violated provision C 1, 2, 3, 4, or 5, or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process. Suspension, including supervised suspension, shall be imposed in accordance with Education Code section 48900.5 amended in 2012 in most cases only when other means of correction fail to bring about proper conduct. The Superintendent or Principal may document such other means of correction used and place that documentation in the pupil's record. Other means of correction include, but are not limited to, a conference with the pupil's parent or legal guardian, referral to a counselor, and any of the alternatives listed in Education Code section 48900.5(b). Suspension including supervised suspension, shall be imposed in accordance with Education Code section 48900.5 amended in 2012 in most cases only when other means of correction fail to bring about proper conduct. The Superintendent or Principal may document such other means of correction used and place that documentation in the pupil's record. Other means of correction include, but are not limited to, a conference with the pupil's parent or legal guardian, referral to a counselor, and any of the alternatives listed in Education Code section 48900.5(b).
2. Pursuant to Education Code section 48915(c), the Principal or Superintendent shall immediately suspend and shall recommend expulsion of a pupil who has committed any of the following acts at school or at a school activity off school grounds.

- a. Possession, selling, or otherwise furnishing a firearm verified by a District employee.
  - b. Brandishing a knife at another person.
  - c. Unlawfully selling a controlled substance listed in Health and Safety Code section 11053 et seq.
  - d. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in Section 48900(n) of the Education Code and paragraph 14 above.
  - e. Possession of an explosive.
3. Except as provided in Education Code section 48911(g) or provision F, and in Education Code section 48912 or provision G, the total number of days for which a pupil may be suspended from school shall not exceed 20 school days in any school year, unless for purposes of adjustment, a pupil enrolls in or is transferred to an opportunity school or class, or a continuation education school or class, in which case the total number of school days for which the pupil may be suspended shall not exceed 30 days in any school year.
  4. The pupil's teacher(s) may require the pupil to complete any assignments and tests missed during the suspension.

**F. Suspension By Principal Or Superintendent**

1. The Principal, the Principal's designee, or the Superintendent may suspend a pupil from school for any of the reasons enumerated in provision C for no more than five consecutive school days.
2. Suspension by the Principal, the Principal's designee, or the Superintendent shall be preceded by an informal conference conducted by the Principal or the Principal's designee or the Superintendent between the pupil and, whenever practicable, the teacher or supervisor or school employee who referred the pupil to the Principal or the Principal's designee or the Superintendent. At the conference, the pupil shall be informed of the reason for the disciplinary action, including the other means of correction that were attempted before the suspension, and the evidence against him or her, and shall be given the opportunity to present his or her version and evidence in his or her defense.
3. The Principal or the Principal's designee or the Superintendent may suspend a pupil without affording the pupil an opportunity for a conference only if the Principal or the Principal's designee or the Superintendent determines that an emergency situation exists. "Emergency situation" means a situation determined by the Principal, the Principal's designee, or the Superintendent to constitute a clear and present danger to the lives, safety, or health of pupils or school personnel. If a pupil is suspended without a conference prior to suspension, both the parent and the pupil shall be notified of the pupil's right to a conference, and the pupil's right to return to school for the purpose of a conference. The conference shall be held within two schooldays, unless the pupil waives

this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.

4. At the time of suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension.
5. The Principal shall report the suspension of the pupil, including the cause therefore, to the Superintendent. All suspensions during a school year shall be reported to the Board two times during the school year.
6. The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his or her child's behavior.
7. No penalties may be imposed on a pupil for failure of the pupil's parents or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at such conference.
8. In a case where expulsion from school or suspension for the balance of the semester from continuation school is being processed by the Board, the Superintendent or other person designated by the Superintendent in writing may extend the suspension until such time as the Board has rendered a decision in the action. However, an extension may be granted only if the Superintendent or the Superintendent's designee has determined that, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the school would cause a danger to persons or property or a threat of disrupting the instructional process. If the pupil or the pupil's parent or guardian has requested a meeting to challenge the original suspension, the purpose of the meeting shall be to decide upon the extension of the suspension order and may be held in conjunction with the initial meeting on the merits of the suspension. If the pupil is a foster child, as defined in Education Code section 48853.5, the Superintendent or designee shall also invite the pupil's educational rights holder, attorney, and the county social worker to participate in the meeting. If the pupil is an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, the Superintendent or designee shall also invite the pupil's tribal social worker and, if applicable, county social worker to participate in the meeting.
9. If suspension is ordered by the Principal, a Principal's designee or the Superintendent, the pupil or the pupil's parent or guardian shall have the right to request a meeting with the Superintendent or the Superintendent's designee to discuss the causes, the duration, the school policy involved, and other matters pertinent to the suspension. The meeting shall be held within a reasonable time after receipt of the request.
10. A pupil suspended from school for any of the reasons in Education Code sections 48900 and 48900.2, which include the reasons in provisions C 1 through 15 and 20, may be assigned by the Principal to a supervised suspension classroom for the entire period of



suspension pursuant to Education Code section 48911.1 if the pupil poses no imminent danger or threat to the campus, pupils, or staff, or if an action to expel has not been initiated.

### **G. Suspension By The Board**

The Board may suspend a pupil from school for any of the acts in provision C within the limitations provided in provision E.

The Board shall, unless a request has been made to the contrary, hold closed sessions if the Board is considering the suspension of, disciplinary action against, or any other action against, except expulsion, any pupil, if a public hearing upon that question would lead to the giving out of information concerning a school pupil which would be in violation of current law.

Before calling a closed session to consider these matters, the Board shall, in writing, by registered or certified mail or by personal service, notify the pupil and the pupil's parent or guardian, or the pupil if the pupil is an adult, of the intent of the Board to call and hold a closed session. Unless the pupil or the pupil's parent or guardian shall, in writing, within 48 hours after receipt of the written notice of the Board's intention, request that the hearing be held as a public meeting, the hearing to consider these matters shall be conducted by the Board in closed session. In the event that a written request is served upon the secretary of the Board, the meeting shall be public, except that any discussion at that meeting which may be in conflict with the right to privacy of any pupil other than the pupil requesting the public meeting, shall be in closed session.

### **H. Procedures For Expulsion By The Board**

Only the Board may expel a pupil. The following procedures shall apply to any expulsion:

1. The pupil shall be entitled to a hearing to determine whether the pupil should be expelled. An expulsion hearing shall be held within 30 school days after the date the Principal or the Superintendent determines that the pupil has committed any of the acts enumerated in provision C, unless the pupil requests, in writing, that the hearing be postponed. The pupil shall be entitled to at least one postponement for a period of not more than 30 calendar days of an expulsion hearing. Thereafter, any additional postponement may be granted at the discretion of the Board.

In the event that compliance by the Board with the time requirements for the conducting of an expulsion hearing is impracticable, the Superintendent or the Superintendent's designee may, for good cause, extend the time period for the holding of the expulsion hearing for an additional five schooldays. Reasons for the extension of the time for the hearing shall be included as a part of the record at the time the expulsion hearing is conducted. Upon the commencement of the hearing, all matters shall be pursued and conducted with reasonable diligence and shall be concluded without any unnecessary delay.

2. Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days before the date of the hearing. The notice shall include: the date and place of the hearing; a statement of the specific facts and charges upon which the proposed expulsion is based; a copy of the disciplinary rules of the District which relate to the alleged violation; a statement of the parent, guardian or pupil's obligation to inform the District and any school district in which subsequently enrolled if the pupil was expelled from his or her previous school district for any of the offenses listed in provisions (a) or (c) of Section 48915 or assault or battery as defined in Section 242 of the Penal Code on a school employee; and the opportunity for the pupil or the pupil's parent or guardian to appear in person or to employ and be represented by counsel or a non-attorney adviser, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses. All documents will be available to the pupil and/or parents two days before the hearing. If the student is a foster child as defined by Education Code section 48853.5, a homeless child as defined by 42 U.S.C. 11434a(2), or an Indian child as defined in Welfare and Institutions Code section 224.1, the District shall provide notice of any expulsion hearing in accordance with Education Code section 48918.1.
3. The Board shall conduct a hearing to consider the expulsion of a pupil in a session closed to the public, unless the pupil requests, in writing, at least five days before the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the expulsion hearing is conducted in a closed or public session, the Board may meet in closed session for the purpose of deliberating and determining if the pupil should be expelled.

If the Board or the hearing officer or administrative panel appointed under provision 4 below to conduct the hearing admits any other person to a closed deliberation session, the parent or guardian of the pupil, the pupil, and the counsel or non-attorney adviser of the pupil shall also be allowed to attend the closed deliberations.

4. In lieu of conducting an expulsion hearing itself, the Board may contract with the county hearing officer, or with the Office of Administrative Hearings for a hearing officer to conduct the hearing. The Board may also appoint an impartial administrative panel of three or more certificated persons, none of whom shall be members of the Board or employed on the staff of the school in which the pupil is enrolled. The hearing shall be conducted in accordance with all of the procedures established under this provision.
5. Within three school days following the hearing, the hearing officer or administrative panel shall determine whether to recommend the expulsion of the pupil to the Board. If the hearing officer or administrative panel decides not to recommend expulsion, the expulsion proceedings shall be terminated and the pupil immediately shall be reinstated and permitted to return to the classroom instructional program from which the expulsion referral was made, unless the parent, guardian, or responsible adult of the pupil requests another school placement in writing. Before the placement decision is made by the parent, guardian, or responsible adult, the Superintendent or the Superintendent's

designee shall consult with school district personnel, including the pupil's teachers, and the parent, guardian, or responsible adult regarding any other school placement options for the pupil in addition to the option to return to his or her classroom instructional program from which the expulsion referral was made. If the hearing officer or administrative panel finds that the pupil committed any of the acts specified in subdivision (c) of Section 48915, but does not recommend expulsion, the pupil shall be immediately reinstated and may be referred to his or her prior school or another comprehensive school, or, pursuant to the procedures set forth in Section 48432.5, a continuation school of the school district. The decision not to recommend expulsion shall be final.

6. If the hearing officer or administrative panel recommends expulsion, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the Board accepts the recommendation calling for expulsion, acceptance shall be based either upon a review of the findings of fact and recommendations submitted by the hearing officer or panel or upon the results of any supplementary hearing conducted pursuant to this section that the Board may order.
7. The decision of the Board to expel a pupil shall be based upon substantial evidence relevant to the charges adduced at the expulsion hearing or hearings. Except as provided in this provision, no evidence to expel shall be based solely upon hearsay evidence. The Board or the hearing officer or administrative panel may, upon a finding that good cause exists, determine that the disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to an unreasonable risk of harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the Board or the hearing officer or administrative panel. Copies of these sworn declarations which are edited in such a manner as to delete the name and identity of the witness, shall be made available to the pupil.
8. A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.
9. Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the Board to expel shall be supported by substantial evidence showing that the pupil committed any of the acts enumerated in provision C.
10. Whether an expulsion hearing is conducted by the Board or before a hearing officer or administrative panel, final action to expel a pupil shall be taken only by the Board in a public session. Written notice of any decision to expel or to suspend the enforcement of an expulsion order during a period of probation shall be sent to the pupil or the pupil's parent or guardian and shall be accompanied by notice of the right to appeal the

expulsion to the County Board. The written notice also shall inform the pupil's parent or guardian of the obligation under law to inform any new school district of the pupil's expulsion.

A decision of the Board whether to expel a pupil shall be made within 10 school days following the conclusion of the hearing, unless the pupil requests in writing that the decision be postponed. If the hearing is held by a hearing officer or an administrative panel, or if the Board does not meet on a weekly basis, the Board shall make its decision about a pupil's expulsion within 40 schooldays after the date of the pupil's removal from his or her school of attendance for the incident for which the recommendation for expulsion is made by the Principal or the Superintendent, unless the pupil requests in writing that the decision be postponed.

11. The Board shall maintain a record of each expulsion, including the cause for the expulsion. Records of expulsions shall be non-privileged, disclosable public records.
12. The expulsion order and the causes for the expulsion shall be recorded in the pupil's mandatory interim record and shall be forwarded to any school in which the pupil subsequently enrolls upon receipt of a request from the admitting school for the pupil's school records.
13. Effective July 1, 1996, if there is an appropriation of state funds, the Board before the hearing is commenced or an administrative panel after the hearing is commenced may issue personal subpoenas for the personal appearance of percipient witnesses pursuant to Education Code section 48918(i)(1) through (4).

#### 14. SUBPOENAS

The Board before the hearing is commenced or an administrative panel after the hearing is commenced may issue subpoenas for the personal appearance of percipient witnesses pursuant to Education Code section 48918(i)(1) through (4). The Superintendent is hereby delegated the authority to issue subpoenas in these matters on behalf of the Board consistent with current law and this Board Policy since the Board only regularly meets once per month. Subpoenas shall be issued by the Superintendent for the personal attendance of percipient witnesses only if all of the following conditions are met: (1) The request for the subpoena is completed and submitted to the Superintendent at least six (6) calendar days prior to the date of the hearing; (2) The request is signed and dated by the requesting party; (3) The percipient witness can be subpoenaed and is available to testify; (4) The requesting party has provided a complete summary of the suspected or proposed testimony of the witness in sufficient detail so that a reasonable determination can be made as to whether the individual is a percipient witness; (5) The request sufficiently identifies the address(es) and telephone number(s) of the witness to facilitate service of the subpoena; (6) The request identifies efforts to contact the witness and to inform the witness about the possible need for a subpoena; (7) The request must be accompanied by payment for witness fees (\$35.00 per day) and mileage reimbursement unless there is an affidavit under penalty of perjury for inability to pay.

The Superintendent may issue subpoenas and not reveal the identity of the witness consistent with protecting a witness pursuant to Education Code section 48918(f). If the Superintendent determines not to issue a subpoena, the Superintendent shall give the reason(s) therefore in writing prior to the expulsion hearing. The party whose request was denied, if he/she wishes to appeal the denial, must make the request again at the start of the expulsion hearing and provide the reason(s) why the subpoena should have issued. At the hearing the Board or any Administrative Panel shall make a determination on the request and make a final decision consistent with this policy.

#### 15. Special Rules for Sexual Assault and Sexual Battery Cases

1. In a hearing in which a pupil is alleged to have committed or attempted to commit a sexual assault as specified in subdivision (n) of Section 48900 or to have committed a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall be given five days' notice prior to being called to testify, and 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 or her testimony. Before a complaining witness testifying, support persons shall be admonished that the hearing is confidential. This subdivision shall not preclude the person presiding over an expulsion hearing from removing a support person whom the presiding person finds is disrupting the hearing. If one or both of the support persons is also a witness, the provisions of Section 868.5 of the Penal Code shall be followed for the hearing.
2. If the hearing is to be conducted at a public meeting, and there is a charge of committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or to commit a sexual battery as defined in subdivision (n) of Section 48900, a complaining witness shall have the right to have his or her testimony heard in a session closed to the public when testifying at a public meeting would threaten serious psychological harm to the complaining witness and 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 means of closed-circuit television.
3. In hearings that include an allegation of committing or attempting to commit a sexual assault as specified in subdivision (n) of Section 48900 or to commit a sexual battery as defined in subdivision (n) of Section 48900, evidence of specific instances, of a complaining witness' prior sexual conduct is to be presumed inadmissible and shall not be heard absent a determination by the person conducting the hearing that extraordinary circumstances exist requiring the evidence to be heard. Before the person conducting the hearing makes the determination on whether extraordinary circumstances exist requiring that specific instances of a complaining witness' prior sexual conduct be heard, the complaining witness shall be provided notice and an opportunity to present opposition to the introduction of the evidence. In the hearing on the admissibility of the 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 the complaining witness is not admissible for any purpose.

**I. Denial Of Enrollment By The Board To An Individual Who Has Been Expelled From Another School District**

1. The Board shall deny enrollment to an individual pursuant to Education Code section 48915.2 who has been expelled from another school district for any of the offenses described in Education Code sections 48915(a) or (c) during the term of the expulsion.
2. The Board may determine to permit an individual who has been expelled from another school district for any of the offenses described in Education Code sections 48915(a) or (c) after the term of the expulsion if it has been determined pursuant to a hearing held in compliance with provision H of this Policy that the individual does not pose a danger to either pupils or employees. Any such permitted enrollment also is subject to one of the following conditions:
  - a. The individual has established legal residence in the District pursuant to Education Code section 48200; or
  - b. The individual is enrolled in the District pursuant to an authorized inter-district attendance agreement pursuant to Education Code sections 46600 *et seq.*
3. Pursuant to Education Code section 48915.1, the Board shall hold a hearing in compliance with provision H of this Policy if it receives a request from an individual who has been expelled from another school district for any offense other than those described in Education Code sections 48915(a) or (c). The Board may determine to deny enrollment to such an individual for the remainder of the expulsion period after a determination has been made, pursuant to a hearing that the individual poses a potential danger to either pupils or employees.

The Board, when making its determination whether to enroll an individual who has been expelled from another school district for any offense other than those described in Education Code sections 48915(a) and (c), may consider the following options:

- a. Deny enrollment; or
- b. Permit enrollment; or
- c. Permit conditional enrollment.

**J. Expulsions Under Particular Circumstances**

1. Upon recommendation by the Principal, Superintendent or administrative panel, the Board shall order a pupil expelled upon finding that the pupil committed an act listed below at school or at a school activity off school grounds:
  - a. Possessing, selling or otherwise furnishing a firearm. This provision applies to an act of possessing a firearm only if the possession is verified by an employee of the district.
  - b. Brandishing a knife at another person.
  - c. Unlawfully selling a controlled substance listed in Health and Safety Code section 11053 *et seq.*
  - d. Committing or attempting to commit a sexual assault as defined in Education Code section 48900(n), or committing a sexual battery as defined in Education Code section 48900(n).
  - e. Possession of an explosive. The term "explosive" means "destructive device" as described in Section 921 of Title 18 of the United States Code.
2. The Principal or Superintendent shall recommend the expulsion of a pupil or any of the following acts committed at school or at a school activity off school grounds, unless the Principal or Superintendent finds that expulsion is inappropriate, due to the particular circumstance:
  - a. Causing serious physical injury to another person, except in self-defense.
  - b. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil. The term "knife" means any dirk, dagger, or other weapon with a fixed, sharpened blade fitted primarily for stabbing, a weapon with a blade fitted primarily for stabbing, a weapon with a blade longer than 3 1/2 inches, a folding knife with a blade that locks into place, or a razor with an unguarded blade.
  - c. Unlawful possession of any controlled substance listed in Health and Safety Code section 11053 *et seq.*, except for the first offense for the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis.
  - d. Robbery or extortion.
  - e. Assault or battery as defined in Penal Code sections 240 and 242 upon any school employee.
3. Upon recommendation by the Principal, Superintendent or administrative panel, the Board may order a pupil expelled upon finding that the pupil committed an act listed in

subparagraph 2 immediately above or in Education Code sections 48900(a) through (e). A decision to expel also shall be based on a finding of one or both of the following:

- a. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or
  - b. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
4. Upon recommendation by the Principal, Superintendent or administrative panel, the Board may order a pupil expelled upon finding that the pupil, at school or at a school activity off of school grounds committed an act listed in Education Code sections 48900(f) through (o) or Education Code sections 48900.2 or 48900.3. A decision to expel also shall be based on a finding of one or both of the following:
- a. Other means of correction are not feasible or have repeatedly failed to bring about proper conduct; or
  - b. Due to the nature of the act, the presence of the pupil causes a continuing danger to the physical safety of the pupil or others.
5. The Governing Board shall refer a pupil who has been expelled pursuant to subdivision (b) or (e) of Section 48915 [subparagraphs 2, 3, and 4 immediately above] to a program of study that meets all of the requirements listed at the end of provision 1 immediately above unless otherwise allowed by Section 48915 (f).

#### **K. Expulsion Orders**

1. Pursuant to Education Code section 48916.1, at the time an expulsion of a pupil is ordered, the Board shall ensure that an education program is provided to the pupil who is subject to the expulsion order for the period of the expulsion order within the requirements and limitations of law.
2. An expulsion order shall remain in effect until the Board orders the readmission of a pupil. At the time an expulsion of a pupil is ordered for an act other those described in Education Code section 48915(c), the Board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the pupil shall be reviewed for readmission pursuant to Education Code section 48916. For a pupil who has been expelled pursuant to Education Code section 48915(c), the Board shall set a date of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission, except that the Board may set an earlier date for readmission on a case-by-case basis. Whenever a readmission is denied, a review for readmission shall occur again no later than at the end of the next second semester.
3. The Board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order, which may include, but not be limited to, periodic review as well as



assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special assessments, job training, counseling, employment, community service, or other rehabilitative programs.

4. The Superintendent shall review all requests for readmission, and shall review all expelled students prior to the time required to do so. The review shall include giving the parent/legal guardian a reasonable opportunity for a conference on the expulsion and the possible readmission, an examination of the expulsion records and information about the pupil after the expulsion, and the preparation of a written report to the Board which must be given to the parent/legal guardian at least five days prior to the meeting of the Board to consider the report. The parent/legal guardian may submit a written response and/or may attend the Board meeting where the Board makes a final determination on the readmission. The Board shall readmit the pupil unless it finds that the pupil has not met the conditions of the rehabilitation plan or continues to pose a danger to campus safety or to other pupils or employees of the District.
5. If the Board denies the readmission of an expelled pupil, the Board shall make a determination either to continue the placement of the pupil during the period of the expulsion order or to place the pupil in another program that may include, but need not be limited to, serving expelled pupils, including placement in a county community school.
6. The Board shall provide written notice to the expelled pupil and the pupil's parent/legal guardian describing the reasons for denying the pupil's re-admittance into the regular program. This written notice also shall include the determination of the educational program for the expelled pupil. The expelled pupil shall enroll in that educational program unless the parent/legal guardian elects to enroll the pupil in another district.

#### **L. Suspension Of Order To Expel**

1. The Board, upon voting to expel a pupil, may suspend the enforcement of the expulsion order for a period of not more than one calendar year and may, as a condition of the suspension of enforcement, assign the pupil to a school, class, or program that is deemed appropriate for the rehabilitation of the pupil. During the period of the suspension of the expulsion order, the pupil shall be deemed to be on probationary status.
2. The suspension of an expulsion order under this provision may be revoked by the Board upon the pupil's commission of any of the acts enumerated in Education Code section 48900 or for any violation of the District's rules and regulations governing pupil conduct. Upon revocation of the suspension of an expulsion order, a pupil may be expelled under the terms of the original expulsion order. When the Board revokes the suspension of an expulsion order, the pupil may be expelled under the original expulsion order.

3. Upon satisfactory completion of the rehabilitation assignment of a pupil, the pupil shall be reinstated by the Board. Upon reinstatement, the Board also may order the expungement of any or all records of the expulsion proceedings.
4. A decision of the Board to suspend 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.

#### **M. Expulsion Data And Reports**

1. The Superintendent or designee is directed to maintain the data and file the necessary annual form with the State Department of Education as provided for in Education Code section 48916.1(e).
2. Prior to the suspension or expulsion of any pupil, the Superintendent or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code section 245; acts which may involve the possession or sale of narcotics or a controlled substance, or possession of weapons or firearms in violation of Penal Code section 626.9 and 626.10. Within one day after a pupil's suspension or expulsion the Superintendent 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 sections 48900 (c) or (d) relating to the possession, use, offering or sale of controlled substance, alcohol or intoxicants of any kind.

#### **N. Coursework For Suspended Pupils**

Upon request by the parent, legal guardian, or other person holding the right to make educational decisions for the pupil, a teacher shall provide a pupil who has been suspended from school for two or more school days the homework that the pupil would otherwise have been assigned. If the teacher is unable to grade any such assignment(s) before the end of the academic term, then the pupil's grade shall not be impacted and the assignment(s) shall not be included in the calculation of the pupil's overall grade in the class.

#### **O. Additional Notice Requirements**

A foster child's educational rights holder, attorney, and county social worker and an Indian child's, as defined in Section 224.1 of the Welfare and Institutions Code, tribal social worker and, if applicable, county social worker shall have the same rights a parent or guardian of a child has to receive a suspension notice, expulsion notice, manifestation determination notice, involuntary transfer notice, and other documents and related information. Any notice for these purposes may be provided in the most cost-effective method possible, including by email or a telephone call. (Education Code 48918.1)

Legal Reference:

Education Code sections 47606.2, 48900-48925, 48918.1

Health and Safety Code sections 104559

Business and Professions Code section 22950.5

Date Policy Adopted By The Board: February 9, 2000

Dates Policy Revised By The Board: March 20, 2002; January 13, 2005; May 17, 2007; June 5, 2008; March 1, 2012; July 18, 2013; June 4, 2015; March 10, 2016; June 22, 2017; June 22, 2018, November 14, 2019; July 9, 2020, August 3, 2023

## **RANCHO SANTA FE SCHOOL DISTRICT**

### **Board Policy No. 5013: SUSPENSION AND EXPULSION OF PUPILS WITH EXCEPTIONAL NEEDS**

#### **A. Introduction**

1. The Board recognizes that it may be necessary to suspend, expel or otherwise remove from school for disciplinary reasons a student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA).
2. It is the intent of the Board that its policies and regulations be consistent with current law. Any part of this Policy that is inconsistent with current law shall be void.
3. As used in this Policy:
  - a. "Suspension" has the same meaning as defined by Board Policy 5012.
  - b. "Interim Alternative Educational Setting" means a temporary educational placement that enables the student to continue to progress in the general curriculum, although in another setting, and to continue to receive services and modifications described in the student's current individualized education program (IEP) so as to enable the student to meet the goals in such IEP.

#### **B. Short Term Suspensions**

The Principal, the Principal's designee, or the Superintendent may suspend a student with a disability from school for any reason(s) enumerated in Board Policy 5012 for no more than five consecutive school days.

#### **C. Change in Placement**

A change in placement occurs when a student with a disability is either suspended, expelled or otherwise removed from the student's current educational placement for disciplinary reasons as follows:

1. For more than 10 consecutive school days; or
2. For a series of suspensions or removals that constitute a pattern because they accumulate to more than 10 school days in a school year or because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.

#### **D. Manifestation Determination/Procedural Safeguards**

1. If disciplinary action involving a change in placement is contemplated, school personnel must, not later than the date on which the decision to take the disciplinary action is made, notify the student's parent/guardian of the decision and of all procedural safeguards.
2. Within 10 school days of any decision to change the placement of a student with a disability for disciplinary reasons, the IEP team, the parent/guardian and other qualified District personnel must review all relevant information in the student's file, including the student's IEP, teacher observations, and any relevant information provided by the parent/guardian (the DEP team may also request a new or more current evaluations) to determine:
  - a. If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
  - b. If the conduct in question was the direct result of the District's failure to implement the student's IEP.

If it is determined that either of these conditions are met, the conduct in question must be determined to be a manifestation of the student's disability.

3. If it is determined that the conduct in question was a manifestation of the student's disability, the IEP team must:
  - a. Conduct a functional behavioral assessment (unless one was previously conducted) and develop and implement a behavioral intervention plan or, if a behavior intervention plan has already been developed, review the plan and modify it as necessary to address the behavior; and
  - b. Except as provided by Section E of this Policy, return the student to the placement from which the student was removed unless the parent/guardian and the District agree to a change of placement.
4. If the IEP team concludes that the misconduct was not a manifestation of the student's disability, the student may be suspended and/or expelled under the District's procedures for other students contained in Board Policy 5012. The parent/guardian shall be informed of all procedural and due process rights.

#### **E. Interim Alternative Placement Up to 45 School Days Due to Dangerous Behavior**

1. The District may place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard as to whether the behavior is a manifestation of the student's disability, when the student commits one of the following acts while at school, going to or from school, during the lunch period whether

on or off campus, while at a school related function, or going to or from a school related function:

- a. Carries a weapon;
- b. Knowingly possesses or uses illegal drugs;
- c. Sells or solicits the sale of a controlled substance as defined by 21 USC 812(c) Schedules I-V;
- d. Inflicts serious bodily injury upon another person.

The IEP team shall determine the student's interim alternative educational setting.

2. In addition, if school personnel believe that a student with a disability is dangerous to him or herself or others, the District may request a hearing officer in an expedited due process hearing to remove a student to an interim alternative educational setting for up to 45 days. The hearing officer will determine if the interim alternative placement proposed by the District is appropriate. If necessary, the District can request subsequent extensions for up to 45 days at a time.

#### **F. Expulsion**

1. Expulsion is considered a change of placement for a student with a disability. The District may expel a student with a disability pursuant to the procedures described in Board Policy 5012 if:
  - a. The student has engaged in conduct which would warrant expulsion if the student were not disabled; and
  - b. The IEP team determines that the student's conduct is not a manifestation of the student's disability;
2. The statutory times and those in Board Policy 5012 prescribed for expulsion proceedings shall commence after the completion of the manifestation determination, the IEP team meeting, and all due process hearings and appeals available under federal law.

#### **G. Services During Suspensions and Expulsions**

Students with disabilities that are suspended, expelled or otherwise removed from the current educational placement for more than 10 school days in a school year shall continue to receive services during the term of the disciplinary removal to the extent necessary to provide the student a free and appropriate public education. The alternative educational program will provide services necessary to enable the student to

appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the student's IEP.

#### **H. Due Process Appeals**

1. If the parent/guardian disagrees with a decision that the student's behavior in question was not a manifestation of the student's disability or with any decision regarding placement, he/she has a right to appeal the decision.
2. 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.

#### **I. Reporting of Crimes to Law Enforcement Authorities**

The District will report crimes committed by students with disabilities to appropriate law enforcement authorities to the same extent as it is required to do for crimes committed by non-disabled students.

#### **J. Procedures for Students Not Yet Eligible for Special Education Services**

1. A student who has not been identified as an individual with disabilities pursuant to the IDEA, and who is subject to suspension and/or expulsion as set forth in Board Policy 5012, may assert the procedural safeguards granted herein only if the District had knowledge that the student was disabled before the behavior occurred.
2. The District shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:
  - a. The parent/guardian has expressed in writing that their child is in need of special education services; or
  - b. The parent/guardian has requested a special education evaluation; or
  - c. The student's teacher or other school staff have expressed concern about a pattern of behavior demonstrated by the student to the director of special education or other District supervisory personnel in accordance with the District's established child find or special education referral system.
3. The District is not deemed to have knowledge that a student has a disability if either the District conducted an evaluation and determined that the student was not disabled, the parent/guardian has not allowed an evaluation, or the parent/guardian has refused services offered by the District.

4. If an evaluation is requested during the time period in which the student is subject to disciplinary measures, an expedited evaluation must be provided. The District will determine the student's educational placement, which can include suspension or expulsion, until the evaluation is completed.
- K. If the pupil with exceptional needs is a foster child, as defined in Education Code section 48853.5(a), and the District has proposed a change in placement due to an act for which a pupil may be expelled, the attorney for the individual with exceptional needs and an appropriate representative of the county child welfare organization shall be invited to participate in the individualized education program team meeting that makes a manifestation determination pursuant to applicable federal law. The invitation shall be in accordance with Education Code section 48915.5(d), and may be made using the most cost-effective method possible, which may include, but is not limited to, electronic mail or a telephone call.
- L. The District shall administer discipline for students with disabilities in a non-discriminatory manner in accordance with state and federal non-discrimination and disability laws.

Legal Reference:

Education Code section 48915.5

Title 34 Code of Federal Regulation §§ 300.530-300.537

20 U.S.C. section 1415

Date Policy Adopted by the Board: September 6, 1990

Dates Policy Revised by the Board: January 13, 2005; May 17, 2007; June 5, 2008; July 18, 2013, August 3, 2023



**RANCHO SANTA FE SCHOOL DISTRICT**

**Board Policy No. 5014: ATTENDANCE BY PARENT OR LEGAL GUARDIAN OF PUPIL AT PUPIL'S CLASSROOM IN CERTAIN CASES WHERE PUPIL HAS BEEN SUSPENDED BY THE PUPIL'S TEACHER**

- A. This Board Policy is adopted pursuant to Education Code section 48900.1.
- B. A teacher may provide that a parent or legal guardian of a pupil attend a portion of a school day in the teacher's classroom only if all the following conditions are met:
1. The pupil has been suspended by the teacher pursuant to Education Code section 48910 (and Board Policy 5012) for reasons specified in subdivision (i) or (k) of Education Code section 48900.
  2. The suspension of the pupil by the teacher is either for (1) the "commission of an obscene act or engagement in habitual profanity or vulgarity," or (2) for the "disruption of school activities or willful defiance of the valid authority of the teacher or other school personnel engaged in the performance of their duties."
  3. The teacher has reported the suspension of the pupil to the Principal and has asked the parent or legal guardian to attend a parent-teacher conference regarding the suspension by the teacher.
  4. The teacher and/or Principal have made reasonable efforts to have the parent or legal guardian visit the teacher's classroom on a voluntary basis.
  5. The teacher considered other options, including informing the parent and or legal guardian of available resources to assist in developing more effective parental skills, but has determined that the required attendance of the parent or legal guardian is the best strategy to promote positive interaction between the pupil and the parent or legal guardian and to improve classroom behavior.
  6. The teacher or Principal has verified that the parent or legal guardian of the pupil actually lives with the pupil.
  7. Written notice is sent or hand-delivered by the Principal to the parent or legal guardian of the pupil advising that attendance is required by law, advising that reasonable factors will be considered if the parent or legal guardian in good faith believes that compliance is prevented, and advising of the dates or times available for the attendance. Reasonable factors shall include, but not be limited to, loss of income, lack of child care, disability, and lack of transportation. The written notice shall include a copy of Education Code section 48900.1 and a copy of this Board Policy.

- C. The required attendance of the parent or legal guardian shall be limited to the class from which the pupil was suspended and to the parent or legal guardian who is actually living with the pupil.
- D. A teacher shall apply this Board Policy uniformly to all pupils in the classroom.
- E. The Principal shall take appropriate steps to ensure that any parent or legal guardian required to attend a classroom pursuant to this Board Policy shall meet with the Principal or designee after completing the classroom visitation and before leaving the school site.

Legal Reference:  
Education Code section 48900.1  
Labor Code section 230.7

Date Policy Adopted By The Board: September 6, 1990  
Dates Policy Revised By The Board: January 13, 2005; June 5, 2008

**RANCHO SANTA FE SCHOOL DISTRICT**

**Board Policy No. 5015:     HAZING PROHIBITED**

- A.     No pupil shall conspire to engage in hazing, participate in hazing or commit any act that causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any fellow pupil attending school in the District.
  
- B.     "Hazing" means any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term "hazing" does not include customary athletic events or school-sanctioned events.
  
- C.     Any person who participates in the hazing of another or any student organization which knowingly permits hazing to be conducted by its members shall forfeit any entitlement to District or state funds, scholarships or awards which are enjoyed by him or it. Any such student organization shall be deprived of any sanction or approval granted by the District.

Legal Reference:  
Penal Code section 245.6

Date Policy Adopted By The Board: September 6, 1990  
Dates Policy Reviewed By The Board: January 13, 2005; May 17, 2007  
Date Policy Revised By The Board: June 5, 2008

## **RANCHO SANTA FE SCHOOL DISTRICT**

### **Board Policy No. 5016: VANDALISM/FAILURE TO RETURN DISTRICT PROPERTY**

- A. It is the policy of the Board to seek money damages from any individual, or the parent or guardian of a minor, in the amount of the damage for any act of vandalism committed or loss caused by that individual.
- B. Every employee of this District shall report all damage to or loss of school property to the Superintendent or designee immediately after such damage or loss is discovered.
- C. The Superintendent or designee shall conduct an investigation of any instance of loss of or damage to school property. Such investigation shall be carried out in cooperation with law enforcement officials when appropriate.
- D. The Superintendent is authorized to offer a reward in any amount the Superintendent deems appropriate for information leading to the identification and apprehension of the person who damages or removes District property. Such reward shall not exceed the amount of Ten Thousand Dollars (\$10,000.00) adjusted annually by inflation as authorized by Education Code section 48904.. Rewards in excess of \$1,000.00 must be authorized in advance by the Board. Any person who has willfully damaged or removed District property shall be liable for the amount of any reward paid pursuant to this section and if such person is a minor, the parent or guardian shall also be liable for the amount. The reward shall be paid to the first person who provides sufficient information that leads to the identification and apprehension of the person or persons responsible for the damage or loss. If more than one informant is needed to identify the person(s) responsible, the reward shall be divided equally among the informants. The Superintendent will determine who is entitled to the reward and pay it after such identification and apprehension. The identity of the informant shall be considered confidential, and it will not be made public by the District unless required by law.
- E. On completion of the investigation, identification of the person causing damage to or loss of school property, and determination of the cost of repair or replacement, the Superintendent and the District's legal counsel will take appropriate steps and legal action to recover such damages. The Superintendent's designee shall make a written demand on the individual, or the parent/guardian, in the amount of the damage for any act of vandalism or loss committed by that individual. If the damage is covered by an insurance policy and if time permits, the Superintendent or his designee shall attempt to recover the damage prior to filing a claim with the insurance carrier. Otherwise the Superintendent will obtain a subrogation agreement from the carrier and proceed to recover the damages as above provided.
- F. The parent or guardian of a minor shall be liable for all damages caused by: (1) A minor's willful misconduct that results in injury or death to any pupil or any person employed by

or performing voluntary services for the District; and (2) A minor who willfully cuts, defaces or otherwise injures, in any way, the real or personal property of the District, or the personal property of any school employee. The liability of the parent or guardian shall not exceed \$10,000.00 adjusted annually by inflation as authorized by Education Code section 48904, or the maximum allowed by law, whichever is greater. The parent or guardian of a minor shall be liable to the District for the amount of any reward not exceeding \$10,000.00 adjusted annually by inflation as authorized by Education Code section 48904, or the amount allowed by law, whichever is greater.

- G. Any pupil, or the parent/guardian of any minor pupil, shall be held liable for all property belonging to the District or a District employee that has been damaged, destroyed, stolen or lent and not returned upon demand. After affording the pupil his/her due process rights, the District may withhold the grades, diploma, and transcripts of the pupil responsible for the vandalism or theft until the pupil or the pupil's parent/guardian has paid for the damages.
1. A pupil shall be entitled to a hearing to determine whether the grades, diploma, and/or transcripts may be withheld. Such a hearing should be held within thirty (30) school days of the date the demand is made for return of property belonging to the District or District employee or for payment of damaged, destroyed or stolen property of the District or District employee. The pupil shall be entitled to at least one postponement for a period of not more than thirty (30) calendar days. Thereafter, any additional postponement may be granted at the discretion of the Board.
  2. Written notice of the hearing shall be forwarded to the pupil at least 10 calendar days prior to the date of the hearing. The notice shall include: the date and place of the hearing; a statement of the specific facts and charges upon which the withholding of grades, diploma, and/or transcripts is based; a copy of the disciplinary rules of the District which relate to the alleged violation; and the opportunity for the pupil or the pupil's parent or guardian to appear in person or employ and be represented by counsel, to inspect and obtain copies of all documents to be used at the hearing, to confront and question all witnesses who testify at the hearing, to question all other evidence presented, and to present oral and documentary evidence on the pupil's behalf, including witnesses.
  3. The Board shall conduct a hearing to consider the withholding of grades, diploma and/or transcripts of a pupil in a session closed to the public, unless the pupil requests, in writing, at least five days prior to the date of the hearing, that the hearing be conducted at a public meeting. Regardless of whether the hearing is conducted in a closed or public session, the Board may meet in closed session for the purpose of deliberating and determining if the grades, diploma and/or transcripts should be withheld.

If the Board or administrative panel appointed under provision (4) to conduct the hearing admits any other person to a closed deliberation session, the parent or

guardian of the pupil, the pupil, and the counsel of the pupil shall also be allowed to attend the closed deliberations.

4. In lieu of conducting the hearing itself, the Board may appoint an impartial administrative panel of three or more certificated persons, none of whom shall be members of the Board or employed on the staff of the school in which the pupil is enrolled. The hearing shall be conducted in accordance with all of the procedures established under this provision.
5. If the Board appoints an impartial administrative panel, within three school days following the hearing, the administrative panel shall determine whether to recommend to the Board the withholding of grades, diploma and/or transcripts of the pupil.
6. If the administrative panel recommends the withholding of grades, diploma and/or transcripts, findings of fact in support of the recommendation shall be prepared and submitted to the Board. All findings of fact and recommendations shall be based solely on the evidence adduced at the hearing. If the Board accepts the recommendation calling for the withholding, acceptance shall be based either upon a review of the findings of fact and upon the results of any supplementary hearing conducted pursuant to this section that the Board may order.
7. The decision of the Board to withhold the grades, diploma, and/or transcripts shall be based upon substantial evidence relevant to the charges adduced at the hearing or hearings. Except as provided in this section, no evidence to withhold the grades, diploma and/or transcripts shall be based solely upon hearsay evidence. The Board or administrative panel may, upon a finding that good cause exists, determine that the disclosure of the identity of a witness and the testimony of that witness at the hearing would subject the witness to an unreasonable risk of harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations which shall be examined only by the Board or the administrative panel. Copies of these sworn declarations which are edited in such a manner as to delete the name and identity of the witness, shall be made available to the pupil.
8. A record of the hearing shall be made. The record may be maintained by any means, including electronic recording, so long as a reasonably accurate and complete written transcription of the proceedings can be made.
9. Technical rules of evidence shall not apply to the hearing, but relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A decision of the Board to withhold the grades, diploma and/or transcripts shall be supported by substantial evidence showing that the pupil willfully cut, defaced or otherwise injured the real or personal property of the District or the personal

property of a District employee or willfully failed to return on demand the property of the District or a District employee that was loaned to the pupil.

10. A decision of the Board whether to withhold the grades, diploma and/or transcripts shall be made within ten school days following the conclusion of the hearing, unless the pupil requests in writing that the decision be postponed. If the hearing is held by an administrative panel, or if the Board does not meet on a weekly basis, the Board shall make its decision within 40 school days after the demand for payment was made on the pupil, unless the pupil requests in writing that the decision be postponed.
11. When the minor and parent are unable to pay for any damages or the cost of non-returned items (upon a showing by certification of the parent/guardian that he/she cannot reasonably afford the cost), the District shall provide a program of voluntary work for the minor. Upon completion of the work, the pupil's grades, diploma and/or transcripts shall be released.
12. Any pupil of the District who commits an act of vandalism shall also be subject to disciplinary action by the District.

Legal Reference:

Education Code sections 48900, 48904

California Code of Regulations, Title 5 section 305

Civil Code section 1714.1

Government Code section 53069.5

Date Policy Adopted By The Board: September 6, 1990

Date Policy Reviewed By The Board: January 13, 2005

Dates Policy Revised By The Board: March 17, 1993; June 5, 2008; July 18, 2013

## RANCHO SANTA FE SCHOOL DISTRICT

### **Board Policy No. 5017: FREEDOM OF SPEECH/EXPRESSION/ASSEMBLY**

- A. The Board prohibits any expressions or materials which are obscene, libelous or slanderous according to current legal definitions.
- B. The Board prohibits expressions or materials which demonstrably incite pupils to commit unlawful acts on school premises, violate school rules, or substantially disrupt the school's orderly operation.
- C. Printed materials or petitions shall be distributed only at reasonable times and places and in reasonable ways:
  - 1. Before school begins, during lunch time, and after dismissal.
  - 2. In locations that do not obstruct the normal flow of traffic within school or at entrances.
  - 3. Without undue noise, and without any use of coercion.
  - 4. No pupil shall use coercion to induce pupils or any other persons to accept printed matter or to sign petitions. No funds or donations shall be collected for any material distributed.
  - 5. All printed matter and petitions distributed or circulated on school property shall bear the name and the address or contact location of the sponsoring organization or individual.
- D. Appeals

The pupil and the faculty member shall attempt to resolve the problem before consulting the Principal. If the issue cannot be resolved between the faculty member and the pupil, the pupil may appeal the decision to the Principal, and then to the Superintendent. As a final step, the pupil may request a hearing to determine whether a deprivation of freedom of expression was justified under this Board Policy. The hearing shall be held before the Board or an impartial person appointed by the Board as soon as possible after the hearing is requested. Both sides shall be given the opportunity to demonstrate that the Board Policy was properly applied.

Legal Reference:

Education Code sections 48907, 51520

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008



## RANCHO SANTA FE SCHOOL DISTRICT

### Board Policy No. 5018: LIMITATIONS ON APPEARANCE

- A. The Board encourages pupils to dress appropriately for school. The Board believes that pupils should be neatly and cleanly dressed.
- B. The Board acknowledges that pupils have legal rights to freedom of expression, but the following limitations on appearance shall apply:
  - 1. Pupils must dress safely. Appropriate footwear must be worn at all times and must not limit participation in school activities. For example, footwear must be appropriate for physical education and playground/recess activities. Elevated heels and backless shoes will not be permitted for these activities.
  - 2. Pupils must dress appropriately for educational activities in which they will participate so as not to endanger their health, safety or welfare or present a substantial threat of disrupting the educational process.
  - 3. Students with pierced portions of their bodies may be required to remove jewelry during activities in which the wearing of such jewelry may endanger their safety.
  - 4. Clothing must reasonably fit the pupil. Undergarments should not be exposed at any time. Coaches and teachers may adopt reasonable additional rules to assure the health and safety of students participating in particular classes or athletic events.
  - 5. Pupils must be cleanly dressed so as not to promote unhealthy or unsanitary conditions.
  - 6. Hair shall not be disruptive to the learning environment.
  - 7. Makeup should not be brought to school, and if worn, should be applied at home. Students should refrain from wearing excessive make-up at school.
  - 8. Pupils shall not dress in an obscene manner or display obscene material on clothing or on personal items such as backpacks, fanny packs, gym bags, water bottles, etc.
  - 9. Extremely brief garments, such as very short skirts or shorts, and too-revealing garments, such as plunging necklines, see-through shirts or blouses, halter tops, clothing which reveal underclothing, breasts, buttocks, or midriffs is prohibited.
  - 10. Pupils must not wear clothing that is too revealing or skin tight over parts of the body that should not be exposed in an educational environment.
  - 11. Pupils shall not display any material on clothing or personal belongings which advertises or promotes an unlawful act such as the consumption of alcoholic beverages by minors,

the possession, sale or use of controlled drugs or substances, violence, or discrimination on any grounds prohibited by state or federal law.

12. Pupils shall not display any material which is libelous or slanderous.
13. Pupils shall not display any material which so incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of District policies or rules.
14. Pupils shall not display any material which so incites pupils as to create a clear and present danger of a substantial disruption of the orderly operation of the school or the educational process.
15. Pupils may wear sun-protective clothing, including but not limited to plain baseball caps or hats of any color, and sunglasses for outdoor use only. Caps with bills must be worn with the bill forward. Sunglasses must be removed immediately when asked to do so by a staff member.
16. Gang apparel and gang-related apparel is hazardous to the health and safety of the school environment. The Superintendent is authorized to meet with law enforcement and other knowledgeable persons in the community to identify gang activity, gang and gang-related apparel, and to provide notice to parents, guardians and pupils of such prohibited items if gang activity is present. Pupils wearing or carrying overt gang paraphernalia/clothing shall be referred to the Superintendent or designee. If necessary, the pupil's parent or guardian shall be contacted and the pupil sent home to change clothes.

C. No pupil may be suspended because of a violation of Section B of this Board Policy unless:

1. Other means of correction fail to bring about proper conduct;
2. The pupil has been given adequate notice of the violation of this Board Policy; and
3. The pupil has been given an adequate opportunity under the circumstances to comply with the direction to cease violating this Board Policy.

D. This Board Policy shall not be interpreted so as to limit any efforts by employees to have pupils voluntarily dress in a manner which promotes a better learning atmosphere.

Legal Reference:

Education Code sections 35183, 35183.5, 48907, 48900, and 48900.5

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008; February 5, 2014, February 20, 2019

## RANCHO SANTA FE SCHOOL DISTRICT

**Board Policy No. 5019:     NOTIFICATION TO TEACHER OF PUPILS WHO HAVE ENGAGED IN, OR WHO ARE REASONABLY EXPECTED TO HAVE ENGAGED IN, ACTIONS WHICH ARE GROUNDS FOR SUSPENSION OR EXPULSION**

- A.     This Board Policy is adopted pursuant to Education Code section 49079 enacted in 1989, substantially amended in 1993, and amended again in 1995 and 2000.
  
- B.     The Superintendent or designee shall take reasonable steps to ensure that the teacher of a pupil is informed in writing if a pupil has engaged in, or is reasonably suspected to have engaged in, any of the acts described in any of the subdivisions of Education Code section 48900 (except subdivision (h)) or any of the acts described in Sections 48900.2, 48900.3, 48900.4, or 48900.7. Education Code section 48900 lists the grounds for suspension or expulsion of a pupil in subdivisions (a) through (r). The information provided to the teacher shall be based upon any records that the District maintains in its ordinary course of business or receives from a law enforcement agency.
  
- C.     Any information received by a teacher pursuant to this Board Policy shall be received in confidence and shall not be further disseminated by the teacher.
  
- D.     The term "who has engaged in" means that a pupil has been suspended and/or expelled for any of the acts described in any of the subdivisions of Education Code section 48900 (except subdivision (h)) and any of the acts identified in Sections 48900.2, 48900.3, 48900.4 or 48900.7.

The term "who is reasonably suspected to have engaged in" means that (1) after an investigation the Superintendent or designee, or the Principal or designee, has recommended suspension and/or expulsion for any of the acts described in any of the subdivisions of Education Code section 48900 (except subdivision (h)) and any of the acts identified in Sections 48900.2, 48900.3, 48900.4 or 48900.7; or (2) after an investigation the Superintendent or designee, or the Principal or designee, has determined that the permanent records of the pupil reflect that the pupil committed any of the acts described in any of the foregoing subdivisions of the Education Code; or (3) the District has received any written records from a law enforcement agency indicating that a pupil has committed any of the foregoing acts.

- E.     Commencing with the 2002-2003 school year and each school year thereafter, the information provided shall be from the previous three school years.
  
- F.     Education Code section 49079 provides that no District officer or employee shall be civilly or criminally liable for providing information under this statute unless it is proven that the information was false and that the officer or employee knew or should have known that the information was false, or that was made with a reckless disregard for the truth or falsity of the information provided.

- G. Education Code section 49079 provides that a District officer or employer who knowingly fails to provide information about a pupil who has engaged in, or who is reasonably suspected to have engaged in, the acts referred to in the statute, is guilty of a misdemeanor, which is punishable by confinement in the county jail for a period not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or both.

Legal Reference:

Education Code section 49079,48900

Date Policy Adopted By The Board: December 6,1990

Dates Policy Revised By The Board: March 16, 1994, February 21,1996; January 13, 2005; June 5, 2008; June 4, 2015

## RANCHO SANTA FE SCHOOL DISTRICT

### **Board Policy No. 5020:     PUPILS TAKING MEDICATION**

- A.     Any pupil who is required to take, during the regular school day, medication prescribed for the pupil by a licensed physician, may be assisted by a school nurse or other employee designated by the Superintendent only if:
1.     The District receives a written statement from the prescribing licensed physician detailing the method, amount and time schedules by which such medication is to be taken; and
  2.     The District receives a written statement from the parent/guardian of the pupil specifically requesting that the District assist the pupil in the matters set forth in the physician's statement. No employee shall assist a pupil take medication unless this Board Policy is complied with.
- B.     Any pupil who is required to take, during the regular school day, medication prescribed for the pupil by a licensed physician and who does not seek assistance from the District must file a written statement with the District regarding the need for the pupil to take the medication at school.
- C.     No pupil may carry prescribed medication during the school day, but must give it to the designated employee(s) who will maintain it in a secure place. All such medication must be in clearly identified containers with the following information: pupil's name, physician's name, physician's telephone number, name of medication, warnings about improper use, dosage and schedule for medication.
- D.     In very limited cases a pupil may be allowed to carry and self-administer “prescription auto-injectable epinephrine” in accordance with Education Code section 49423, or “prescription inhaled asthma medication” in accordance with Education Code section 49423.1 as long as all of the pre-conditions in those laws are complied with including a signed written statement that the District and school personnel are released ‘from civil liability if the self-administering pupil suffers an adverse reaction as a result of self-administering medication.’

**Legal Reference:**

Education Code sections 49423, 49480

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008; July 18, 2013

## RANCHO SANTA FE SCHOOL DISTRICT

### **Board Policy No. 5021:     RESEARCH ON PUPILS**

- A. No test, questionnaire, survey, or examination containing any questions about the pupil's personal beliefs or practices in sex, family life, morality and religion, or any questions about his parents' or guardians' beliefs and practices in sex, family life, morality and religion, shall be administered to any pupil unless the parent/guardian of the pupil is notified in writing that such test, questionnaire survey, or examination is to be administered and the parent or guardian of the pupil gives written permission for the pupil to take such test, questionnaire, survey, or examination.
- B. Research on pupils of the District beyond the conventional testing program (both District-wide and for the purposes of evaluation of the individual student) shall not be carried on except under at least the following circumstances.
1. The research design has been presented to and approved by the Superintendent.
  2. All research instruments, included but not limited to questionnaires, surveys and interview forms, have been submitted to and approved by the Superintendent.
  3. Adequate care has been taken to protect the privacy rights of individual pupils.
  4. A final copy of all research reports, theses, dissertations and/or surveys, including analyses and conclusions, shall be presented to the Superintendent for the use of the District, and that the District shall have the right to utilize the research in the best interests of the children of the District.
  5. The Board or the Superintendent shall have the right to refuse publication rights if the Board, in its judgment, believes that the research was not carried out according to the highest standards or research, that the analysis and/or conclusion presents a biased or incorrect position, that the research was not carried out according to the approved research design, or that publication of the research study will present an immediate danger to the educational program.

#### Legal Reference:

Education Code sections 35172(a), 49060-49078

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008

## RANCHO SANTA FE SCHOOL DISTRICT

### **Board Policy No. 5022: NO CORPORAL PUNISHMENT**

- A. The California Legislature prohibits corporal punishment. No employee of the District may use corporal punishment on any pupil. The term "corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a pupil.
- B. An amount of force that is reasonable and necessary for a person employed by or engaged in a public school to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense, or to obtain possession of weapons or other dangerous objects within the control of the pupil, is not and shall not be construed to be corporal punishment within the meaning and intent of this Board Policy. Physical pain or discomfort caused by athletic competition or other such recreational activity, voluntarily engaged in by the pupil, is not and shall not be construed to be corporal punishment within the meaning and intent of this Board Policy.
- C. Seclusion and Restraint
1. The use of restraint and seclusion must be consistent with the child's right to be treated with dignity and to be free from abuse. The District shall avoid, whenever possible, the use of seclusion or behavioral restraint techniques. Restraint and seclusion should only be used as a safety measure of last resort, and should never be used as punishment or discipline or for staff convenience.
  2. The District may use seclusion or a behavioral restraint only to control behavior that poses a clear and present danger of serious physical harm to the pupil or others that cannot be immediately prevented by a response that is less restrictive.
    - a. "Behavioral restraint" means an intervention when a pupil presents an immediate danger to self or to others that is either: the use of a device or equipment to restrict a pupil's freedom of movement; or a personal restriction that immobilizes or reduces the ability of a pupil to move his or her torso, arms, legs, or head freely.
    - b. "Behavioral restraint" does not include:
      - i. Postural restraints or devices used to improve a pupil's mobility and independent functioning rather than to restrict movement.
      - ii. A physical escort, which means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a pupil who is acting out to walk to a safe location.
      - iii. The use of force by peace officers or security personnel for detention or for public safety purposes.

3. In the event seclusion or a behavioral restraint is needed:
  - a. The responsible District employee shall keep constant, direct observation of a pupil who is in seclusion, which may be through observation of the pupil through a window, or another barrier, through which the educational provider is able to make direct eye contact with the pupil. The observation shall not be through indirect means, including through a security camera or a closed-circuit television.
  - b. The District shall afford to pupils who are restrained the least restrictive alternative and the maximum freedom of movement, and shall use the least number of restraint points, while ensuring the physical safety of the pupil and others.
  - c. If prone restraint techniques are used, the responsible District employee shall observe the pupil for any signs of physical distress throughout the use of prone restraint. Whenever possible, the responsible District employee monitoring the pupil shall not be involved in restraining the pupil. "Prone restraint" means the application of a behavioral restraint on a pupil in a facedown position.
  
4. The District shall not:
  - a. Use seclusion or a behavioral restraint for the purpose of coercion, discipline, convenience, or retaliation.
  - b. Use locked seclusion, unless it is in a facility otherwise licensed or permitted by state law to use a locked room.
  - c. Use a physical restraint technique that obstructs a pupil's respiratory airway or impairs the pupil's breathing or respiratory capacity, including techniques in which a staff member places pressure on a pupil's back or places his or her body weight against the pupil's torso or back.
  - d. Use a behavioral restraint technique that restricts breathing, including, but not limited to, using a pillow, blanket, carpet, mat, or other item to cover a pupil's face.
  - e. Place a pupil in a facedown position with the pupil's hands held or restrained behind the pupil's back.
  - f. Use a behavioral restraint for longer than is necessary to contain the behavior that poses a clear and present danger of serious physical harm to the pupil or others.



5. The District shall collect and, no later than three months after the end of a school year, report to the Department of Education annually on the use of behavioral restraints and seclusion for pupils enrolled in or served by the District for all or part of the prior school year.
  - a. The data collected and reported pursuant to this section shall be available as a public record.
  - b. The report required pursuant to Paragraph 5 shall include all of the following information, disaggregated by race or ethnicity, and gender:
    - i. The number of pupils subjected to mechanical restraint, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.
    - ii. The number of pupils subjected to physical restraint, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.
    - iii. The number of pupils subjected to seclusion, with separate counts for pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.
    - iv. The number of times mechanical restraint was used on pupils, with separate counts for the number of times mechanical restraint was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.
    - v. The number of times physical restraint was used on pupils, with separate counts for the number of times physical restraint was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal

Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

- vii. The number of times seclusion was used on pupils, with separate counts for the number of times seclusion was used on pupils with a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils with an individualized education program, and pupils who do not have a plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or an individualized education program.

**Legal Reference:**

Education Code sections 49000, 49001, 49005, 49005.1, 49005.2, 49005.4, 49005.6, 49005.8, 49006, 49006.2, 49006.4

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008, July 11, 2019

## RANCHO SANTA FE SCHOOL DISTRICT

### **Board Policy No. 5023:     SEARCHES**

- A.     The California Legislature has prohibited all searches of pupils that involve: (1) conducting any type of body cavity search; or (2) removing or arranging any or all of the clothing to permit a visual inspection of underclothing, breast, buttocks or genitalia. No employee of the District may conduct such prohibited searches on any pupil.
  
- B.     The Principal may conduct searches of pupils, lockers used by pupils and the personal property of pupils consistent with current applicable law as long as such search also is reasonable, is related to the safety and welfare of the school, and does not violate the legal rights of pupils.
  
- C.     The District retains the right to inspect District property (communal areas, lockers, classrooms, gym areas, parking lots, grounds, and other facilities and areas) to protect the safety and welfare of pupils, employees, parents and visitors. The inspection of property is separate and distinct from the inspection of a person.
  
- D.     The District in all cases prohibits the use of random and suspicionless dog sniff searches of pupils or any other individual.

#### Legal Reference:

Education Code section 49050

Powers v. Plumas Unified School District (1999) 192 F. 3D 1260

In re Randy G (2001) 26 Cal. 4th 556

83 Ops. Cal. Atty. Gen. 257 (2000)

Date Policy Adopted By The Board: September 6, 1990

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008

**RANCHO SANTA FE SCHOOL DISTRICT**

**Board Policy No. 5024:     PROHIBITIONS AGAINST TOBACCO PRODUCTS**

- A.     No pupil may possess or use tobacco, or any product containing tobacco or nicotine products, including but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel electronic cigarettes that can deliver tobacco or nicotine and non-nicotine vaporized solutions, or electronic smoking devices: (1) while on school grounds, (2) while going to or coming from school including riding in any vehicle provided by the District, (3) during the lunch period whether on or off the campus, and (4) during, or while going or coming from, a school sponsored activities.
  
- B.     All school grounds are "No Smoking Areas" and shall be posted as such. No pupil, employee or visitor shall use tobacco products on school grounds. No pupil, employee or visitor shall use tobacco products in vehicles operated by or on behalf of the District. "Smoking" means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

Legal Reference:  
Education Code sections 48900(h), 48901, 35160.1

Date Policy Adopted By The Board: November 8, 1994  
Date Policy Revised By The Board: October 9, 2003 (formerly B.P. 5023), July 11, 2019,  
November. 14, 2019

**RANCHO SANTA FE SCHOOL DISTRICT**

**Board Policy No. 5025:      RIGHTS TO REFRAIN FROM THE HARMFUL OR  
DESTRUCTIVE USE OF ANIMALS**

- A.     The California Legislature generally has provided that a pupil with a moral objection to dissecting or otherwise harming or destroying animals lawfully may choose to refrain from participation in an education project involving the harmful or destructive use of animals. Classes and activities, conducted as a part of a program in agricultural education that provides instruction on the care, management and evaluation of domestic animals are exempt. This Board Policy applies to all levels of instruction.
  
- B.     Each teacher teaching a course that utilizes live or dead animals or animal parts shall inform the pupils of their rights under current law to refrain from participation in an education project involving the harmful or destructive use of animals. A pupil's objection shall be substantiated by a note from the parent or legal guardian.
  
- C.     If a pupil chooses to refrain from participation in an education project involving the harmful or destructive use of animals, and if the teacher believes that an adequate alternative education project is possible, then the teacher may work with the pupil to develop and agree upon an alternate education project for the purpose of providing the pupil an alternate avenue for obtaining the knowledge, information, or experience required by the course of study in question. The alternative education project shall require a comparable time and effort in investment by the pupil, and shall not be more arduous than the original education project as a means of penalizing the pupil. Pupils choosing an alternative education project shall pass all examinations of the respective course of study in order to receive credit for that course of study. However, if tests require the harmful or destructive use of animals, a pupil may seek alternative tests.
  
- D.     A teacher's decision in determining if a pupil may pursue an alternative education project or be excused from the project shall not be arbitrary or capricious. A pupil shall not be discriminated against based upon a decision to exercise rights under this Board Policy and current law.

Legal Reference:

Education Code sections 32255-32255.6

Date Policy Adopted By The Board: March 16, 1994

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008

**RANCHO SANTA FE SCHOOL DISTRICT**

**Board Policy No. 5026:     NOTIFICATION TO LAW ENFORCEMENT  
AUTHORITIES OF PUPIL MISCONDUCT**

- A.     The Principal or other designee of the Superintendent shall, prior to the suspension or expulsion of any pupil, notify the appropriate law enforcement authorities of any acts of the pupil which may violate Penal Code section 245 covering assaults upon another person with a deadly weapon or a firearm.
  
- B.     The Principal or other designee of the Superintendent shall notify the appropriate law enforcement authorities whenever a pupil brings a firearm or other weapon to school.
  
- C.     The Principal or other designee of the Superintendent shall, within one schoolday after the suspension or expulsion of any pupil, notify the appropriate law enforcement authorities of any acts of the pupil which may violate Education Code section 48900 (c) or (d).
  
- D.     The Principal or other designee of the Superintendent shall notify the appropriate law enforcement authorities of any acts of a pupil that may involve the possession or sale of narcotics or of a controlled substance or of a violation of Penal Code sections 626.9 and 626.10 which are provisions of the California Gun-Free School Zone Act.

Legal Reference:  
Education Code section 48902

Date Policy Adopted By The Board: February 10, 1999  
Dates Policy Revised By The Board: January 13, 2005; June 5, 2008; July 18, 2013

## RANCHO SANTA FE SCHOOL DISTRICT

**Board Policy No. 5027: ENROLLMENT OF CHILDREN WHOSE PARENTS OR LEGAL GUARDIANS RESIDE WITHIN THE DISTRICT**

- A. The general legal rule as set forth by the California Legislature is that only parents or legal guardians, who actually reside in the District, may enroll their children in the District or continue to enroll their children in the District. There are some limited legal exceptions to this which require the District to allow enrollment. For example, a pupil who lives in the home of a caregiving adult, in compliance with California Family Code section 6550, that is located within the boundaries of the District, shall be enrolled in the District. Commencing January 1, 2016, Education Code section 48204(a)(7) requires the District to enroll a pupil “whose parent or legal guardian resides outside of the boundaries” of the District “but is employed and lives with the pupil at that place of his or her employment within the boundaries” of the District “for a minimum of three days during the school week.”
- B. The District will not allow enrollment of children, or continued enrollment of children, unless it is legally required to do so. There are only two narrow exceptions to this District rule which are explained in Board Policy No. 4111 (Enrollment Of Children Whose Parents Or Legal Guardians Are Permanent Full-Time Certificated Employees Of The District) and Board Policy No. 6028 (Continued Enrollment Of Children Whose Parents Or Legal Guardians Are Temporarily Not Residing In The District).
- C. In accordance with Education Code section 48204.1, the District shall accept from the parent or legal guardian (or adult caregiver) of a pupil “reasonable evidence” that the pupil meets the residency requirements of the law and this Board Policy. Education Code section 48204.1 provides that “reasonable evidence” of residency shall be established by documentation showing the name and address of the parent or legal guardian (or adult caregiver), including, but not limited to, any of the following documentation:
1. Property tax receipts.
  2. Rental property contract, lease, or payment receipts.
  3. Utility service contract, statement, or payment receipts.
  4. Pay stubs.
  5. Voter registration.
  6. Correspondence from a government agency.
  7. Declaration of residency executed by the parent or legal guardian (or adult caregiver) of the pupil.

Education Code section 48204.1(b) provides that the District may not require all of the above items of documentation. The Superintendent within his/her sole discretion shall determine which documentation will be required in each case.

- D. If an employee of the District reasonably believes that the parent or legal guardian (or adult caregiver) of a pupil has provided false or unreliable evidence of residency, the employee will so notify the Superintendent. The Superintendent in accordance with Education Code section 48204.1(c) and in compliance with Education Code section 48204.2 may make reasonable efforts to determine that the pupil actually meets the legal residency requirements.
- E. Education Code section 48204.2, effective commencing January 1, 2016, provides that if a school district elects to undertake an investigation pursuant to Education Code section 48204.1(c) referenced immediately above in provision D, the governing board of the school district “shall adopt a policy” regarding the investigation of a pupil to determine whether the pupil meets the legal residency requirements. Education Code section 48204.2(b) lists requirements of such a policy which are included in the following provisions of this Board Policy.

This provision E is the District’s Board Policy as authorized and required by Education Code section 48204.2, and which is to be implemented by the Superintendent in compliance with Education Code section 48204.2.

1. The Superintendent may initiate any investigation whenever he/she receives credible information from an employee, citizen, the parent, adult caregiver or the pupil that the parent, legal guardian, or the adult caregiver does not actually reside in the District. Credible information includes admission(s) by the parent, legal guardian or adult caregiver, or the pupil, falsified documents, mail returned from the address provided, conflicting information from the parent, legal guardian or adult caregiver, or the pupil, a written complaint from an employee or a citizen with a specific factual allegation(s) pointing to non residency, and documents which appear to be counterfeit.
2. The Superintendent may authorize an investigation which may include the following methods:
  - a. Verifying supporting documents with issuing individuals, organizations or agencies.
  - b. Interviewing the pupil, parent, legal guardian or adult caregiver, landlord, neighbors and any other individual who may have direct and relevant information.
  - c. Reviewing public information available on the internet, including, but not limited to writings, photographs, and videos on public social media, blogs and websites.



- d. Conducting visits to the identified residence as long as the inhabitants are advised about the purpose of the visit and any investigation of the interior of a residence is voluntarily granted by the inhabitant(s).
  - e. Open, visible and public use of technology. California Education Code section 48204.2(b) and this Board Policy prohibit any and all surreptitious photographing or video-recording of pupils being investigated.
3. The Superintendent, after consultation with the General Counsel of the District, may utilize the professional services of a private investigator after making reasonable efforts to determine whether the pupil legally resides in the District.
4. California Education Code section 48204.2(b) and this Board Policy require that employees and contractors, including any private investigator, for the District who engage in any investigations under this Board Policy must identify themselves truthfully to all individuals contacted or interviewed during the course of any investigation under this Board Policy.
5. The determination that a pupil does not actually reside in the District shall be made by the Superintendent in writing and shall list the reason(s) and basis for such determination. The written determination shall be communicated to the parent, legal guardian or adult caregiver by regular mail or by e-mail.
6. If the parent, legal guardian or adult caregiver disagrees with the written determination by the Superintendent that the pupil actually does not reside in the District, the parent, legal guardian or adult caregiver may file a written appeal with the Governing Board. Such written appeal must actually be received by the Office of the Superintendent of the District no later than ten (10) calendar days after the date of the Superintendent's written determination. Any such written appeal must include all the reasons and basis for the appeal. If an appeal is made, the burden shall be on the appealing party to show why the Superintendent's determination should be overruled. The Governing Board will consider the appeal at its next regular meeting in open session or at a special Board meeting within the discretion of the District.

Legal Reference: Education Code sections 48200, 48204, 48204.1 and 48204.2

Date Policy Adopted By The Board: April 12, 2000

Date Policy Reviewed By The Board: January 13, 2005

Date Policy Revised By The Board: June 5, 2008, March 10, 2016.

## RANCHO SANTA FE SCHOOL DISTRICT

### **Board Policy No. 5027.1: PUPIL INTERDISTRICT TRANSFERS INTO THE DISTRICT**

- A. The District does not grant requests for pupil interdistrict transfer into the District. The sole purpose of this Policy is to comply with the requirements of Education Code section 46600.2 which requires the District to “post on its Internet Web site the procedures and timelines, including a link to the policy of the governing board of the school district, regarding a request for an interdistrict transfer permit...” This Policy does not change the longstanding rule set forth in Board Policy 5027 that, with limited legal exceptions, only parents or legal guardians, who actually reside in the District, may enroll their children in the District or continue to enroll their children in the District. This Policy **does not** create any obligation on the part of the District to grant requests for pupil interdistrict transfer into the District.
- B. A request for pupil interdistrict transfer into the District shall be submitted in writing to the Superintendent using the “Application for Interdistrict Attendance Permit (Form 341) for School Districts of San Diego County” form which may be accessed online through the San Diego County Office of Education:
- <https://www.sdcoe.net/student-services/studentssupport/Documents/Interdistrict%20Transfer%20Application%20-%20English%5b1%5d.pdf>.
- The request must include all of the reasons for the request for pupil interdistrict attendance. Upon receipt, the Superintendent shall issue a written decision within ten (10) calendar days.
- C. The parent/legal guardian may appeal the Superintendent’s decision by filing a written appeal to the Governing Board within five (5) calendar days of receipt of the Superintendent’s written decision. Such written appeal shall be filed with the Superintendent. Failure to timely file a written appeal shall be deemed a waiver of the right to appeal the District’s denial and an abandonment of the request for a pupil interdistrict transfer.
- D. Upon receipt of a timely filed written appeal, the Superintendent shall place consideration of the appeal on the next Board meeting agenda. The Governing Board shall consider any appeal in open session and the parent/legal guardian shall be provided a reasonable opportunity to address the Governing Board. The Governing Board shall take action regarding the final decision in open session and shall direct the Superintendent to provide written notice of the final decision to the parent/legal guardian.
- E. Upon denial of a request for pupil interdistrict attendance by the Governing Board, the parent/legal guardian shall be advised, in writing, of the right to appeal the

Governing Board's final decision to the San Diego County Board of Education and that such appeal must be filed within 30 calendar days from the date of receipt of the final denial.

- F. The District will comply with the following timeframes for notification set forth in Education Code section 46600.2:
1. Notify a parent/legal guardian submitting a current year request of its final decision within 30 calendar days from the date the request was received. "Current school year request" means a request for interdistrict transfer received beginning 15 calendar days before the commencement of instruction in the school year for which interdistrict transfer is sought.
  2. Notify a parent/legal guardian submitting a future year request of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which interdistrict transfer is sought. "Future year request" means a request for interdistrict transfer received up until 15 calendar days before commencement of instruction in the school year for which interdistrict transfer is sought.
- G. The District has established that pupil interdistrict transfer requests may be filed for the upcoming school year beginning on May 15.
- H. The notices required under this Policy may be provided using, in the District's discretion, any of the following methods:
1. Regular mail;
  2. Email; or
  3. By any other method normally used by the District to communicate with parents in writing.

## RANCHO SANTA FE SCHOOL DISTRICT

**Board Policy Number 5028:            STUDENT USE OF DISTRICT'S ELECTRONIC RESOURCES**

**A.     Purpose & Coverage**

1.     This policy defines the proper use by the students of the District of the District's electronic resources including, but not limited to, its computers, computer systems, and Internet access services.
2.     This policy applies to all students of the District.
3.     The Management Systems Information Manager for the District shall be the Superintendent

**B.     Overview of Policy Regarding Student Use**

1.     The District provides its students electronic resources such as computers for use as educational tools. The District recognizes that these resources present tempting opportunities for users to gain access to matters which are confidential, require restricted access, or which result in an improper use of the District's resources. It is the responsibility of each student to ensure that the District's electronic resources are used for legitimate educational purposes and in a manner that does not compromise confidential, proprietary or sensitive information. Students may not use or permit others to use the District's computer systems or other electronic resources for unlawful purposes. Such conduct should be reported and will not be tolerated. Misuse of the District's computer systems or other electronic resources will result in discipline, up to and including expulsion from school.
2.     The District's computer systems and other electronic resources are District assets. There are numerous ways in which the improper use of these assets could jeopardize the proper operation of the District's computer systems and expose the District and its employees to liability in the event of a lawsuit. For example, use of the District's computer system for purposes unrelated to the District's educational curriculum compromises the remaining available memory of such systems and can slow the system's ability to process data effectively or in a timely manner. Viruses can damage the systems and stored information critical for the performance of District responsibilities. Use of the Internet and/or the electronic mail access provided to District employees to download or send obscene or discriminatory material could expose the District and its employees to liability for claims of sexual harassment or discrimination. For these reasons and others, students will not be provided access to electronic mail and student use of computers shall be under the direct supervision of a certificated employee at all times. In addition, technology protection measures have been installed which blocks or filters access to visual depictions that are obscene, child pornography or

other matter harmful to minors, and to chat rooms. These measures must be in force during any use of any District computer by minors.

3. In order to ensure that the District's computer systems are not misused, the District may randomly inspect and/or monitor computer files, District storage devices such as flash drives and discs, Internet use, and all other information stored or recorded by students on the computer systems to assure that these public resources are not being misused. Students should not expect that information kept on District computer system devices or equipment is private, even if the information is personal. Computer data may be monitored regardless of its origin or content. By utilizing the District's computer system devices and other electronic resources, a student consents to the monitoring summarized in this policy. Students are hereby placed on notice that the District is not responsible for any injury to students caused by others who may access such information.
4. The District reserves the right to take any action in order to comply fully with the provisions in 20 U.S.C.A. section 6777 (Internet Safety), including but not limited to, the use of technology protection measures to block student access to websites that contain obscene, pornographic or other material harmful to minors; and the use of technology measures to prevent hacking or any unlawful activities.

### **C. Definitions**

1. The term "personal" or "personal information" as used in this policy refers to information unrelated to the student's academic pursuits, or other information which the student may not want disclosed to others.
2. The term "computer" includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.
3. Access to the Internet shall include all District computers connected to a computer network and/or the Internet, and other personal electronic communication devices which access the District network and/or the Internet.
4. The term "child pornography" has the meaning given that term in federal and state case law and is prohibited if it is obscene or if it depicts actual children.
5. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion; that depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

6. The term "obscene" has the meaning applicable to that term under 18 U.S.C. section 1460.
7. The term "sexual act" and "sexual contact" have the meanings given those terms in section 2246 of Title 18.

**D. Prohibited Student Access**

Students will not be supplied with user ID's or passwords by employees of the District. Students shall be permitted to use only District computers which are equipped with technology protection devices designed to prevent access to child pornography, obscene materials or other materials harmful to children. Computers and the Internet shall be used by students only under the direct supervision of a certificated employee of the District.

**E. Unacceptable Use**

1. The use of the District's computer systems and other electronic resources is a privilege which may be revoked at any time. Computers, computer files, Internet services, software and other electronic resources are furnished to students for use in connection with the educational requirements of the District. All information stored or recorded on the District's computers shall be considered District property and may be retrieved and reviewed by the Information Systems Manager to insure the District's computer resources are not being misused. Students of the District cannot expect personal information recorded or stored on the District's computer resources to remain private. The District will not tolerate misuse of its electronic resources. Conduct which shall result in student discipline shall include, but is not limited to:
  - a. Causing malfunction, damage or theft of system hardware, software or components;
  - b. Altering system software or hardware;
  - c. Placing unlawful information, computer viruses or harmful programs on or through the computer systems;
  - d. Entering into restricted information or electronic mail on systems or network files in violation of this policy;
  - e. Violating the privacy of other computer system users;
  - f. Using another person's name and/or password and login to access the network or to send or receive messages on the network or Internet;
  - g. Violating the federal Communications Decency Act or any other federal or state law applicable to computer and/or telecommunications systems;

- h. Using the District's computer systems or other electronic resources for personal gain, profit, gambling, or commercial purposes, or to engage in any unlawful activity;
- i. Displaying or transmitting sexually explicit images, messages or cartoons which are obscene, child pornography or material harmful to minors;
- j. Using the District's computer system to unlawfully bully other persons;
- k. Displaying or transmitting messages containing ethnic slurs, racial comments, off-color jokes or anything that may conflict with the District's policy of providing an educational environment which is sensitive to diversity and free of harassment and disrespect;
- l. Unauthorized review, duplication, dissemination, removal, damage, or alteration of files, passwords, user IDs, computer systems, or programs, or other property of the District, a business, or any governmental agency to conduct activities commonly described as "hacking."
- m. Using copyrighted data or other materials without permission from the copyright holder, including, but not limited to use of data downloaded off of the Internet and the creation or maintenance of archival copies of materials obtained through the Internet, unless such materials are in the public domain.
- n. Obtaining, downloading, viewing or otherwise gaining access to materials which may be deemed unlawful, harmful, abusive, obscene, pornographic, descriptive of destructive devices, or which are harmful matter as defined in California Penal Code section 313(a), or which are otherwise objectionable under current District policies or applicable state or federal laws.
- o. Placing programs on computer systems without the permission of the District.
- p. Unless the prior approval of the Information Systems Manager has been obtained, using the Internet or other external network connections in a way that could allow unauthorized persons to gain access to the District's systems and information. These connections include the establishment of World Wide Web home pages and File Transfer Protocol.
- q. Placing District information of a confidential, sensitive or proprietary nature on the Internet.
- r. Illegally duplicating software or its related documentation.

- s. Accessing information other than that information which the student personally placed on an electronic resource, or which is publicly available, or which the student has been given authorization to access.
- t. Any activity prohibited by the No Child Left Behind Act of 2001 or state law.

**F. Electronic Mail Rules**

Access to the District's outsourced electronic mail service is a privilege designed to assist students in the acquisition of knowledge and in efficiently communicating with others. The electronic mail system is meant to be used for educational purposes. Electronic mail files are subject to monitoring by the Network Administrator. Use of the District's electronic resources to create or utilize chain letters, chat rooms or other Multiple User Dimensions ("MUDs") is forbidden, with the exception of those bulletin boards or electronic mail groups that may be used for specific educational-related communication. The District reserves the right to remove files from, or limit or deny access to, its electronic resources at any time.

All electronic mail correspondence is the property of the District.

Student electronic mail communications are not considered private despite use of passwords or any designation concerning privacy either by the sender or the recipient.

Electronic mail may not be used by students for personal gain, profit, commercial ventures, or gambling.

If not encrypted, electronic messages sent to recipients outside of the District's computer networks are not secure. Confidential, personal or proprietary information should not be sent in electronic messages.

The District has the right to monitor its electronic mail system, including each individual's mailbox, at its discretion in the ordinary course of business. In certain situations, the District may also be compelled to access and disclose messages sent over its electronic mail system to third parties. The District shall not be liable for any damages arising from any such disclosure.

The existence of passwords, user IDs and "message delete" functions do not restrict or eliminate the District's ability or right to access electronic communications.

Students shall not share an electronic mail passwords or user IDs, provide electronic mail access to an unauthorized user, or access another user's electronic mail box without authorization.

Students shall not post, display or make easily available any computer access information, including, but not limited to, passwords and user IDs.



Offensive, demeaning or disruptive messages are prohibited. This includes, but is not limited to, messages that are inconsistent with the District's policies concerning equal opportunity, sexual harassment, and other unlawful harassment.

Users must not use inappropriate language; language consisting of profanity, vulgarities or obscenities, language which libels others, or language which contains inappropriate references to others.

Users shall not reveal the residential addresses or telephone numbers of other individuals during electronic mail transmissions due to the lack of security of unencrypted messages.

Users may not use the District's electronic network in a manner which could damage, disrupt or prohibit the use of the network by other users.

Users should assume that all communications and information is public when transmitted via the network and/or Internet and may be viewed by others.

Users may not violate or permit the violation of the privacy or other rights of individuals whose information is required by or routinely stored by the District in computer systems or other electronic resources.

Users should exercise restraint in consuming shared electronic resources.

## **G. Internet Rules**

1. The District's network, including its connection(s) to the Internet, is to be used for education-related purposes. Any unauthorized use of the Internet is strictly prohibited. Unauthorized use includes, but is not limited to: connecting, posting, or downloading pornographic material; engaging in computer "hacking" and other related activities; attempting to disable or compromise the security of information contained in District computers; or otherwise misusing the District's computers for illegal purposes or for any prohibited purpose as set forth in this policy as grounds for discipline.
2. Internet messages should be treated as non-confidential. Anything sent through the Internet passes through a number of different computer systems, all with different levels of security. The confidentiality of messages maybe compromised at any point along the way.
3. Because postings placed on the Internet may display the District's name and/or address, users must make certain before posting information on the Internet that the information reflects and is consistent with the standards and policies of the District. Before posting material online that is affiliated with the District or a District organization, including the creation of a social networking account or web page, prior written authorization of the Superintendent is required.

4. Subscriptions to news groups and mailing lists may be permitted when the subscription is for an education-related purpose. Any other subscriptions are prohibited.
5. Information posted or viewed on the Internet may constitute published material. Therefore, reproduction of information posted or otherwise available over the Internet may be done only by express permission from the author or copyright holder.
6. Unless the prior approval of Information Systems Manager has been obtained, users may not establish Internet or other external network connections that could allow unauthorized persons to gain access to the District's systems and information. These connections include the establishment of World Wide Web home pages and File Transfer Protocol.
7. All files downloaded from the Internet must be checked for possible computer viruses. If a user is uncertain whether their virus-checking software is current, they must check with the Information Systems Manager before downloading.
8. Downloading, sending or transferring offensive, demeaning or disruptive materials over the Internet is prohibited. This includes, but is not limited to, materials which are inconsistent with the District's policies concerning equal educational opportunity, sexual harassment, or any laws concerning harassment or discrimination.
9. Under no circumstances shall information of a confidential, sensitive or proprietary nature be placed on the Internet.

#### **H. Reporting of Abnormalities or Misuse**

1. All users are required to report any abnormality or security breach as soon they observe it or come into possession of information that it has occurred. Abnormalities or breaches of security shall be reported to the Information Systems Manager or Principal immediately. Users are also required to report any misuse of the District's computer systems. If any student observes a misuse, such as an electronic communication containing obscene or harassing language, the student should immediately report the misuse to the Information Systems Manager or Principal. Students should not show, transmit, or otherwise duplicate the misuse or offending material to, or discuss these matters with, anyone other than the Information Systems Manager or Principal.

#### **I. Lack of Privacy & Monitoring**

1. The Information Systems Manager shall have discretion to randomly monitor any information recorded or stored by students on the District's computer systems

upon approval by the Superintendent or designee. The Information Systems Manager may randomly retrieve and review all communications and electronically stored data on the District's electronic resources, whether that data be personal information, educational information, or information related to District business, in order to insure the District's property is not being misused. All information stored or recorded on the District's computers or other electronic resources shall be considered District property.

2. All students should be aware that information is available about their computer activities. Student computer activities are not private. For example, each time a student accesses a web site on the Internet, the computer and networking equipment involved create a trail, download and display the files from the Internet, and usually store a copy of those files on the hard drive. The computer or server that maintains the connection to the Internet also keeps track of which computer and which user has visited each specific web site. The District owns the computer terminals, services, networks and equipment and has the right to monitor student activities on the Internet at random.
3. If a student reports suspected misuse of the computer systems or other electronic resources to the Information Systems Manager or Principal. Upon receiving such a report, and/or if the Superintendent reasonably believes, in his/her sole discretion, that a student is misusing the District's computer systems or other electronic resource, the Superintendent may direct a designated District employee to review the suspected student's Internet use, or other electronically recorded use of the District's computer systems or electronic resources. In his/her discretion, the Superintendent may also report suspected misconduct to law enforcement officials and allow those officials access to the student's Internet use, or other electronically recorded use of the District's computer systems or electronic resources.
4. The District is not responsible for any injury to a student or any other person caused by third parties who may access personal information which the student has stored or recorded on the District's electronic resources.

## **J. Copyright Issues**

1. The District purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the District does not have the right to reproduce such software for use on more than one computer.
2. Students may only use software on the District's networks or on multiple machines in accordance with the applicable software agreement. The District prohibits the illegal duplication of software or its related documentation by students or by anyone else.

**K. Vandalism**

1. Vandalism is defined as any malicious attempt to alter, harm or destroy equipment, data or other property of the District or another user, or the networks connected to the District's networks via the Internet. This includes, but is not limited to, the uploading or creation of computer viruses, improper alteration of data, or the improper use of restricted information. Any vandalism of District computer systems or other electronic resources will result in disciplinary action, up to and including expulsion and, if appropriate, referral to law enforcement officials.

**L. Consequences for Violating This Policy**

1. The consequence for violating this policy include, but are not limited to, one or more of the following:
  - a. Disciplinary action up to and including expulsion;
  - b. Referral to legal authorities for prosecution under California Penal Code section 502 (unauthorized access to computers, computer systems and computer data), or other violations of state or federal laws.
  - c. Referral to legal authorities for prosecution under any applicable state or federal law.

**M. District Not Liable for Damage to Student Work-Product**

From time-to-time the District's computer systems will fail or will require repair or maintenance. The District is not liable for loss of or damage to student work-product caused by system failures, server crashes, or the District's performance of monitoring, maintenance or repair functions related to its computer systems or other electronic resources.

**Legal Reference:**

Education Code sections 35160 and 35160.1

Penal Code sections 313 and 502

18 U.S.C. section 1460

18 U.S.C. section 2246

18 U.S.C. sections 2252

20 U.S.C. section 6777 (Section 2441 of the No Child Left Behind Act of 2001)

47 U.S.C. section 254 (Neighborhood Children's Internet Protection Act)

*New York v. Ferber* (1982) 458 U.S. 747

*Miller v. California* (1973) 413 U.S. 15

Date Policy Adopted By the Board: March 20, 2002

Dates Policy Revised By The Board: January 13, 2005; June 5, 2008; July 18, 2013

## RANCHO SANTA FE SCHOOL DISTRICT

### **Board Policy No. 5029:     STUDENT LOCKER USE**

- A. Commencing with the 2007-2008 school year, as a convenience to seventh and eighth grade students, and commencing with the 2013-2014 school year as a convenience for sixth grade students, the District will provide each such student with the use of District lockers upon written request and consent by both the student and his/her parents/guardians to the terms and conditions upon which the student will be permitted to use a locker. The lockers shall remain at all times the property of the District, and the District reserves the right to refuse to permit a student or student's to use or continue to use a District locker at any time, and to suspend or revoke the use of a student locker upon violation of the applicable rules set forth in this Policy.
  
- B. Upon submission of a properly executed request provided by the District, sixth, seventh and eighth grade students may be issued a locker and the combination to that locker for student use only during a school year. Parents and guardians will be provided with their student's locker combination upon request. At the end of the school year, each student is responsible for removing all belongings from their locker and leaving it in a clean and sanitary condition. Lockers will be inspected following the last day of school, any remaining articles removed and disposed of, and locker combinations will be changed for the next school year.
  
- C. District student lockers are located outside of District buildings. The District is not responsible for loss, theft, vandalism, or damage to student personal belongings left in lockers and maintains no security system designed to prevent unauthorized entry into lockers by students or other persons. Therefore, students must not store valuable items or money in their lockers.
  
- D. Conditions of Student Locker Assignment and Use.

Locker use is a privilege which is at the discretion of the District and which will only be permitted on the following terms and conditions. Violation of these terms and conditions may result in withdrawal of District permission to use a District locker.

- 1. Parents and guardians of sixth, seventh and eighth grade students must jointly request the use of a locker for the school year, and both must consent in writing to the conditions of locker assignment and use on a form provided by the District in order to be permitted the use of a locker.
  
- 2. No illegal substances such as alcohol or drugs, weapons, dangerous objects, flammable items, explosives, dangerous chemicals, evidence of the violation of school rules, or other prohibited items are to be kept in student lockers and, if found, will be removed.

3. Students are not to share their locker combinations with any one other than their parents/guardians, locker mate, law enforcement, administrators or other school personnel in an emergency.
4. Administration shall have a list of all assigned lockers and the combination to each assigned locker. A school administrator or designee will periodically open all student lockers and inspect them for health and safety reasons, and may unlock and open them in emergency situations.
5. Posting notes or other items on the outside of lockers, or writing, marking or defacing the inner or outer surfaces of lockers is prohibited.
6. Students are responsible for the contents and security of their locker.
7. Students are not to share their lockers with anyone else other than their chosen or assigned locker mate.
8. Students are responsible for the cleanliness of their assigned locker.
9. Students are responsible for removing all personal belongings from their locker on the last day of school.
10. Lockers will not be searched except on reasonable suspicion that the student is violating a school law or rule or has violated a school law or school rule, or in an emergency to protect the health and safety of students, employees, and others.
11. Students are not to leave their lockers unlocked.
12. Students are not to leave perishable foods or liquids in their lockers that will spoil or cause unsanitary conditions or spill or leak damaging lockers or the contents of adjacent lockers.
13. Students are not to leave soiled clothing or trash in their lockers that may cause bad odors or a health and safety hazard.
14. Students are not to store valuable items (money, laptops, jewelry) in their lockers.
15. Damage to a locker, theft, vandalism, or loss of a locker combination must be reported to the Principal immediately.
16. Students are to clean their lockers by the last day of school and lock them to prevent unauthorized use. Any items remaining in lockers following the last day of school will be removed and discarded unless prior arrangements are made with the Principal in unusual circumstances.

Legal Reference:

In re Cody S. (2004) 121 Cal. App. 4th 86

William G. (1985) 40 Cal. 3d 550

Date Policy Adopted By The Board: August 9, 2007

Date Policy Revised By The Board: June 5, 2008

**RANCHO SANTA FE SCHOOL DISTRICT**

**Board Policy No. 5030:     ADMINISTRATION OF EPINEPHRINE AUTO-  
INJECTORS**

- A. The District shall provide emergency epinephrine auto-injectors to school nurses or trained personnel who have volunteered pursuant to subdivision (E), and school nurses or trained personnel may use epinephrine auto-injectors to provide emergency medical aid to persons suffering, or reasonably believed to be suffering, from an anaphylactic reaction.
- B. Definitions: For purposes of this Board Policy the following definitions apply:
1. “Anaphylaxis” means a potentially life-threatening hypersensitivity to a substance.
    - a. Symptoms of anaphylaxis may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.
    - b. Causes of anaphylaxis may include, but are not limited to, an insect sting, food allergy, drug reaction, and exercise.
  2. “Authorizing physician and surgeon” may include, but is not limited to, a physician and surgeon employed by, or contracting with, the District, a medical director of the local health department, or a local emergency medical services director.
  3. “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.
  4. “Qualified supervisor of health” may include, but is not limited to, a school nurse.
  5. “Volunteer” or “trained personnel” means an employee who has volunteered to administer epinephrine auto-injectors to a person if the person is suffering, or reasonably believed to be suffering, from anaphylaxis, has been designated by a school, and has received training pursuant to subdivision (E.2).
- C. Acquisition of Epinephrine Auto-Injector: A qualified supervisor of health at the District (or a District administrator if the District does not have a qualified supervisor of health) shall obtain from an authorizing physician and surgeon a prescription for each school for epinephrine auto-injectors that, at a minimum, includes, for the elementary school, one regular epinephrine auto-injector and one junior epinephrine auto-injector, and for the middle school, if there are no pupils who require a junior epinephrine auto-injector, one regular epinephrine auto-injector. A qualified supervisor of health at the District shall be responsible for stocking the epinephrine auto-injector and restocking it if it is used.



#### D. Administration of Epinephrine Auto-Injector:

1. A school nurse or, if the school does not have a school nurse or the school nurse is not onsite or available, a volunteer may administer an epinephrine auto-injector to a person exhibiting, or reasonably believed to be suffering from, potentially life-threatening symptoms of anaphylaxis at school or a school activity when a physician is not immediately available.
2. A volunteer shall initiate emergency medical services or other appropriate medical follow-up in accordance with the training materials retained pursuant to section E.4.
3. The epinephrine auto-injectors are exclusively for use at District sites. If the epinephrine auto-injector is used it shall be restocked as soon as reasonably possible, but no later than two weeks after it is used. Epinephrine auto-injectors shall be restocked before their expiration date.

#### E. Volunteers and Training:

1. At least once per school year, the Superintendent or designee shall distribute a notice to all staff that requests volunteers to be trained to administer an epinephrine auto-injector to a person if the person is suffering, or reasonably believed to be suffering, from anaphylaxis, as specified section D.1. The annual notice shall also include a description of the training that volunteers will receive.
2. The Superintendent or designee 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 an authorizing physician and surgeon. The training shall be based on the standards developed by the State Superintendent of Public Instruction pursuant to Education Code section 49414 and shall include:
  - a. Techniques for recognizing symptoms of anaphylaxis.
  - b. Standards and procedures for the storage, restocking, and emergency use of epinephrine auto-injectors.
  - c. Emergency follow-up procedures, including calling the emergency 911 telephone number and contacting, if possible, the pupil's parent and physician.
  - d. Recommendations on the necessity of instruction and certification in cardiopulmonary resuscitation.
  - e. Instruction on how to determine whether to use an adult epinephrine auto-injector or a junior epinephrine auto-injector, which shall include consideration of a pupil's grade level or age as a guideline of equivalency for the appropriate pupil weight determination.

- f. Written materials covering the above-required information.
3. The District shall ensure that each employee who volunteers under this policy will be provided defense and indemnification by the District for any and all civil liability, in accordance with, but not limited to, that provided in Division 3.6 (commencing with Section 810) of Title 1 of the Government Code. This information shall be reduced to writing, provided to the volunteer, and retained in the volunteer's personnel file.
- F. Gifts, Grants, and Donations: The District may accept gifts, grants, and donations from any source for the support of the public school carrying out the provisions of this section, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. Any such gifts, grants, or donations shall be received through the District Superintendent or Designee.
- G. Records: The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors furnished as part of this policy for a period of three years from the date the records were created.

Legal Reference:

Education Code section 49414

Business and Professions Code section 4119.2, 4119.4

Date Policy Adopted by the Board: June 4, 2015

Date Policy Revised by the Board: June 22, 2017

## **RANCHO SANTA FE SCHOOL DISTRICT**

### **Board Policy No. 5031: SUICIDE PREVENTION**

- A. It is the purpose of this Policy to establish guidelines for suicide prevention, intervention, and postvention as required by Education Code section 215.
- B. Suicide Awareness and Prevention Training
1. Suicide awareness and prevention training shall be provided to all teachers. The training shall include information concerning the District's prevention, intervention, and postvention strategies and procedures. The training shall further include suicide awareness and prevention in groups of pupils at elevated risk for suicide, including the following:
    - a. Youth bereaved by suicide;
    - b. Youth with disabilities, mental illness, or substance abuse disorders;
    - c. Youth experiencing homelessness or in out-of-home settings, such as foster care; and
    - d. Lesbian, gay, bisexual, transgender, or questioning youth.
  2. Materials provided to training participants shall set forth how to identify appropriate mental health services, both at school and within the community, and when and how to refer pupils and their families to those services.
  3. Materials approved for training may also include programs that can be completed through self-review of suitable suicide prevention materials.
  4. Completion of training identified in this Board Policy does not authorize District employees to diagnose or treat a mental illness. District employees may only act within the authorization and scope of their respective credential or license.
- C. Intervention Strategies and Guidelines
1. As appropriate, the District shall integrate developmentally-appropriate, student-centered education training and materials into the curriculum of health classes. Any discussion of suicide with students shall be age appropriate and shall be delivered and discussed in a manner that is sensitive to the needs of young pupils given their age and maturity levels.
  2. In the event a District employee suspects or has knowledge that a pupil is suicidal or has suicidal ideation, the District employee shall promptly report this to the principal or school psychologist. The principal or school psychologist shall then notify the pupil's parents/guardians as soon as possible and may refer the pupil to

mental health resources in the school or community. If the situation is critical, the pupil may be referred to emergency services.

3. Pupils shall be encouraged to notify a teacher, principal, school psychologist, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another pupil's suicidal intentions.
4. When a suicide attempt or threat is reported, the principal or designee shall:
  - a. Ensure the pupil's physical safety by one of the following, as appropriate:
    - i. Securing immediate medical treatment if a suicide attempt has occurred.
    - ii. Securing law enforcement and/or other emergency assistance if a suicidal act is being actively threatened.
    - iii. Keeping the pupil under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene.
  - b. Designate specific individuals to be promptly contacted, including the school psychologist, superintendent, and/or the pupil's parent/guardian, and, as necessary, local law enforcement or mental health agencies.
  - c. Follow up with the parent/guardian and pupil in a timely manner to provide referrals to appropriate services as needed.
5. If a referral is made for mental health or related services on behalf of a pupil who is a Medi-Cal beneficiary, the District shall ensure proper consultation and coordination with the San Diego County Mental Health Plan (MHP).

D. Postvention Strategies and Guidelines

1. Following a suicide, suicide attempt, or suicide related trauma of a pupil, guidance counseling and mental health services shall be made available. Parents shall also be advised of guidance counseling and mental health services afforded by the school and community.
2. Following a suicide attempt of a pupil, the parents/guardians and appropriate personnel will meet to determine whether additional steps should be taken to ensure the pupil's continued safety on campus and discuss referrals to appropriate mental health services.

E. Review of Board Policy

1. The Board shall review this Board Policy every five years and update as necessary.

F. Student ID Cards

1. Effective January 1, 2019, all new student ID cards issued to 7<sup>th</sup> and 8<sup>th</sup> grade students shall have the National Suicide Prevention Lifeline printed on one side of the card.
2. Effective October 1, 2020, all new student ID cards issued to 7<sup>th</sup> and 8<sup>th</sup> grade students shall have the National Domestic Violence hotline printed on one side of the card.

Legal Reference:

Education Code section 215, 215.5

Date Policy Adopted By The Board: July 6, 2017

Date Policy Reviewed By The Board: July 11, 2019

Date Policy Revised By The Board: July 11, 2019; July 9, 2020

**RANCHO SANTA FE SCHOOL DISTRICT**

**BOARD POLICY NO. 5032:      BULLYING PREVENTION POLICY**

A.     Introduction

1.     The Governing Board recognizes the harmful effects of bullying on pupil learning and school attendance and desires to provide a safe school environment that protects pupils from physical and emotional harm. This Board Policy prohibits any act of bullying where such act is related to any school activity or school attendance. The District will not condone or tolerate bullying. The District will take appropriate disciplinary action against all employees or students who engage in any act of bullying as defined in this Board Policy.

B.     Definition of Bullying (Education Code section 48900)

1.     Bullying may occur through physical, written, verbal, or other means. Bullying is prohibited against all persons, including students and school personnel.
2.     “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of electronic act, and including one or more acts committed by a pupil or group of pupils constituting prohibited sexual harassment, prohibited hate violence, and prohibited harassment, threats or intimidation, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:
  - a.     Placing a reasonable pupil or pupils in fear of harm to that pupil’s or pupils’ person or property.
  - b.     Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
  - c.     Causing a reasonable pupil to experience substantial interference with his or her academic performance.
  - d.     Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities or privileges provided by a school.
3.     “Electronic act” for purposes of this Board Policy means the creation or transmission originated on or off campus, by means of an electronic device, including but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to the following:
  - a.     A message, text, sound, video, or image.
  - b.     A post on a social network Internet Web Site, including, but not limited to, any of the following:

1. Posting or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in Paragraph B.2. a. - d.
2. Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in Paragraph B.2. a. - d. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
3. Creating a false profile for the purpose of having one or more of the effects listed in Paragraph B.2. a. - d. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
4. Bullying also includes any act of cyber sexual bullying. "Cyber sexual bullying" means the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in Paragraph B.2. a. - d. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
5. "Reasonable pupil" for purposes of this Board Policy means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with this or her exceptional needs.
6. Bullying can take place in online and social media forums including but not limited to:
  - a. Internet websites with free registration and ease of registration
  - b. Internet websites offering peer-to-peer instant messages
  - c. Internet websites offering comment forums or sections.
  - d. Internet websites offering image or video posting platforms.
7. Examples of the types of conduct that may constitute bullying include, but are not limited to:
  - a. Physical bullying: An act that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing,

taking or breaking someone's possessions, or making cruel or rude hand gestures.

- b. Verbal bullying: An act that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm.
- c. Social/relational bullying: An act that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public.
- d. Cyberbullying: An act such as sending demeaning or hateful text messages or emails, spreading rumors by email or by posting on social networking sites, or posting or sharing embarrassing photos, videos, web site, or fake profiles.

C. Intervention, Complaints, And Investigation

Pupils are encouraged to notify school staff when they are being bullied or suspect that another pupil is being bullied. Complaints of bullying will be processed pursuant to Board Policy 5001, "Pupil Complaint Procedure," and investigated as appropriate. Complaints of bullying based on a protected group will be processed pursuant to Board Policy 6006, "Uniform Complaint Procedures."

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. When appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school psychologist or other school support service personnel as appropriate. When appropriate and based on the severity or pervasiveness of the bullying, the Superintendent or designee may take any further remedial action as necessary, including contacting law enforcement.

D. Discipline

Any student who engages in bullying shall be subject to appropriate consequences, including but not limited to formal discipline, which may include suspension or expulsion, in accordance with District Board Policy.

E. Bullying Awareness and Prevention Training

The District shall provide annual bullying prevention training to all certificated employees and all other employees who have regular interaction with pupils. This training shall include making available the online training module developed by the California Department of Education concerning bullying prevention as required by Education Code section 32283.5.

E. Additional Resources



The California Department of Education has made available Bullying Prevention Training and Resources that can be accessed online: [www.cde.ca.gov/ls/ss/se/bullyres.asp](http://www.cde.ca.gov/ls/ss/se/bullyres.asp)

**Legal Reference:**

Education Code sections 201, 234.4, 234.1, 234.6, 32283.5, 48900, 48900.9

California Code of Regulations, Title 5, sections 4600-4687, Sections 4900 et seq.

US DEPARTMENT OF EDUCATION PUBLICATIONS

<https://www.stopbullying.gov/>

Date Policy Adopted By The Board: July 11, 2019

Date Policy Revised By The Board: August 3, 2023