

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**STUDENT INDEX**

**BP 5000 SERIES**

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**OCEAN VIEW SCHOOL DISTRICT**  
**Huntington Beach, California**

**BOARD POLICY**

**BP 5000**

**STUDENTS**

**CONCEPTS AND ROLES**

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

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

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

*Legal Reference:*

EDUCATION CODE

35160 Authority of Board of Trustees

35160.1 Broad authority of school districts

35291-35291.5 Rules

Policy Adopted: 12/10/91  
Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5020**

**STUDENTS**

**PARENT RIGHTS AND RESPONSIBILITIES**

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

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

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

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

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

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

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

*Legal Reference:*

EDUCATION CODE

33126 School accountability report card

35291 Disciplinary rules

48070.5 Promotion and retention of students

48985 Notice to parent in language other than English

49091.10-49091.19 Parental review of curriculum and instruction

49602 Confidentiality of pupil information

51100-51102 Parent/guardian rights

51513 Personal beliefs

60510 Disposal of surplus instructional materials

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

1232h Protection of pupil rights

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5020**

**STUDENTS**

**PARENT RIGHTS AND RESPONSIBILITIES** (continued)

*Management Resources:*

*WEB SITES*

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

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

Policy Adopted: 09/16/03  
Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5020**

**STUDENTS**

**PARENT/GUARDIAN RIGHTS**

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

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

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

2. To meet, within a reasonable time of their request, with their child's teacher(s) and the principal.
3. Under the supervision of District employees, to volunteer their time and resources for the improvement of school facilities and school programs, including, but not limited to, providing assistance in the classroom with the approval, and under the direct supervision, of the teacher.
4. To be notified on a timely basis if their child is absent from school without permission.
5. To receive the results of their child's performance and the school's performance on standardized tests and statewide tests.

For parents/guardians of English learners, this right shall include the right to receive the results of their child's performance on the English language development test.

6. To request a particular school for their child and to receive a response from the District.
7. To have a school environment for their child that is safe and supportive of learning.

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**ADMINISTRATIVE REGULATION**

**AR 5020**

**STUDENTS**

**PARENT/GUARDIAN RIGHTS**

8. To examine the curriculum materials of the class(es) in which their child is enrolled.

Parents/guardians may inspect, in a reasonable time frame, all primary supplemental instructional materials and assessments stored by the classroom teacher, including textbooks, teacher's manuals, films, tapes and software.

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

The school may charge an amount not to exceed the cost of duplication.

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

10. For parents/guardians of English learners, to support their child's advancement toward literacy.

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

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

12. To have access to the school records of their child.

13. To receive information concerning the academic performance standards, proficiencies or skills their child is expected to accomplish.

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

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

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

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**AR 5020**

**STUDENTS**

**PARENT/GUARDIAN RIGHTS**

17. To refuse to submit or to participate in any assessment, analysis, evaluation or monitoring of the quality or character of the student's home life, any form of parental screening or any prescribed family education service plan and to inspect any survey collecting personal information.
18. To participate as a member of a parent advisory committee, school site council or site-based management leadership team in accordance with any rules and regulations governing membership in these organizations.  
  
For parents/guardians of English learners, this right shall include the right to participate in school and District advisory bodies in accordance with federal and state law and regulations.
19. To question anything in their child's record that the parent/guardian feels is inaccurate or misleading or is an invasion of privacy and to receive a response from the school.
20. To provide informed, written parental consent before their child is tested for a behavioral, mental or emotional evaluation. A general consent, including medical consent used to approve admission to or involvement in a special education or remedial program or regular school activity, shall not constitute written consent for these purposes.

**Parent Responsibilities**

Parents/guardians may support the learning environment of their child by:

1. Monitoring attendance of their child.
2. Ensuring that homework is completed and turned in on time.
3. Encouraging their child to participate in extracurricular and cocurricular activities.
4. Monitoring and regulating the television viewed by their child.
5. Working with their child at home in learning activities that extend the classroom learning.
6. Volunteering in their child's classroom(s) or for other school activities.
7. Participating in decisions related to the education of their own child or the total school program as appropriate.

Regulation Adopted: 09/16/03  
Regulation Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5021**

**STUDENTS**

**NONCUSTODIAL PARENTS**

The Board of Trustees recognizes the right of parents/guardians to be involved in the education of their children and desires to balance that right with the District's need to ensure the safety of students while at school.

The parent/guardian who enrolls a child in a District school shall be presumed to be the child's custodial parent/guardian and shall be held responsible for the child's welfare.

School officials shall presume that both parents/guardians have equal rights regarding their child, including, but not limited to, picking the student up after school or otherwise removing the student from school, accessing student records, participating in school activities, or visiting the school. When a court order restricts access to the child or to his/her student information, a parent/guardian shall provide a copy of the certified court order to the principal or designee upon enrollment or upon a change in circumstances.

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

*Legal Reference:*

EDUCATION CODE  
48204 Residency requirements  
49061 Definitions  
49069 Absolute right to access  
49091.10-49091.19 Parental review of curriculum and instruction  
49408 Emergency information  
56028 Definition, parent for special education  
51100-51102 Parent/guardian rights  
FAMILY CODE  
3002 Joint legal custody, definition  
3006 Sole legal custody, definition  
3025 Parental access to records  
6550-6552 Caregivers  
GOVERNMENT CODE  
810-996.6 Government Claims Act  
6205-6211 Confidentiality of residence for victims of domestic violence

*Management Resources:*

WEB SITES  
CSBA: <http://www.csba.org/>  
California Association of Supervisors of Child Welfare and Attendance: <http://www.cascwa.org/>  
California Department of Education: <http://www.cde.ca.gov/>

Policy Adopted: 01/11/11



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5022**

**STUDENTS**

**STUDENT AND FAMILY PRIVACY RIGHTS**

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

The Superintendent or designee shall consult with parents/guardians regarding the development and adoption of this policy.

**Collection of Personal Information for Marketing Purposes**

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

*Legal Reference:*

*EDUCATION CODE*

*49450-49457 Physical examinations*

*49602 Confidentiality of pupil information*

*51101 Parents Rights Act of 2002*

*51513 Personal beliefs*

*51938 Sexual Health and HIV/AIDS Prevention Education Act; notice and parental excuse*

*UNITED STATES CODE, TITLE 20*

*1232g Family Educational Rights and Privacy Act*

*1232h Protection of pupil rights*

*Management Resources:*

*WEB SITES*

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

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

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

**ADMINISTRATIVE REGULATION**

**AR 5022**

**STUDENTS**

**STUDENT AND FAMILY PRIVACY RIGHTS**

**Definition**

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

**Surveys Requesting Information about Beliefs and Practices**

A student's parent/guardian shall provide prior written consent before the student participates in a survey containing one or more of the following items:

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

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

Notwithstanding the above requirements, the District may administer to students in grades 7-8, anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about the student's attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request that their child not participate.

**ADMINISTRATIVE REGULATION**

**AR 5022**

**STUDENTS**

**STUDENT AND FAMILY PRIVACY RIGHTS**

Exceptions to Collection of Personal Information

Any District restriction regarding collection of personal information shall not apply to the collection, disclosure, or use of personal information collected from students for the purpose of developing, evaluating or providing educational products or services for, or to, students or educational institutions, such as the following:

1. College or other postsecondary education recruitment or military recruitment.
2. Book clubs, magazines, and programs providing access to low-cost literary products.
3. Curriculum and instructional materials used by elementary and secondary schools.
4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.
5. The sale by students of products or services to raise funds for school-related or education-related activities.
6. Student recognition programs.

Parent/Guardian Access to Surveys and Instructional Materials

Before school staff administers a survey or evaluation containing personal information as identified above, the student's parent/guardian may:

1. Upon request, inspect that survey or instrument before it is administered or distributed to his/her child or any instructional material used as part of his/her child's educational curriculum.

Within a reasonable period of time of receiving a request, the principal or designee shall permit a parent/guardian to view a survey, instrument or instructional material. A parent/guardian may view the document any time during normal business hours.

2. Refuse to allow his/her child to participate in the activity.

Students whose parents/guardians exercise this option shall not be penalized by the District.

**ADMINISTRATIVE REGULATION**

**AR 5022**

**STUDENTS**

**STUDENT AND FAMILY PRIVACY RIGHTS**

Health Examinations

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

Invasive physical examination means any medical examination that involves the exposure of private body parts or any act during such examination that includes incision, insertion or injection into the body, but does not include a properly authorized hearing, vision or scoliosis screening.

Notifications

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians of:

1. The District's policy regarding student privacy.
2. The process to opt their children out of participation in any activity described in this policy and administrative regulation.
3. The specific or approximate dates during the school year when the following activities are scheduled:
  - a. Survey requesting personal information.
  - b. Physical exams or screenings.

Prior to administering anonymous and voluntary surveys regarding health risks and behaviors to students in grades 7-8, the District shall provide parents/guardians with written notice that the survey is to be administered.

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

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5030**

**STUDENTS**

**STUDENT WELLNESS**

The Board of Trustees recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity for District students. The Superintendent or designee shall build a coordinated school health system that supports and reinforces health literacy through health education, physical education, health services, nutrition services, psychological and counseling services, health promotion for staff, a safe and healthy school environment, and parent/guardian and community involvement.

To encourage consistent health messages between the home and school environment, the Superintendent or designee may disseminate health information to parents/guardians through District or school newsletters, handouts, parent/guardian meetings, the District or school web site, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and academic performance.

**Student Wellness Committee**

The Superintendent or designee shall encourage parents/guardians, students, food service employees, District and school site administrators, Board representatives, teachers, health professionals, school nurses, health educators, physical education teachers, counselors, members of the public, and/or others interested in school health issues to participate in the development, implementation, and periodic review and update of the District's student wellness policy.

The Superintendent or designee may make available to the public and school community a list of names, positions titles, and contact information of the student wellness committee members. The student wellness committee shall advise the District on health-related issues, activities, policies, and programs. At the discretion of the Superintendent or designee, the committee's charge(s) may include the planning and implementation of activities to promote health within the school or community.

**Nutrition Education and Physical Activity Goals**

The Board of Trustees shall adopt goals for nutrition promotion and education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the District determines appropriate.

The District's nutrition education and physical education programs shall be based on research, consistent with the expectations established in the state's curriculum frameworks and content standards, and designed to build the skills and knowledge that all students need to maintain a healthy lifestyle.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5030**

**STUDENTS**

**STUDENT WELLNESS**

Nutrition Education and Physical Activity Goals (continued)

Nutrition education shall be integrated into the regular educational program. Nutrition education also may be offered through before- and after-school programs.

All students in grades K-8 shall be provided opportunities to be physically active on a regular basis. Opportunities for moderate to vigorous physical activity shall be provided through physical education, recess, school athletic programs, extracurricular programs, before- and/or after-school programs, programs encouraging students to walk or bicycle to and from school, in-class physical activity breaks, and other structured and unstructured activities.

The Board recognizes that a safe, positive school environment is also conducive to students' physical and mental health and thus prohibits bullying and harassment of all students, including bullying on the basis of weight or health condition.

The Superintendent or designee shall encourage staff to serve as positive role models for healthy eating and physical fitness. He/she shall promote and may provide opportunities for regular physical activity among employees

The Board of Trustees prohibits the marketing and advertising of non-nutritious foods and beverages through signage, vending machine fronts, logos, scoreboards, school supplies, advertisements in school publications, coupon or incentive programs, or other means.

Nutritional Guidelines for All Foods Available at School

For all foods and beverages available on each campus during the school day, the District shall adopt nutrition guidelines which are consistent with 42 USC 1758, 1766, 1773, and 1779 and federal regulations which support the objectives of promoting student health and reducing childhood obesity. (42 USC 1758b)

In order to maximize the District's ability to provide nutritious meals and snacks, all District schools shall participate in available federal school nutrition programs, including the National School Lunch and School Breakfast Programs and after-school snack programs, to the extent possible. When approved by the California Department of Education, the District may sponsor a summer meal program.

The Superintendent or designee shall provide access to water in the food service area during meal times in accordance with Education Code 38086 and 42 USC 1758.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5030**

**STUDENTS**

**STUDENT WELLNESS**

Nutritional Guidelines for All Foods Available at School (continued)

The Board of Trustees believes that all foods and beverages available to students at District schools, including those available outside of the District's reimbursable food services program, should support the health curriculum and promote optimal health. Nutritional standards adopted by the District for all foods and beverages sold to students, including foods and beverages provided through the District's food service program, student stores, vending machines, fundraisers, or other venues, shall meet or exceed state and federal nutritional standards.

The Superintendent or designee shall encourage school organizations to use healthy food items or non-food items for fundraising purposes. He/she also shall encourage school staff to avoid the use of non-nutritious foods as a reward for students' academic performance, accomplishments, or classroom behavior.

School staff shall encourage parents/guardians or other volunteers to support the District's nutrition education program by considering nutritional quality when selecting any snacks which they may donate for occasional class parties. All snacks shall meet or exceed state and federal nutritional standards. Class parties or celebrations shall be held after the lunch period when possible.

Program Implementation and Evaluation

The Superintendent or designee shall assess the implementation and effectiveness of this policy at least once every three years. (42 USC 1758b; 7 CFR 210.30)

The assessment shall include the extent to which District schools are in compliance with this policy and a description of the progress made in attaining the goals of the wellness policy. (42 USC 1758b)

The Superintendent or designee shall invite feedback on District and school wellness activities from food service personnel, school administrators, the student wellness committee, parents/guardians, students, teachers, before- and after-school program staff, and/or appropriate persons.

The Board shall establish a plan for measuring implementation of this policy. The Superintendent shall designate at least one person within the District and at each school who is charged with operational responsibility for ensuring that each school site implements this policy.

To determine whether the policy is being effectively implemented District wide and at each District school, the following indicators may be used:

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5030**

**STUDENTS**

**STUDENT WELLNESS**

Program Implementation and Evaluation (continued)

1. Extent to which other foods and beverages that are available on campus during the school day, such as foods and beverages for classroom parties, school celebrations, and rewards/incentives, comply with nutrition standards.
2. Number of minutes of physical education instruction offered at each grade span.
3. District efforts to provide additional opportunities for physical activity outside of the physical education program.
4. Results of the state's physical fitness test at applicable grade levels.
5. An analysis of the nutritional content of meals served based on a sample of menus.
6. Student participation rates in school meal programs.
7. Extent to which food and beverages sold on campus outside the food services program, such as through vending machines, student stores, or fundraisers, comply with nutrition standards.
8. Any other indicators recommended by the Superintendent and approved by the Board.

In addition, the Superintendent or designee shall prepare and maintain the proper documentation and records needed for the administrative review of the District's wellness policy conducted by the California Department of Education (CDE) every three years.

Notifications

The Superintendent or designee shall inform the public about the content and implementation of the District's wellness policy and shall make the policy, and any updates to the policy, available to the public on an annual basis. He/she shall also inform the public of the District's progress towards meeting the goals of the wellness policy, including the availability of the triennial District assessment. (Education Code 49432; 42 USC 1758b; 7 CFR 210.30)

The Superintendent or designee shall distribute this information through the most effective methods of communication, including District or school newsletters, handouts, parent/guardian meetings, District and school web sites, and other communications. Outreach to parents/guardians shall emphasize the relationship between student health and wellness and academic performance.



OCEAN VIEW SCHOOL DISTRICT  
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**BP 5030**

**STUDENTS**

**STUDENT WELLNESS**

Notifications (continued)

Each school shall post the District's policies and regulations on nutrition and physical activity in public view within all school cafeterias or in other central eating areas.

Records

The Superintendent or designee shall retain records that document compliance with 7 CFR 210.30, including, but not limited to, the written student wellness policy, documentation of the triennial assessment of the wellness policy for each school site, and documentation demonstrating compliance with the community involvement requirements, including requirements to make the policy and assessment results available to the public. (7 CFR 210.30)

*Legal Reference:*

EDUCATION CODE

33350-33354 CDE responsibilities re: physical education  
38086 Free fresh drinking water  
49430-49436 Pupil Nutrition, Health, and Achievement Act of 2001  
49490-49494 School breakfast and lunch programs  
49500-49505 School meals  
49510-49520 Nutrition  
49530-49536 Child Nutrition Act  
49540-49546 Child care food program  
49547-49548.3 Comprehensive nutrition services  
49550-49561 Meals for needy students  
49565-49565.8 California Fresh Start pilot program  
49570 National School Lunch Act  
51210 Course of study, grades 1-6  
51210.1-51210.2 Physical education, grades 1-6  
51210.4 Nutrition education  
51220 Course of study, grades 7-12  
51222 Physical education  
51223 Physical education, elementary schools  
51795-51796.5 School instructional gardens  
51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

15500-15501 Food sales by student organizations  
15510 Mandatory meals for needy students  
15530-15535 Nutrition education  
15550-15565 School lunch and breakfast programs

UNITED STATES CODE, TITLE 42

1751-1769 National School Lunch Program, especially:  
1758b-Local wellness policy  
1771-1793 Child Nutrition Act, including:  
1773 School Breakfast Program  
1779 Rules and regulations, Child Nutrition Act

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.33 National School Lunch Program, especially:  
210.30 Wellness policy  
220.1-220.21 National School Breakfast Program

COURT DECISIONS

*Frazier v. Dixon Unified School District, (1993) 18 Cal.App.4th 781*

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5030**

**STUDENTS**

**STUDENT WELLNESS**

*Management Resources:*

CSBA PUBLICATIONS

Integrating Physical Activity into the School Day, Governance Brief, April 2016

Increasing Access to Drinking Water in Schools, Policy Brief, April 2013

Monitoring for Success: A Guide for Assessing and Strengthening Student Wellness Policies, rev. 2012

Nutrition Standards for Schools: Implications for Student Wellness, Policy Brief, rev. October 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. 2012

Physical Activity and Physical Education in California Schools, Research Brief, April 2010

Building Healthy Communities: A School Leader's Guide to Collaboration and Community Engagement, 2009

Safe Routes to School: Program and Policy Strategies for School Districts, Policy Brief, 2009

Food Safety Requirements, Fact Sheet, October 2007

Physical Education and California Schools, Policy Brief, rev. October 2007

Monitoring for Success: Student Wellness Policy Implementation Monitoring Report and Guide, 2007

Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Policy Brief, March 2007

Student Wellness: A Healthy Food and Physical Activity Policy Resource Guide, rev. April 2006

School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

Healthy Children Ready to Learn, January 2005

Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003

Physical Education Framework for California Public Schools, Kindergarten Through Grade 12, 1994

CALIFORNIA PROJECT LEAN PUBLICATIONS

Policy in Action: A Guide to Implementing Your Local School Wellness Policy, October 2006

CENTERS FOR COLLABORATIVE SOLUTIONS

Changing Lives, Saving Lives: A Step-by-Step Guide to Developing Exemplary Practices in Healthy Eating, Physical Activity and

Food Security in Afterschool Programs, January 2015

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Health Index for Physical Activity and Healthy Eating: A Self-Assessment and Planning Guide for Elementary and Middle/High Schools, rev. 2012

Making It Happen: School Nutrition Success Stories, 2005

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

Fit, Healthy and Ready to Learn, 2000, rev. 2012

U.S. DEPARTMENT OF AGRICULTURE PUBLICATIONS

Dietary Guidelines for Americans, 2016

Team Nutrition, Food and Nutrition Services, Changing the Scene, Improving the School Nutrition Environment: A Guide to Local Action, 2000

WEB SITES

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

Action for Healthy Kids: <http://www.actionforhealthykids.org>

Alliance for Healthier Generation: <http://www.healthiergeneration.org>

California Department of Education, Nutrition Services Division: <http://www.cde.ca.gov/ls/nu>

California Department of Public Health: <http://www.cdph.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Project LEAN (Leaders Encouraging Activity and Nutrition): <http://www.californiaprojectlean.org>

California School Nutrition Association: <http://www.calsna.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Dairy Council of California: <http://www.dairycouncilofca.org>

National Alliance for Nutrition and Activity: <http://www.cspinet.org/nutritionpolicy/nana.html>

National Association of State Boards of Education: <http://www.nasbe.org>

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

School Nutrition Association: <http://www.schoolnutrition.org>

Society for Nutrition Education: <http://www.sne.org>

U.S. Department of Agriculture, Food Nutrition Service, wellness policy:

[http://www.fns.usda.gov/tn/Healthy/wellnesspolicy\\_steps.html](http://www.fns.usda.gov/tn/Healthy/wellnesspolicy_steps.html)

Policy Adopted: 02/07/06

Policy Revised: 01/11/11

Policy Revised: 06/11/19

## **BOARD POLICY**

**BP 5111**

### **STUDENTS**

#### **ADMISSION**

The Board of Trustees believes that all children should have the opportunity to receive educational services and encourages the enrollment and appropriate placement of all school-aged children in school. The Superintendent or designee shall inform parents/guardians of students entering a District school at any grade level about admission requirements and shall assist them with enrollment procedures.

Before enrolling any child in a District school, the Superintendent or designee shall verify the student's age, residency, immunization, and any other applicable eligibility criteria specified in law, the accompanying administrative regulation, or other applicable Board policy or administrative regulations.

The Superintendent or designee shall ensure that the enrollment of a homeless or foster child or a child of a military family is not delayed because of outstanding fees or fines owed to the child's last school or for his/her inability to produce previous academic, medical, or other records normally required for enrollment.

In addition, no child shall be denied enrollment in a District school solely on the basis of his/her arrest, adjudication by a juvenile court, formal or informal supervision by a probation officer, detention in a juvenile facility, enrollment in a juvenile court school, or other contact with the juvenile justice system.

When enrolling in any District school, including a school in their attendance area, children whose parents/guardians reside within District boundaries shall be subject to requirements per Board Policy 5116: Intradistrict Transfer. Children whose parents/guardians do not reside within the District or who are not otherwise eligible for enrollment in the District may apply for Interdistrict attendance in accordance with the timelines specified in applicable Board policies and administrative regulations.

The District's enrollment application shall include information about the health care options and enrollment assistance available to families within the District. The District shall not discriminate against any child for not having health care coverage and shall not use any information relating to a child's health care coverage or his/her interest in learning about health care coverage in any manner that would harm the child or his/her family.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5111**

**STUDENTS**

**ADMISSION**

*Legal Reference:*

EDUCATION CODE

46300 Computation of average daily attendance, inclusion of kindergarten and transitional kindergarten  
46600 Agreements for admission of pupils desiring Interdistrict attendance  
48000 Minimum age of admission (kindergarten)  
48002 Evidence of minimum age required to enter kindergarten or first grade  
48010 Minimum age of admission (first grade)  
48011 Admission from kindergarten or other school; minimum age  
48050-48053 Nonresidents  
48200 Children between ages of 6 and 18 years (compulsory full-time education)

*Legal Reference:(continued)*

48350-48361 Open Enrollment Act  
48850-48859 Educational placement of homeless and foster youth  
49076 Access to records by persons without written consent or under judicial order  
49408 Information of use in emergencies  
49700-49704 Education of children of military families

HEALTH AND SAFETY CODE

120325-120380 Education and child care facility immunization requirements  
121475-121520 Tuberculosis tests for students

CODE OF REGULATIONS, TITLE 5

200 Promotion from kindergarten to first grade  
201 Admission to high school

CODE OF REGULATIONS, TITLE 17

6000-6075 School attendance immunization requirements

UNITED STATES CODE, TITLE 42

11431-11435 McKinney Homeless Assistance Act

*Management Resources:*

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

Dear Colleague Letter, May 6, 2011

WEB SITES

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

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

Policy Adopted: 12/10/91  
Policy Revised: 09/07/04  
Policy Revised: 01/11/11  
Policy Revised: 02/05/13  
Policy Revised: 05/15/15  
Policy Revised: 01/10/17

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5111**

**STUDENTS**

**ADMISSION**

Age of Admittance to Kindergarten and First Grade

At the beginning of each school year, the Superintendent or designee shall enroll any otherwise eligible child who will have his/her fifth or sixth birthday on or before September 1 of that year into kindergarten or first grade, as applicable. (Education Codes 48000, 48010)

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

Documentation of Age/Grade

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

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

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

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

Regulation Adopted:	12/10/91-AR 5111 (Admission)
Regulation Revised:	09/07/04-AR 5111 (Admission)
Regulation Adopted:	03/19/96-AR 5111.1 (District Residency)
Regulation Revised:	05/07/96-AR 5111.1 (District Residency)
Regulation Revised:	06/20/00-AR 5111.1 (District Residency)
Regulation Revised:	09/04/01-AR 5111.1 (District Residency)
Regulation Adopted:	09/07/04-AR 5111.13 (Residency for Homeless Children)
Regulation Renumbered:	01/11/11-AR 5111.1 and AR 5111.13 included in AR 5111
Regulation Revised:	01/11/11
Regulation Revised:	02/05/13
Regulation Revised:	05/15/15
Regulation Revised:	01/10/17

**BOARD POLICY**

**BP 5111.1**

**STUDENTS**

**DISTRICT RESIDENCY**

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

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

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

When establishing a student's residency for enrollment purposes, the Superintendent or designee shall not inquire into a student's citizenship or immigration status.

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

**Investigation of Residency**

When the Superintendent or designee reasonably believes that a student's parent/guardian has provided false or unreliable evidence of residency, he/she may make reasonable efforts to determine that the student meets District residency requirements. An investigation may be initiated when the Superintendent or designee is able to identify specific, articulable facts supporting the belief that the parent/guardian has provided false or unreliable evidence of residency.

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

If necessary, the Superintendent or designee may employ the services of a private investigator to conduct the investigation. Before hiring a private investigator, the Superintendent or designee shall make other reasonable efforts to determine whether the student resides in the District.

**BOARD POLICY**

**BP 5111.1**

**STUDENTS**

**DISTRICT RESIDENCY**

Investigation of Residency (continued)

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

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

Appeal of Enrollment Denial

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

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

The burden shall be on the parent/guardian to show why the District's determination to deny enrollment should be overruled.

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

In an appeal to the Superintendent or designee of a determination that District residency requirements were not met, the Superintendent or designee shall review any evidence provided by the parent/guardian or obtained during the District's investigation and shall make a decision within 10 school days of receipt of the parent/guardian's request for the appeal. The Superintendent or designee's decision shall be final.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5111.1**

**STUDENTS**

**DISTRICT RESIDENCY**

*Legal Reference:*

EDUCATION CODE

220 Prohibition of discrimination

35160.5 Intradistrict open enrollment

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance permits

48050-48054 Nonresidents

48200-48208 Compulsory education law, especially:

48204 Residency requirements

48204.1-48204.3 Evidence of residency

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act transfers

48852.7 Education of homeless students; immediate enrollment

48853.5 Education of foster youth; immediate enrollment

48980 Notifications at beginning of term

52317 Regional occupational program, admission of persons including nonresidents

FAMILY CODE

6550-6552 Caregivers

GOVERNMENT CODE

6205-6210 Confidentiality of residence for victims of domestic violence

CODE OF REGULATIONS, TITLE 5

432 Retention of student records

UNITED STATES CODE, TITLE 42

11431-11435 McKinney-Vento Homeless Assistance Act

COURT DECISIONS

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

*Management Resources:*

CSBA PUBLICATIONS

Legal Guidance Regarding International Student Exchange Placement Organizations, April 2014

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

Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents, 2012

WEB SITES

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

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

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

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

Policy Adopted: 01/10/17



**ADMINISTRATIVE REGULATION**

**AR 5111.1**

**STUDENTS**

**DISTRICT RESIDENCY**

Criteria for Residency

A student shall be deemed to have complied with District residency requirements for enrollment in a District school if he/she meets any of the following criteria:

1. The student's parent/guardian resides within District boundaries.
2. The student is placed within District boundaries in a regularly established licensed children's institution, a licensed foster home, or a family home pursuant to a court-ordered commitment or placement.
3. The student has been admitted through an interdistrict attendance agreement.
4. The student is an emancipated minor residing within District boundaries.
5. The student lives with a caregiving adult within District boundaries and the caregiving adult submits an affidavit to that effect.
6. The student resides in a state hospital located within District boundaries.
7. The student is confined to a hospital or other residential health facility within District boundaries for treatment of a temporary disability.
8. The student's parent/guardian resides outside District boundaries but is employed within District boundaries and lives with the student at the place of employment for a minimum of three days during the week. (Education Code 48204)

Proof of Residency

Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the District, including, but not limited to, any of the following:

1. Property tax payment receipt.
2. Rental property contract, lease, or payment receipt.
3. Current utility service contract, statement or payment receipt (gas, electric, or water only).
4. Voter registration.

**ADMINISTRATIVE REGULATION**

**AR 5111.1**

**STUDENTS**

**DISTRICT RESIDENCY**

Proof of Residency (continued)

5. Correspondence from a government agency.
6. Declaration of residency executed by the student's parent/guardian.
7. If the student is an unaccompanied youth as defined in 42 USC 11434a, a declaration of residency executed by the student.
8. If the student is residing in the home of a caregiving adult within District boundaries, an affidavit executed by the caregiving adult in accordance with Family Code 6552.

The Superintendent or designee shall make a reasonable effort to secure evidence that a homeless or foster youth resides within the District, including, but not limited to, a utility bill, letter from a homeless shelter, hotel/motel receipt, or affidavit from the student's parent/guardian or other qualified adult relative.

However, a homeless or foster youth shall not be required to provide proof of residency as a condition of enrollment in District schools.

A parent/guardian seeking residency status on the basis of his/her employment within District boundaries shall submit proof of the employment which may include, but not be limited to, a paycheck stub or letter from his/her employer listing a physical address within District boundaries. Such evidence shall also indicate the number of hours or days per school week that the parent/guardian is employed at that location.

Safe at Home/Confidential Address Program

When a student or parent/guardian participating in the Safe at Home program requests that the District use the substitute address designated by the Secretary of State, the Superintendent or designee may request the actual residence address for the purpose of establishing residency within District boundaries, but shall use the substitute address for all future communications and correspondence and shall include the actual address in the student's file or any other public record.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5112.1**

**STUDENTS**

**EXEMPTIONS FROM ATTENDANCE**

Each student between the ages of 6 and 18, unless graduated, shall be subject to compulsory full-time education.

However, the Superintendent or designee may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student from the school for disciplinary purposes.

As needed, the Superintendent or designee shall require a student or his/her parent/guardian to submit written documentation that the student fulfills one of the conditions specified in law and administrative regulation for which exemption is authorized.

*Legal Reference:*

EDUCATION CODE

33190 Affidavit by persons conducting private school instruction

46100-46147 Minimum school day

46170 Minimum school day, continuation education

48200-48341 Compulsory education law

48400-48454 Compulsory continuation education

48800-48802 Attendance at community college

49110-49119 Permits to work

49130-49135 Permits to work full time

LABOR CODE

1285-1312 Employment of minors

1390-1399 Employment of minors

CODE OF REGULATIONS, TITLE 5

11522 Parental consent for exemption based on high school proficiency certificate

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 342

*Management Resources:*

WEB SITES

California Department of Education, Attendance Improvement: <http://www.cde.ca.gov/ls/ai/>

Policy Adopted: 12/10/91

Policy Revised: 01/11/11

Policy Revised: 08/10/21

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5112.2**

**STUDENTS**

**EXCLUSIONS FROM ATTENDANCE**

The Board of Trustees recognizes that there may be cases where the exclusion of certain students is necessary because their presence in school presents a clear and present danger to the life, safety or health of students or school personnel.

The Board of Trustees shall, at least annually, review its decisions to exclude students. The Superintendent or designee shall report to the Board of Trustees at least annually on the status of each excluded student.

*Legal Reference:*

EDUCATION CODE

*48210-48214 Persons excluded*

*48221 Physical or mental condition*

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

*49408 Information of use in emergencies*

*49451 Parent's refusal to consent*

HEALTH AND SAFETY CODE

*3118 Exclusion of persons from school*

*3380-3390 Immunization against communicable diseases*

Policy Adopted: 12/10/91  
Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5112.1**

**STUDENTS**

**EXEMPTIONS FROM ATTENDANCE**

Exemptions from Regular Education Program

A student may be exempted from full-time attendance in the District's regular education program if he/she:

1. Is being instructed in a private full-time school and the Superintendent or designee verifies that the private school has filed an affidavit pursuant to Education Code 33190 (Education Code 48222, 48223)
2. Is being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year (Education Code 48224)
3. Holds a work permit to work temporarily in the entertainment or allied industries.
4. Holds a work permit and attends part-time classes (Education Code 48230)
5. Is between the ages of 12 and 18, or graduated, and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term. (Education Code 48231)
6. Attends a community college as a special full-time student on the grounds that he/she would benefit from advanced scholastic or vocational work (Education Code 48800.5) (cf. 6172.1 – Concurrent Enrollment in College Classes)

Regulation Adopted: 12/10/91  
Regulation Revised: 01/11/11  
Regulation Revised: 08/10/21

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5112.2**

**STUDENTS**

**EXCLUSIONS FROM ATTENDANCE**

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

1. Are under the legal age of attendance, except as otherwise provided by law.
2. Do not present evidence of immunization from certain infectious diseases as required by law. A student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/guardian's religious beliefs.
3. Are reasonably suspected of having active tuberculosis.
4. Are infected with any contagious or infectious disease.
5. Reside where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed, unless written permission of the health officer is provided and as directed by Orange County Health Care Agency.
6. Have not had the health screening, specified in Health and Safety Code 124040, before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented a waiver or the District has exempted the student from this requirement in accordance with law.

**Notifications to Parents/Guardians**

Prior to excluding a student from attendance, the Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion.

The Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded because:

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230.
2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.
3. The Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.
4. However, in such cases, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5112.2**

**STUDENTS**

**EXCLUSIONS FROM ATTENDANCE**

Appeals from Exclusion

Upon exclusion of his/her child, a parent/guardian may meet with the Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the Superintendent or designee to exclude his/her child, he/she may appeal the decision to the Board of Trustees.

The parent/guardian shall have an opportunity to inspect all documents upon which the District is basing its decision, to challenge any evidence and question any witness presented by the District, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

*Legal Reference:*

*EDUCATION CODE*

*48210-48216 Persons excluded*

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

*49408 Information of use in emergencies*

*49451 Parent's refusal to consent*

*HEALTH AND SAFETY CODE*

*120230 Exclusion of persons from school*

*120325-120380 Educational and child care facility immunization requirements*

*121475-121520 Tuberculosis tests for students*

*124025-124110 Child Health and Disability Prevention Program*

*CODE OF REGULATIONS, TITLE 5*

*202 Exclusion of students with a contagious disease*

*Management Resources:*

*WEB SITES*

*California Department of Health Services: <http://www.dhs.ca.gov>*

*California Healthy Kids Resource Center: <http://www.californiahealthykids.org>*

*Centers for Disease Control and Prevention: <http://www.cdc.gov>*

*(3/93 10/95) 11/04*

Regulation Adopted: 10/10/96

Regulation Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5112.5**

**STUDENTS**

**OPEN/CLOSED CAMPUS**

Closed Campus

In order to keep students in a supervised, safe and orderly environment, the Board of Trustees establishes a closed campus at all District schools.

Students shall not leave the school grounds at any time during the school day unless checked out by their parents/guardians and through the school office. Students who leave school without authorization shall be classified truant and subject to disciplinary action.

Student handbooks shall fully explain all rules and disciplinary procedures involved in the maintenance of the closed campus.

*Legal Reference:*

*EDUCATION CODE*

*35160 Authority of the Board*

*35160.1 Broad authority of school district*

*44808.5 Permission for pupils to leave school grounds; notice*



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5113**

**STUDENTS**

**ABSENCES AND EXCUSES**

The Board of Trustees believes that regular attendance plays an important role in student achievement. The Board of Trustees recognizes its responsibility under the law to ensure that students attend school regularly. Parents/guardians of children aged 6 to 18, who have not graduated from high school, shall send their children to school unless otherwise provided by law. The Board of Trustees shall abide by all state attendance laws and may use appropriate legal means to correct the problems of excessive absence or truancy.

Excused Absences

Absence from school shall be excused only for health reasons, family emergencies, and justifiable personal reasons as permitted by law, Board policy, and administration regulations.

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

At the beginning of each academic year, notifications shall be sent to the parents/guardians of all students, and to all students in grades 7 through 8, informing them that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian.

Students in grades K-6 shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency. Students in grades 7-8 shall not be absent from school without their parents/guardians' knowledge or consent except in cases of medical emergency or confidential medical appointment.

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

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

*Legal Reference:*

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)  
2550-2558.6 Computation of revenue limits  
37201 School month  
37223 Weekend classes  
41601 Reports of average daily attendance  
42238-42250.1 Apportionments  
46000 Records (attendance)  
46010-46014 Absences  
46100-46119 Attendance in kindergarten and elementary schools  
46140-46147 Attendance in junior high and high schools

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5113**

**STUDENTS**

**ABSENCES AND EXCUSES**

*Legal Reference (continued):*

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48210-48216 Exclusions from attendance

48240-48246 Supervisors of attendance

48260-48273 Truants

48292 Filing complaint against parent

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

ELECTIONS CODE

12302 Student participation on precinct boards

FAMILY CODE

6920-6929 Consent by minor

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

ATTORNEY GENERAL OPINIONS

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

COURT DECISIONS

American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307

*Management Resources:*

CDE MANAGEMENT ADVISORIES

0114.98 School Attendance and CalWORKS, Management Bulletin 98-01

CSBA ADVISORIES

0520.97 Welfare Reform and Requirements for School Attendance

WEB SITES

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

Policy Adopted: 12/10/91

Policy Revised: 09/03/96

Policy Revised: 06/20/00

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5113**

**STUDENTS**

**ABSENCES AND EXCUSES**

Excused Absences

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

1. Personal illness.
2. Quarantine under the direction of a county or city health officer.
3. Medical, dental, optometrical, or chiropractic appointment.
4. Attendance at funeral services for a member of the immediate family.
  - a. Excused absence in this instance shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state.
  - b. Immediate family shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any relative living in the student's immediate household, as defined by California law.
5. The illness or medical appointment during school hours of a child to whom the student is the custodial parent.
6. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to:
  - a. Appearance in court.
  - b. Attendance at a funeral service.
  - c. Observation of a holiday or ceremony of his/her religion.
  - d. Attendance at religious retreats not to exceed four hours per semester.
7. Participation in religious exercises or to receive moral and religious instruction in accordance with District policy.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5113**

**STUDENTS**

**ABSENCES AND EXCUSES**

Excused Absences (continued)

- a. In such instances, the student shall attend at least the minimum school day.
- b. The student shall be excused for this purpose on no more than four days per school month.

Method of Verification

When a student who has been absent returns to school, he/she shall present a satisfactory explanation verifying the reason for the absence. The following methods may be used to verify student absences:

1. Written note, fax, or email from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative and recorded on absent verification form E5113.
3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in item #2 above.
4. Physician's verification.
  - a. When excusing students for confidential medical services or verifying such appointments, District staff shall not ask the purpose of such appointments but may contact a medical office to confirm the time of the appointment.
  - b. When a student has had 10 absences in the school year for illness verified by methods listed in #1-3 above, any further absences for illness shall be verified by a physician.
5. Absences not verified within ten (10) business days of the child's absence shall be recorded as unexcused absences.

Regulation Adopted: 09/03/96  
Regulation Revised: 05/17/05  
Regulation Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 5113**

**STUDENTS**

**ABSENCES AND EXCUSES**

**TELEPHONE ABSENCE VERIFICATION**

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

Teacher/Grade: \_\_\_\_\_

Date of Absence: \_\_\_\_\_

Homework required:        Y     N

Send to Office for Pickup: Y     N

Send home with: \_\_\_\_\_

Person contacted: \_\_\_\_\_

Relationship to child: \_\_\_\_\_

Verified by: \_\_\_\_\_

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

Reason:

**I Illness & Quarantine (EC 48205)**

**X Excused Absence**

1. Funeral (Immediate Family)
2. Doctor/Dental Appointment        **Note provided:** \_\_\_\_\_
3. Religious Instruction
4. Court Appearance
5. Entertainment Industry (max 5 days/5 times per year)

**U Unexcused**

1. Family Vacation
2. Family Outing
3. Babysitting

Revised 6/09

Order #38.73605

Exhibit Adopted: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5113.1**

**STUDENTS**

**TRUANCY**

To improve student attendance, the Superintendent or designee shall implement positive steps to identify the reasons for a student's unexcused absences and to help resolve the problems caused by truancy. Such strategies shall focus on early intervention and may include, but not be limited to, communication with parents/guardians and the use of student study teams.

In addition, the Superintendent or designee shall cooperate with other agencies within the community to meet the needs of students who have serious school attendance or behavior problems and to maintain a continuing inventory of community resources, including alternative programs.

Habitually truant students may be referred to a school attendance review board, a truancy mediation program operated by the county's district attorney or probation officer, and/or juvenile court in accordance with law.

For purposes of California's welfare system (CalWORKS), a student shall be determined to be regularly attending school unless he/she has been referred to the county district attorney or probation office pursuant to Education Code 48263.

*Legal Reference:*

EDUCATION CODE

1740 Employment of personnel to supervise attendance (county superintendent)

37223 Weekend classes

41601 Reports of average daily attendance

46000 Records (attendance)

46010-46014 Absences

46110-46119 Attendance in kindergarten and elementary schools

46140-46147 Attendance in junior high and high schools

48200-48208 Children ages 6-18 (compulsory full-time attendance)

48240-48246 Supervisors of attendance

48260-48273 Truants

48290-48296 Failure to comply; complaints against parents

48320-48324 School attendance review boards

48340-48341 Improvement of student attendance

49067 Unexcused absences as cause of failing grade

VEHICLE CODE

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

WELFARE AND INSTITUTIONS CODE

601-601.4 Habitually truant minors

11253.5 Compulsory school attendance

CODE OF REGULATIONS, TITLE 5

306 Explanation of absence

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

ATTORNEY GENERAL OPINIONS

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

*Management Resources:*

CDE MANAGEMENT ADVISORIES

0114.98 School Attendance and CalWORKS, Management Bulletin 98-01

CDE PUBLICATIONS

School Attendance Review Board Handbook, 1995

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5113.1**

**STUDENTS**

**TRUANCY**

*Management Resource( continued):*

CSBA ADVISORIES

0520.97 Welfare Reform and Requirements for School Attendance

WEB SITES

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

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

Policy Adopted: 09/03/02

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5113.1**

**STUDENTS**

**TRUANCY**

An attendance supervisor or designee, peace officer, or school administrator or designee may arrest or assume temporary custody, during school hours, of any minor student found away from his/her home who is absent from school without a valid excuse. Any person so arresting or assuming temporary custody shall deliver the student and make reports in accordance with Education Code 48265 and 48266.

Upon receiving a complaint from any person that a parent/guardian has violated the state compulsory education laws contained in Education Code 48200-48341, the Board of Trustees or District attendance supervisor shall make a full and impartial investigation of all charges. If it appears upon investigation that the parent/guardian has violated these laws, the Superintendent or designee shall refer such parent/guardian to the school attendance review board.

Strategies for Addressing Truancy

The following steps shall be implemented based on the number of truancies committed by the student:

1. Students shall be classified as truant if absent from school without a valid excuse three full days in one school year, or tardy or absent for more than any 30-minute period during the school day without a valid excuse on three occasions in one school year, or any combination thereof. Such students shall be reported to the Superintendent or designee.

The parent/guardian of a student classified as a truant shall be notified of the following:

- a. The student is truant.
- b. The parent/guardian is obligated to compel the student to attend school.
- c. The parent/guardian who fails to meet this obligation may be guilty of an infraction of the law and subject to prosecution pursuant to Education Code 48290-48296.
- d. Alternative educational programs are available in the District.
- e. The parent/guardian has the right to meet with appropriate school personnel to discuss solutions to the student's truancy.
- f. The student may be subject to arrest by a probation officer, a peace officer, a school administrator, an attendance supervisor or his/her designee under Education Code 48264 if found away from home and absent from school without a valid excuse.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5113.1**

**STUDENTS**

**TRUANCY**

Strategies for Addressing Truancy (continued)

- g. The student may be subject to suspension, restriction or delay of his/her driving privilege pursuant to Vehicle Code 13202.7.
- h. It is recommended that the parent/guardian accompany the student to school and attend classes with the student for one day.

Upon his/her first truancy, a student may be given a written warning by a peace officer. A record of this warning may be kept at school for not less than two years or until the student graduates or transfers from the school. If the student transfers, the record may be forwarded to the new school.

The Superintendent or designee may notify the district attorney and/or probation officer of the name of each student who has been classified as a truant and the name and address of the student's parents/guardians.

Upon a student's first truancy, the student may be required to attend makeup classes on one day of a weekend pursuant to Education Code 37223.

- 2. Any student who has once been reported as a truant shall again be reported to the Superintendent or designee as a truant if he/she is absent from school without valid excuse one or more days or is tardy on one or more days.

Upon his/her second truancy within the same school year, a student may be assigned to an after-school or weekend study program within the county. If the student fails to successfully complete this study program, he/she shall be subject to item #3 below.

In addition, an appropriate District staff member shall make every effort to hold at least one conference with the student and parent/guardian and may discuss resources available for achieving regular school attendance.

The Superintendent or designee may notify the district attorney and/or probation officer whether the student continues to be classified as a truant after the parents have been notified in accordance with #1a-h above.

- 3. Upon his/her third truancy within the same school year, a student shall be classified as a habitual truant.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5113.1**

**STUDENTS**

**TRUANCY**

Strategies for Addressing Truancy (continued)

Students who are habitual truants, irregular in school attendance, or habitually insubordinate or disorderly during attendance at school may be referred to, and required to attend, a school attendance review board, a truancy mediation program established by the district attorney or the probation officer, or a comparable program deemed acceptable by the District's attendance supervisor.

Upon making a referral to a school attendance review board or the probation department, the Superintendent or designee shall provide the student and parent/guardian, in writing, the name and address of the school attendance review board or probation department and the reason for the referral. This notice shall indicate that the student and parent/guardian shall be required, along with the District staff person making the referral, to meet with the school attendance review board or probation officer to consider a proper disposition of the referral.

If the student does not successfully complete the truancy mediation program or other similar program, he/she shall be subject to item #4 below.

If the Superintendent or designee determines that available community services cannot resolve the problem of the truant or insubordinate student or if the student and/or student's parents/guardians have failed to respond to the directives of the District or to services provided, the Superintendent or designee may so notify the county district attorney and/or the probation officer, if the district attorney or probation officer has elected to participate in a truancy mediation program.

4. Upon his/her fourth truancy within the same school year, the student shall be within the jurisdiction of the juvenile court.

If a student has been judged by the county juvenile court to be a habitual truant, the Superintendent or designee shall inform the juvenile court and the student's probation or parole officer whenever that student is truant one or more days or tardy on one or more days without a valid excuse in the same or succeeding school year, or is habitually insubordinate or disorderly at school. The juvenile court and probation or parole officer shall be so notified within 10 days of the violation.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5113.1**

**STUDENTS**

**TRUANCY**

Reports

The Superintendent or designee shall gather and transmit to the County Superintendent of Schools the number of referrals and types of referrals made to the school attendance review board and the number of requests for petitions made to the juvenile court.

Regulation Adopted: 06/20/00  
Regulation Revised: 09/03/02  
Regulation Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5113.2**

**STUDENTS**

**WORK PERMITS**

The Board of Trustees recognizes that part-time employment can provide students with income as well as job experience that can help them develop appropriate workplace skills and attitudes. Upon obtaining an offer of employment, District students who are minors shall obtain work permits from the Superintendent or designee in accordance with law, regardless of whether the employment will occur when school is in session and/or not in session.

In determining whether to grant or continue a work permit, the Superintendent or designee shall consider whether employment is likely to significantly interfere with the student's schoolwork. Students granted work permits must demonstrate and maintain a 2.0 grade point average and satisfactory school attendance. On a case-by-case basis, the Superintendent or designee may approve a maximum work hour limit that is lower than the limit specified in law and administrative regulation.

Work permits shall be limited to part-time employment as defined by law, except when the Superintendent or designee determines that circumstances warrant the granting of a permit for full-time employment.

*Legal Reference:*

EDUCATION CODE

48230 Exemption from full-time school attendance for students with work permits  
48231 Exemption from compulsory attendance for students entering attendance area near end of term  
49100-49101 Compulsory attendance  
49110-49119 Permits to work  
49130-49135 Permits to work full time  
49140-49141 Exceptions  
49160-49165 Employment of minors; duties of employers  
49180-49183 Violations  
51760-51769.5 Work experience education  
52300-52499.66 Career technical education

LABOR CODE

1285-1312 Employment of minors  
1391-1394 Working hours for minors

CODE OF REGULATIONS, TITLE 5

16023-16027 District records, retention and destruction

CODE OF REGULATIONS, TITLE 8

11701-11707 Prohibited and dangerous occupations for minors  
11750-11763 Work permits and conditions, minor employed in entertainment industry

CODE OF FEDERAL REGULATIONS, TITLE 29

570.1-570.129 Child labor regulations

ATTORNEY GENERAL OPINIONS

18 Ops.Cal.Atty.Gen. 114 (1951)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5113.2**

**STUDENTS**

**WORK PERMITS**

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Work Permit Handbook for California Schools: Laws and Regulations Governing the Employment of Minors, 2007*

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

*Child Labor Laws, 2000*

WEB SITES

*California Department of Education, Work Experience Education: <http://www.cde.ca.gov/ci/ct/we>*

*California Department of Education, Office of Regional Occupational Centers and Programs and Workforce Development:  
<http://www.cde.ca.gov/ci/ct/wd>*

*California Department of Industrial Relations: <http://www.dir.ca.gov>*

Policy Adopted: 12/10/91

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5113.2**

**STUDENTS**

**WORK PERMITS**

Before accepting employment, a student under the age of 18 who is subject to the state's compulsory attendance law, including students who have not yet graduated from high school or have not passed the High School Proficiency Examination, shall obtain a work permit.

The Superintendent or designee may issue a permit authorizing employment while school is in session, including employment connected with a work experience education program pursuant to Education Code 51760-51769.5, to a minor student between the ages of 14 and 18. The Superintendent or designee also may issue a permit to any minor between the ages of 12 and 18 to be employed during a regular school holiday, during a regular or specified occasional public school vacation, and when the student is exempt from compulsory school attendance because he/she arrived from another state within 10 days before the end of the school term pursuant to Education Code 48231.

If a minor has obtained an offer of employment in the entertainment industry, he/she shall request a work permit from the California Department of Industrial Relations, Division of Labor Standards Enforcement, pursuant to Labor Code 1308.5 and 8 CCR 11752-11753.

A student shall not be required to obtain a permit to work at odd jobs such as yard work and baby-sitting in private homes where the student is not regularly employed; at a public school or other governmental agency; in connection with volunteer work; when self-employed; when age 14 or older and working as a newscarrier; or when otherwise exempted by law.

**Approval of Work Permits**

The Superintendent may, in writing, delegate the authority to issue work permits to an employee holding a services credential with a specialization in pupil personnel services or to a certificated work experience education teacher or coordinator. If the designee is not available, and delay in issuing a permit would jeopardize a student's ability to secure work, the Superintendent may authorize another person to issue the permit.

No work permit shall be issued until the student's parent/guardian, foster parent, caregiver with whom the student resides, or residential shelter services provider has filed a written request with the District.

The request form shall be completed by the student, employer, and, unless the student is an emancipated minor, the parent/guardian. The form shall be submitted to the Superintendent or designee, who shall have discretion to determine whether or not to issue the work permit.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5113.2**

**STUDENTS**

**WORK PERMITS**

Approval of Work Permits (continued)

In determining whether to approve a work permit, the Superintendent or designee shall verify the student's date of birth and the type of work permit to be issued and determine whether the student meets any other minimum criteria established by the Board of Trustees. The Superintendent or designee may inspect the student's records and/or may confer with at least one of the student's teachers for evidence of satisfactory grades and school attendance and to determine whether the student possesses the motivation and maturity to maintain academic progress while working.

Minors shall not be approved to work in environments declared hazardous or dangerous for young workers or otherwise prohibited by child labor laws.

The Superintendent or designee shall ensure that the requested work hours do not exceed the maximum work hours specified in law based on the student's age and whether the employment will be while school is in session and/or not in session.

Full-time employment may be authorized for students between the ages of 14 and 18 only in accordance with Education Code 49130-49135.

All work permits shall be issued on a form approved and authorized by the Superintendent of Public Instruction.

Each permit shall authorize work for a specific employer. Whenever a student changes employers, he/she shall request a new permit.

The student may be issued more than one work permit if he/she works concurrently for more than one employer, provided that the total number of hours worked does not exceed the total number of hours allowed by law and the District.

After issuing a work permit, the Superintendent or designee shall periodically inspect the student's grades and attendance records to ensure maintenance of academic progress and any additional criteria established in Board policy.

Revocation/Expiration of Work Permits

The Superintendent or designee shall revoke a student's work permit whenever he/she determines that employment is interfering with the student's education, that any provision or condition of the permit is being violated, or that the student is performing work in violation of law.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5113.2**

**STUDENTS**

**WORK PERMITS**

Revocation/Expiration of Work Permits (continued)

Work permits issued during the school year shall expire five days after the opening of the next succeeding school year.

After a work permit has expired, a student may apply for a renewed work permit in accordance with the procedures specified in the section "Approval of Work Permits" above.

Retention of Records

The Superintendent or designee shall retain a copy of the work permit application and the work permit until the end of the fourth year after the work permit was issued. (5 CCR 16026)

Regulation Adopted: 12/10/91  
Regulation Renumbered: 09/99  
Regulation Revised: 01/11/11



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5116**

**STUDENTS**

**SCHOOL ATTENDANCE BOUNDARIES**

The Board of Trustees shall establish school attendance boundaries in order to maximize the efficient use of District facilities and effective administration of District schools. The Superintendent or designee shall periodically review school attendance boundaries and, as necessary, make recommendations to the Board of Trustees for boundary adjustments.

When reviewing school attendance boundaries, the Superintendent or designee shall consider the following factors:

1. School enrollment data, including declining enrollment patterns.
2. Facility capacity and design, including potential commercial and residential developments.
3. School feeder patterns, including maintaining, to the extent practicable, continuity of student attendance.
4. Federal, state, or court mandates.
5. Community input.
6. Student safety.
7. Transportation capacity.
8. Community and neighborhood identity.
9. Geographic features of the District, including traffic patterns.
10. Educational programs, such as magnet schools and charter schools.
11. Consistency between municipal boundaries and high school boundaries.
12. Other factors.

Students residing in a community facilities district shall have priority, to the extent provided by law, for attendance at schools financed in whole or in part by the community facilities district. The degree of priority must reflect the proportion of each school's financing provided through the community facilities district.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5116**

**STUDENTS**

**SCHOOL ATTENDANCE BOUNDARIES**

In order to alleviate overcrowding, the Superintendent or designee may place some students in a school outside of their attendance area. Parents/guardians of students who are attending schools outside of their attendance area shall be notified of the school their child will be attending as soon as possible. If available, transportation shall be provided for such students.

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35160.5 District policies; rules and regulations

35291 Rules

35350 Transportation of students

35351 Assignment of students to particular schools

GOVERNMENT CODE

3311-53317.5 Establishment of community facilities district

CALIFORNIA CONSTITUTION

Article I, Section 31 Discrimination based on race, sex, color, ethnicity

COURT DECISIONS

Crawford v. Huntington Beach Union High School District (2002) 98 Cal.App.4th 1275

Crawford v. Board of Education (1976) 17 Cal.3d 280

Jackson v. Pasadena City School District (1963) 59 Cal.2d 876

*Management Resources:*

WEB SITES

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

Policy Adopted: 02/01/82

Policy Revised: 03/16/87

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5116.1**

**STUDENTS**

**INTRADISTRICT TRANSFER**

The Board of Trustees desires to provide enrollment options that meet the diverse needs and interests of District students and parents/guardians, while also maximizing the efficient use of District facilities and resources. The Superintendent or designee shall establish procedures for the selection and transfer of students among District schools in accordance with law, Board Policy, and Administrative Regulation.

The parents/guardians of any student who resides within District boundaries may apply to enroll their child in any District school, regardless of the location of residence within the District.

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

**Enrollment Priorities**

No student currently residing within a school's attendance area shall be displaced by another student transferring from outside the attendance area. (Education Code 35160.5)

The Superintendent or designee shall grant priority for the enrollment of a student in a District School outside of his/her attendance area if the student:

1. Is enrolled in a District school designated by the California Department of Education as "persistently dangerous."
2. Is a victim of a violent crime while on school grounds. (20 USC 7912)
3. Is a victim of an act of bullying committed by another District student, as determined through an investigation following parent/guardian's submission of a written complaint with the school, District, or local law enforcement agency pursuant to Education Code 234.1 (Education Code 46600)

If the District school requested by the student is at maximum capacity, the Superintendent or designee shall accept an intradistrict transfer request for another District school. (Education Code 46600)

4. Is currently enrolled in a District school identified by CDE for comprehensive support and improvement, with priority given to the lowest academically achieving students from low-income families as determined pursuant to 20 USC 6313(a)(3) (20 USC 6311)
5. Is experiencing special circumstances that might be harmful or dangerous to the student in the current attendance area, including, but not limited to, threats of bodily harm or threats to the emotional stability of the student. Any such student may transfer to a District school that is at capacity and otherwise closed to transfers.

**BOARD POLICY**

**BP 5116.1**

**STUDENTS**

**INTRADISTRICT TRANSFER**

Enrollment Priorities (continued)

To grant priority under these circumstances, the Superintendent or designee must have received either: (Education Code 35160.5)

- a. A written statement from a representative of an appropriate state or local agency, including, but not necessarily limited to, a law enforcement official, or a social worker, or a properly licensed or registered professional including, but not necessarily limited to, a psychiatrist, psychologist, or marriage and family therapist-clinical social worker, or professional clinical counselor.
  - b. A court order, including a temporary restraining order and injunction.
6. Is a sibling of another student already attending the school.
  7. Has a parent/guardian whose primary place of employment is that school.

Application and Selection Process

In order to ensure that priorities for enrollment in District schools are implemented in accordance with law and Board policy, applications for Intradistrict transfers shall be submitted between February 1 and March 31, preceding the school year for which the transfer is requested. Students newly enrolling in the District may submit an Intradistrict Transfer Request at the time of enrollment. If a student's address changes at any time, an Intradistrict Transfer Request may be submitted to continue attending the current school.

Students may request placement at another Ocean View School District school outside of the approved Intradistrict transfer timeline for extraordinary circumstances.

The Superintendent or designee shall calculate each school's capacity in a nonarbitrary manner using student enrollment and available space. (Education Code 35160.5)

Except for the enrollment priorities listed above, the Superintendent or designee shall use a random, unbiased selection process to determine which students shall be admitted whenever a District school receives admission requests that are in excess of the school's capacity. (Education Code 35160.5)

Enrollment decisions shall not be based on a student's academic or athletic performance. However, existing entrance criteria may be used for enrolling students in specialized schools or programs, provided that the criteria are uniformly applied to all applicants. In addition, academic performance may be used to determine eligibility for, or placement in, programs for gifted and talented students.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5116.1**

**STUDENTS**

**INTRADISTRICT TRANSFER**

Transportation

The District shall not be obligated to provide transportation for students who attend school outside their attendance area. However, upon request, the Superintendent or designee may authorize transportation contingent upon available space and funds.

Revocation of Transfer

The Superintendent or designee may revoke an Intradistrict Transfer agreement and return the student to the school of residence based on behavior, absenteeism, frequent tardiness, early drop-offs or late pick-ups and poor academic performance.

*Legal Reference:*

EDUCATION CODE

200 Prohibition against discrimination

35160.5 District policies; rules and regulations

35291 Rules

35351 Assignment of students to particular schools

46600-46611 Interdistrict attendance agreements

48200 Compulsory attendance

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48980 Notice at beginning of term

CODE OF REGULATIONS, TITLE 5

11992-11994 Definition of persistently dangerous schools

UNITED STATES CODE, TITLE 20

6311 State Plans

7912 Transfers from persistently dangerous schools

COURT DECISIONS

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 95 (2002)

*Management Resources:*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Public School Choice FAQs

Every Student Succeeds Act 2016-17 School Year Transition Plan, April 2016

WEB SITES

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

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

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

Policy Adopted: 03/24/92  
Policy Revised: 02/15/94  
Policy Revised: 10/21/03  
Policy Revised: 09/06/11  
Policy Revised: 02/23/16  
Policy Revised: 01/10/17  
Policy Revised: 01/25/22

**ADMINISTRATIVE REGULATION**

**AR 5116.1**

**STUDENTS**

**INTRADISTRICT TRANSFERS**

**Transfers for Victims of Violent Criminal Offense**

Within a reasonable amount of time, not to exceed 14 days, after it has been determined that a student has been the victim of a violent criminal offense while on school grounds, the student's parent/guardians shall be offered an option to transfer their child to an eligible school identified by the Superintendent or designee. In making the determination that a student has been a victim of a violent criminal offense, the Superintendent or designee shall consider the specific circumstances of the incident and consult with local law enforcement as appropriate. Examples of violent criminal offenses include, but are not limited to, attempted murder, battery with serious bodily injury, assault with a deadly weapon, rape, sexual battery, robbery, extortion, or hate crimes.

The Superintendent or designee shall consider the needs and preferences of the affected student and his/her parent/guardian in making the offer. If the parent/guardian elects to transfer his/her child, an Administrative Placement shall be submitted and the student shall be transferred as soon as practicable.

**Transfers from a "Persistently Dangerous" School**

Upon receipt of notification from the California Department of Education (CDE) that a District school has been designated as "persistently dangerous," intradistrict transfers shall be granted as follows:

1. Within ten (10) days of receipt of the notification from CDE, the Superintendent or designee shall provide parents/guardians of students attending the school with notice of the school's designation. Along with this notification, or at least 14 calendar days before the start of the school year, the Superintendent or designee shall provide a list of other district schools to which any student of the school that is designated as persistently dangerous may transfer.
2. Parents/guardians who desire to transfer their child out of the school shall provide a written response to the Superintendent or designee and shall rank-order their preferences from among all schools identified by the Superintendent or designee as eligible to receive transfer students.
3. The Superintendent or designee shall consider the needs and preferences of students and parents/guardians before making an assignment, but is not obligated to accept the parent/guardian's preference if the assignment is not feasible due to space constraints or other considerations. For students whose parents/guardians accept the offer, an Administrative Placement shall be submitted.

**ADMINISTRATIVE REGULATION**

**AR 5116.1**

**STUDENTS**

**INTRADISTRICT TRANSFERS**

Transfers from a "Persistently Dangerous" School (continued)

4. For students whose parents/guardians accept the offer, the transfer shall be made as quickly as possible. If the parents/guardians decline the assigned school, the student may remain in the current school.

The transfer shall remain in effect as long as the student's school of origin is identified as "persistently dangerous." The Superintendent or designee may choose to make the transfer permanent based on the educational needs of the student, parent/guardian preferences, and other factors affecting the student's ability to succeed if returned to the school of origin.

The Superintendent or designee shall cooperate with neighboring districts to develop an Interdistrict transfer program in the event that space is not available in a District school.

Other Intradistrict Enrollment

Except for transfers for victims of a violent crime and from a "persistently dangerous school," the following procedures shall apply to Intradistrict enrollment:

1. Intradistrict applications shall be available at each school site, the District Office, and on the District's web site.
2. After the enrollment priorities have been applied in accordance with Board policy, if there are more requests for a particular school than there are spaces available, a random drawing shall be held from the applicant pool.
3. The Superintendent or designee shall provide written notification to applicants as to whether their applications have been approved or denied. If the application is denied, the reasons for denial shall be stated.
4. Approved applicants must confirm their enrollment within ten school days.

Any student who is granted a transfer out of a school that had been identified by CDE for comprehensive support and improvement shall be allowed to remain in the school of enrollment until completing the highest grade offered at that school.

A student granted intradistrict enrollment under other circumstances shall not be required to reapply for readmission but may be subject to displacement due to excessive enrollment.

The Superintendent or designee may revoke an Intradistrict transfer agreement and return the student to the school of residence based on behavior, absenteeism, frequent tardiness, early drop-offs or late pick-ups, and poor academic performance.

**ADMINISTRATIVE REGULATION**

**AR 5116.1**

**STUDENTS**

**INTRADISTRICT TRANSFERS**

Transfers from a "Persistently Dangerous" School (continued)

Any complaints regarding the Intradistrict transfer process shall be submitted in accordance with the applicable complaint procedure.

Notifications

Parents/guardians shall be notified at the beginning of each school year of all current statutory attendance options and local attendance options available in the District. Such notification shall include: (Education Code 35160.5, 48980)

1. All options for meeting residency requirements for school attendance.
2. Program options offered within local attendance areas.
3. A description of any special program options available on both an Interdistrict and Intradistrict basis.
4. A description of the procedure for application for alternative attendance areas or programs and the appeals process available, if any, when a change of attendance is denied.
5. A District application form for requesting a change of attendance.
6. The explanation of attendance options under California law as provided by the CDE

Regulation Adopted: 03/24/92  
Regulation Revised: 02/15/94  
Regulation Revised: 10/21/03  
Regulation Revised: 01/11/11  
Regulation Revised: 09/06/11  
Regulation Revised: 02/23/16  
Regulation Revised: 01/10/17  
Regulation Revised: 01/25/22



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**EXHIBIT**

**E 5116.1**

**STUDENTS**

**INTRADISTRICT TRANSFER**

**Ocean View School District**

17200 Pinehurst Lane, Huntington Beach CA 92647  
Phone: 714.847.2551 FAX: 714.596.7078

**INTRADISTRICT TRANSFER REQUEST**

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

PLEASE PRINT:		Male _____	Female _____
Student Name	Permanent ID #	Birthdate	Grade for requested year
Address	Apt.#	City	Zip
Parent/Guardian	Home Phone ( )	Cell Phone ( )	Work Phone ( )

The above student is:	Currently enrolled at _____ School
	Previously Retained (Grade Retained _____)
	Currently receiving Special Education Services--Please circle: Resource Speech Adapted P.E. SDC Other

School of Residence	School of Attendance	Requested School
Reason for Transfer		
Is a sibling enrolled at the requested school?	Yes	No
Name of Sibling:		Grade

The Ocean View School District Board of Trustees permits parents to request transfer of their children to any school determined by the District to have space available. This request must be made during the Board-designated period and becomes effective the following September. Students who move into the District after the intradistrict transfer period may apply for a position in a school outside of their specific attendance boundaries, but they will be accepted on a space available basis.

If a transfer is granted, I understand that distance and/or safety considerations prohibit my child's walking or riding a bicycle to school from home and that it is my responsibility to provide transportation to and from school.

This transfer request is for the child named above and does not imply transfer approval for a sibling this year or any future year. Priority is given to siblings of a child currently attending on an intradistrict transfer.

I understand that if behavior, absenteeism, frequent tardiness, early drop offs, or late pick ups become a problem, the school district has the right to rescind this agreement and return the student to the school of residence.

Once approved, an elementary student shall not be required to reapply for admission until middle school. All middle school students wishing to attend a school other than their middle school of residence must submit an Intradistrict Transfer Request. Once approved for middle school there is no need to reapply through eighth grade. The parent may request a change of school after the completion of the first year of intradistrict transfer, but previously approved request will be voided.

Students may be subject to displacement due to excessive enrollment.

I have read this form in its entirety.

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

**RETURN THIS FORM TO YOUR HOME SCHOOL OR STUDENT SERVICES AT THE DISTRICT OFFICE**

For District Office Use Only	
Enrolled: Yes No	School Office Manager's initials: _____ Date: _____
Director, Student Services	Date
Approved Denied / Reason	

DISTRIBUTION: Student Services School of Residence School of Attendance Requested School Parent Rev. 1/28/2011

Exhibit Adopted: 01/11/11  
Exhibit Adopted: 09/06/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**EXHIBIT**

**E 5116.1**

**STUDENTS**

**INTRADISTRICT TRANSFER**

OCEAN VIEW SCHOOL DISTRICT  
17200 Pinehurst Lane, Huntington Beach CA 92647  
Phone: 714.847.2551 FAX: 714.596.7078

**Program Improvement Transfer Request**

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

PLEASE PRINT:		Male	Female
Student Name	Birthdate	Grade for requested year	
Address	Apt.#	City	Zip
Parent/ Guardian	Home Phone ( )	Cell Phone ( )	Work Phone ( )

The above student is:	Currently enrolled at _____ School
	Previously Retained (Grade Retained _____)
	Currently receiving Special Education Services—Please circle: Resource Speech Adapted P.E. SDC Other
	My child requires District transportation to attend the requested school Yes No

School of Residence	School of Attendance	Requested School
Reason for Transfer		
Is a sibling enrolled at requested school? Name of Sibling:		Grade

Parents/guardians of students attending a Program Improvement (PI) school have the right to request a transfer of their child(ren) to a non-PI school. The District will identify non-PI schools from which parents may indicate their preferred choice. The District is not obligated to place the student at the preferred school based upon capacity. If the school of residence exits Program Improvement by making Adequate Yearly Progress (AYP) for two consecutive years, the student can remain at the school of choice.

If a transfer is granted, the District will provide transportation to and from school. Transportation will be discontinued if the school of transfer is no longer identified as Program Improvement.

I realize this transfer covers the child named above and does not imply transfer approval for a sibling this year or any future year, though priority is given to siblings. Space availability and school capacity are determining factors.

Once approved, an elementary student shall not be required to apply for readmission until middle school.

I have read this form in its entirety.

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

**For Office Use Only:**

Principal's Initials	Date
Superintendent's Designee	Date
Approved	Denied / Reason

Distribution: Requested School Student Services School of Attendance Parent

Rev. 7/6/2011

Exhibit Adopted: 01/11/11

Exhibit Adopted: 09/06/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**EXHIBIT**

**E 5116.1**

**STUDENTS**

**INTRADISTRICT TRANSFER**

**Ocean View School District**  
17200 Pinehurst Lane, Huntington Beach CA 92647  
Phone: 714.847.2551 FAX: 714.596.7078

**Open Enrollment Act Transfer Request**

(ROMERO BILL)

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

PLEASE PRINT:

		Male	Female
Student Name	Permanent ID #	Birthdate	Grade for requested year
Address	Apt.#	City	Zip
Parent/Guardian	Home Phone ( )	Cell Phone ( )	Work Phone ( )

School Preference: This *does not* guarantee placement at your requested school.

1.	2.	3.
----	----	----

I understand that:

1. The school choice option depends upon my student meeting the eligibility criteria and space availability at the school of choice.
2. This application is for one student only. A separate application must be completed for each sibling.
3. It is my responsibility to provide transportation.

\_\_\_\_\_  
Parent/Guardian Signature      Current Telephone Number      Date

**For Home School Site Office Use Only:**

	Current CST Data	ELA	Special Education	Yes
		Math		No
<b>Principal</b>	I have met with the parent of the student and discussed current Reading/Language Arts and Mathematics programs available at _____ School, and the student's current academic scores. An explanation of the eligibility criteria was provided to the parent.			
	I have met with the parent of the student and discussed current programs available at _____ School, and explained the eligibility Criteria.			
	_____ Principal's Signature		_____ Date	

**For District Office Use Only:**

<b>District Office</b>	Approved	Denied	School Assigned
	_____ Student Services, Director's Signature		

Distribution: Student Services • Parent • School of Choice

Rev. 1/5/2011

Exhibit Adopted: 01/11/11

Exhibit Adopted: 09/06/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5117**

**STUDENTS**

**Interdistrict Attendance Request**

The Board of Trustees recognizes that parents/guardians of students who reside in one district may, for a variety of reasons, choose to enroll their child in a school in another district.

**Interdistrict Attendance Requests (Incoming)**

Upon request by students' parents/guardians, the Superintendent or designee may approve Interdistrict Attendance Requests with other districts on a case-by-case basis to meet individual student needs.

The agreement shall specify the terms and conditions under which Interdistrict attendance shall be permitted or denied. It also may contain standards agreed to by both districts for reapplication and/or revocation of the student's permit. (Education Code 46600)

Upon receiving a request for transfer into the District that has been approved by the student's district of residence, the Superintendent or designee shall review the request and may approve or deny the request subject to the terms and conditions of the Interdistrict Attendance Request.

A child of an active military duty parent/guardian shall not be prohibited from transferring out of the District to a school district of choice, if the other school district approves the application for transfer. (Education Code 48301)

The Superintendent or designee may deny Interdistrict Attendance Request because of lack of capacity within District schools or limited District resources.

**Transportation**

The parent/guardian of a student who is attending a District school with an Interdistrict Attendance Request is responsible for providing transportation for his/her child.

**Interdistrict Attendance Permits (Outgoing)**

Interdistrict Attendance Requests may be granted as determined by the Superintendent or designee and shall be reviewed annually. Annual documentation is required to determine approval of permit.

The Superintendent or designee shall notify the parents/guardians of a student who is denied Interdistrict attendance regarding the process for appeal at the District level and to the County Board of Education as specified in Education Code 46601.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5117**

**STUDENTS**

**Interdistrict Attendance Request**

*Legal Reference:*

EDUCATION CODE

41020 Annual district audits

46600-46611 Interdistrict attendance agreements

48204 Residency requirements for school attendance

48300-48316 Student attendance alternatives, school district of choice program

48350-48361 Open Enrollment Act

48900 Grounds for suspension or expulsion; definition of bullying

48915 Expulsion; particular circumstances

48915.1 Expelled individuals: enrollment in another district

48918 Rules governing expulsion procedures

48980 Notice at beginning of term

52317 Regional Occupational Program/Center, enrollment of students, Interdistrict attendance

ATTORNEY GENERAL OPINIONS

87 Ops.Cal.Atty.Gen. 132 (2004)

84 Ops.Cal.Atty.Gen. 198 (2001)

COURT DECISIONS

Walnut Valley Unified School District v. the Superior Court of Los Angeles County, (2011) 192 Cal.App.4th 234

Crawford v. Huntington Beach Union High School District, (2002) 98 Cal.App.4th 1275

*Management Resources:*

CSBA PUBLICATIONS

Transfer Law Comparison, Fact Sheet, March 2011

WEB SITES

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

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

Policy Adopted: 12/10/91  
Policy Revised: 03/01/94  
Policy Revised: 10/21/03  
Policy Revised: 09/06/11  
Policy Revised: 03/07/12  
Policy Revised: 02/05/13  
Policy Revised: 02/23/16

**ADMINISTRATIVE REGULATION**

**AR 5117**

**STUDENTS**

**Interdistrict Attendance Request**

**Interdistrict Attendance Requests (Incoming)**

In accordance with an agreement between the Board of Trustees and the board of another district, a permit authorizing a student's attendance outside his/her district of residence may be issued upon approval of both the district of residence and the district of proposed attendance.

Noting that all Interdistrict Attendance Requests are approved based on space and program availability, the Superintendent or designee may approve Interdistrict Attendance Requests for any of the following reasons:

1. When the student has been determined by staff of either the district of residence or district of proposed attendance to be a victim of an act of bullying as defined in Education Code 48900(r). Such a student shall be given priority for Interdistrict Attendance under any existing Interdistrict Attendance Agreement, or, in the absence of an agreement, shall be given consideration for the creation of a new permit. (Education Code 46600)
2. Applicants who are attending an OVSD school on an approved Interdistrict Attendance Request.
3. Any student whose parent/guardian is an OVSD employee.
4. A sibling(s) of a student currently enrolled at the school to avoid splitting the family's attendance. When a student has a sibling(s) attending school in the receiving district, priority will be given over a new Interdistrict Attendance Request if both siblings will be at the same school.
5. To meet the child care needs of the student. Such a student may be allowed to continue to attend District schools only as long as he/she continues to use a child care provider within District boundaries.
6. To allow a student to complete a school year when his/her parents/guardians have moved out of the District during that year.
7. When the parent/guardian provides written evidence that the family will be moving into the District in the immediate future and would like the student to start the year in the District.
8. When there is a valid interest in a particular educational program not offered in the district of residence.

**ADMINISTRATIVE REGULATION**

**AR 5117**

**STUDENTS**

**Interdistrict Attendance Request**

Interdistrict Attendance Requests (Incoming) (continued)

The Superintendent or designee may deny initial requests for Interdistrict Attendance Requests due to limited District resources, overcrowding of school facilities at the relevant grade level, or other considerations that are not arbitrary. However, once a student is admitted, the District may not deny him/her continued attendance because of overcrowded facilities at the relevant grade level.

Within 30 days of submission of an Interdistrict Attendance Permit, the Superintendent or designee shall notify the parents/guardians of a student who is denied Interdistrict attendance regarding the process for appeal to the County Board of Education as specified in Education Code 46601. (Education Code 46601)

Pending a decision by the two districts or an appeal by the County Board of Education, the Superintendent or designee may provisionally admit a student who resides in another district for a period not to exceed two school months. (Education Code 46603)

Students who are under consideration for expulsion or who have been expelled may not appeal Interdistrict attendance denials or decisions while expulsion proceedings are pending, or during the term of the expulsion. (Education 46601)

Transportation

The parent/guardian of a student who is attending a District school with an approved Interdistrict Attendance Request is responsible for providing transportation for his/her child.

Revocation of Transfer

The Superintendent or designee may rescind an Interdistrict Attendance Request and return the student to the district of residence based on discipline issues, behavior, absenteeism, frequent tardiness, early drop-offs or late pick-ups, and poor academic performance.

Interdistrict Attendance Requests (Outgoing)

The Interdistrict Attendance Requests (outgoing) shall be granted only on the basis of extraordinary circumstances as documented at the time of the request. Such circumstances may include child care that is unavailable within the district of residence or employment of the parent. Interdistrict Attendance Requests granted as determined by the Superintendent or designee shall be reviewed annually.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5117**

**STUDENTS**

**Interdistrict Attendance Request**

Interdistrict Attendance Requests (Outgoing) (continued)

The Superintendent or designee shall notify the parents/guardians of a student who is denied Interdistrict attendance regarding the process for appeal:

1. District's Attendance Panel
2. District Board of Trustees
3. County Board of Education as specified in Education Code 46601.

Regulation Adopted: 10/21/03  
Regulation Revised: 01/11/11  
Regulation Revised: 09/06/11  
Regulation Revised: 03/07/12  
Regulation Revised: 02/05/13  
Regulation Revised: 02/23/16



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 5117**

**STUDENTS**

**INTERDISTRICT ATTENDANCE**

OCEAN VIEW SCHOOL DISTRICT  
17200 Pinehurst Lane  
Huntington Beach, CA 92647  
Phone: 714-847-2551

**INTERDISTRICT TRANSFER REQUEST**

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

PLEASE PRINT: ☐ New ☐ Renewal ☐ Male ☐ Female

Student Name	Birth Date	Grade for requested year
Parent/Guardian	Home Phone	
Address	Apt.#	Work Phone
City	Zip Code	Cell Phone

The above student is: <input type="checkbox"/> Currently under an Expulsion order <input type="checkbox"/> Previously Retained (Grade Retained _____) <input type="checkbox"/> Currently receiving Special Education Services - Please circle: Resource Speech Adapted P.E. SDC Other	
Resident School	Ocean View School District
Requested School	District
Current School	District

Reason for Transfer: <input type="checkbox"/> Child Care* <input type="checkbox"/> Finish School Year <input type="checkbox"/> Employment* <input type="checkbox"/> Senior Privilege <input type="checkbox"/> Special Circumstance* <input type="checkbox"/> Special Programs* *Supporting documentation needed <input type="checkbox"/> Sibling - Name & Grade _____
Please Explain Reason(s) for Requesting Transfer

<p style="text-align: center;"><b>PARENT AFFIDAVIT</b></p> <p>I understand that an approved transfer may be revoked for any of the following reasons: (1) insufficient classroom space in requested school and/or grade level, (2) excessive absences, tardies, or late pick ups, (3) poor academic performance, (4) poor behavior/citizenship, (5) providing false information in making a transfer request, (6) other reasons that may be determined by the Board of Trustees. I further understand that the district is not obligated to place a student at a particular school. I agree, if this transfer is approved, to provide safe and timely transportation to and from school for my student. <b><u>I understand that by State law and District policy interdistrict transfers are valid for one year only, must be renewed annually, and are not guaranteed for renewal from year to year.</u></b> I certify that all information I have provided to the Ocean View School District relating to this transfer request is true and correct. Verification of residency in the district of residence shall be attached to this transfer request.</p> <p>Parent/Guardian Signature _____ Date _____</p> <p>If the interdistrict transfer request is denied, you may submit a letter of appeal to the Orange County Department of Education within 30 calendar days.</p>
--

The Governing Boards of the following school districts agree that the attendance of regular students from the respective school districts covered by this agreement shall be credited to the district of attendance (EC 46607). No financial obligation shall be incurred by district of residence.

Ocean View School District: Approved Denied	Receiving District: Approved Denied
Date:	Date:
Authorizing Signature	Authorizing Signature
Comments:	Comments:

1/5/2011

Exhibit Adopted: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5119**

**STUDENTS**

**STUDENTS EXPELLED FROM OTHER DISTRICTS**

The Board of Trustees may grant admission to students expelled from other districts in accordance with law and when consistent with the Board of Trustees' goal to provide a safe and secure environment for students and staff.

If a student expelled from another district is granted enrollment, in accordance with the procedures specified below, he/she shall either establish legal residence in this District or enroll pursuant to an interdistrict attendance agreement.

**Enrollment During the Term of the Expulsion**

The District shall not enroll a student expelled by another district for any of the offenses listed in Education Code 48915(a) or (c) (mandatory expulsion offenses) during the term of the student's expulsion, unless the enrollment is at a community day school.

Upon receiving a request for enrollment from a student expelled from another district for acts other than those specified in Education Code 48915(a) or (c), the Board of Trustees shall hold a hearing to determine whether the student poses a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918.

If the student or parent/guardian neglects to inform the District that the student was expelled from his/her previous district for an act other than those listed in Education Code 48915(a) or (c), the Board of Trustees shall record and discuss this lack of compliance during the hearing.

If the Board of Trustees finds that a student expelled for acts other than those specified in Education Code 48915(a) or (c) does not pose a continuing danger to students or staff, the student may be admitted or conditionally admitted during the term of expulsion. If the Board of Trustees determines that the student does pose a continuing danger to students or staff, the student shall not be admitted.

**Enrollment After the Term of the Expulsion**

A student expelled for an act specified in Education Code 48915(a) or (c) may enroll in the District after the term of his/her expulsion if the Board of Trustees finds, at a hearing, that the student does not pose a continuing danger to students or staff. The hearing shall be conducted and notice shall be provided in accordance with procedures governing expulsion of students described in Education Code 48918.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5119**

**STUDENTS**

**STUDENTS EXPELLED FROM OTHER DISTRICTS**

Enrollment After the Term of the Expulsion (continued)

A student expelled for any act other than those specified in Education Code 48915(a) or (c) may request enrollment after the term of his/her expulsion in accordance with the District's procedures for establishing residency or interdistrict transfer.

*Legal Reference:*

EDUCATION CODE

46600 Agreements for interdistrict attendance  
46601 Failure to approve interdistrict attendance; expulsion prohibiting appeal  
48200 Compulsory attendance  
48645.1 Juvenile court school  
48660-48666 Community day schools  
48915 Expulsion; particular circumstances  
48915.1 Expelled individuals: enrollment in another district  
48915.2 Expelled student; enrollment during and after period of expulsion  
48918 Rules governing expulsion procedures

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>  
California Attorney General's Office: <http://www.caag.state.ca.us>  
California Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/about/offices/list/osdfs>

Policy Adopted: 12/10/91  
Policy Revised: 09/17/96  
Policy Revised: 01/11/11

**BOARD POLICY**

**BP 5121**

**STUDENTS**

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

The Board of Trustees believes that grades serve a valuable instructional purpose by helping students and parents/guardians identify the student's areas of strength and those areas needing improvement. Parents/guardians and students have the right to receive course grades that represent an accurate evaluation of the student's achievement.

The teacher of each course shall determine the student's grade. The grade assigned by the teacher shall not be changed by the Board of Trustees or the Superintendent except as provided by law, Board policy and administrative regulation.

Teachers shall evaluate a student's work in relation to standards which apply to all students at his/her grade level. The Superintendent or designee shall establish and regularly evaluate a uniform grading system, and principals shall ensure that student grades conform to this system. Teachers shall inform students and parents/guardians how student achievement will be evaluated in the classroom.

Grades should be based on impartial, consistent observation of the quality of the student's work and his/her mastery of course content and objectives. Students shall have the opportunity to demonstrate this mastery through a variety of methods such as classroom participation, homework, tests and portfolios.

When reporting student grades to parents/guardians, teachers may add narrative descriptions, observational notes and/or samples of classroom work in order to better describe student progress in specific skills and subcategories of achievement.

Students in grades K-3 shall receive narrative evaluations rather than letter grades in order to give parents/guardians more information about their children's developmental levels and also promote students' self-esteem and experiences of success.

**Unexcused absences**

If a student misses class without an excuse and does not subsequently turn in homework, take a test or fulfill another class requirement which he/she missed, the teacher may lower the student's grade.

**Grade Point Average (GPA)**

The Superintendent or designee shall recommend to the Board of Trustees the methodology to be used in calculating students' grade point averages.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5121**

**STUDENTS**

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

*Legal Reference:*

EDUCATION CODE

41505-41508 Pupil Retention Block Grant

48070 Promotion and retention

48205 Excused absences

49066 Grades; finalization; physical education class

49067 Mandated regulations regarding student's achievement

49069.5 Students in foster care, grades and credits

CODE OF REGULATIONS, TITLE 5

10060 Criteria for reporting physical education achievement, high schools

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act (FERPA)

6101-6251 School-to-Work Opportunities Act of 1994

COURT DECISIONS

Owasso Independent School District v. Falvo (2002) 122 S.Ct. 934

Las Virgenes Educators Association v. Las Virgenes Unified School District (2nd Appellate District 2001) 86 Cal.App.4th 1

Swany v. San Ramon Valley Unified School District (N.D.Cal. 1989) 720 F.Supp. 764

Johnson v. Santa Monica-Malibu Unified School District Board of Education (App. 2 Dist. 1986) 224 Cal. Rptr. 885, 179 C.A. 3d 593

*Management Resources:*

CDE PUBLICATIONS

Elementary Makes the Grade!, 2001

WEB SITES

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

Advanced Placement Challenge Project: <http://www.apchallenge.net>

Policy Adopted: 12/10/91

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5121**

**STUDENTS**

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

Written report cards displaying students' grades in each subject or course shall be distributed to parents/guardians at the end of each grading period. Parents/guardians shall be offered an opportunity to meet with their child's teacher(s) to discuss the grades and strategies to improve their child's performance.

Whenever it becomes evident to a teacher that a student is in danger of failing a course, the teacher shall arrange a conference with the student's parent/guardian or send the parent/guardian a written report.

Grades for Achievement

For grades K-3, students' level of progress shall be reported as follows:

- 3 Mastery of grade level standards
- 2 Progressing toward grade level standards
- 1 Working significantly below grade level standards

For grades 4-12, grades for achievement shall be reported for each grading period as follows:

A	(90-100%)	Outstanding Achievement	4.0 grade points
B	(80-89%)	Above Average Achievement	3.0 grade points
C	(70-79%)	Average Achievement	2.0 grade points
D	(60-69%)	Below Average Achievement	1.0 grade points
F	(0-59%)	Little or No Achievement	0 grade points
I		Incomplete	0 grade points

An Incomplete shall be given only when a student's work is not finished because of illness or other excused absence. If not made up within six weeks, the Incomplete shall become an F.

Grades for Physical Education

No grade of a student participating in a physical education class may be adversely affected due to the fact that the student, because of circumstances beyond his/her control, does not wear standardized physical education apparel.

**ADMINISTRATIVE REGULATION**

**AR 5121**

**STUDENTS**

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

Grades for Citizenship, Study Skills, and Effort

Grades for citizenship, study skills, and effort shall be reported as follows:

- |   |                   |
|---|-------------------|
| O | Outstanding       |
| S | Satisfactory      |
| N | Needs Improvement |

Peer Grading

At their discretion, teachers may use peer grading of student tests, papers, and assignments as appropriate to reinforce lessons.

Effect of Absences on Grades

Teachers who withhold class credit because of excessive unexcused absences shall so inform students and parents/guardians at the beginning of the school year or semester. When a student reaches the number of unexcused absences defined as excessive in Board policy (AR 5113.1), the student and parent/guardian shall again be notified of the District's policy (AR 5113.1) regarding excessive unexcused absences.

The student and parent/guardian shall have a reasonable opportunity to explain the absences.

If a student receives a failing grade because of excessive unexcused absences, the student's record shall specify that the grade was assigned because of excessive unexcused absences.

Grades for a student in foster care shall not be lowered if the student is absent from school due to either of the following circumstances:

1. A decision by a court or placement agency to change the student's placement, in which case the student's grades and credits shall be calculated as of the date the student left school.
2. A verified court appearance or related court-ordered activity.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

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**STUDENTS**

**GRADES/EVALUATION OF STUDENT ACHIEVEMENT**

Grade Point Average

The Superintendent or designee shall calculate each student's GPA using the grade points assigned to each letter grade in accordance with the scale described in the section "Grades for Achievement" above. The grade points for all applicable coursework shall be totaled and divided by the number of courses completed.

When plus and minus designations are added to letter grades, they shall not be considered in determining GPA.



**BOARD POLICY**

**BP 5123**

**STUDENTS**

**PROMOTION/ACCELERATION/ RETENTION**

The Board of Trustees expects students to progress through each grade level within one school year. Toward this end, instruction shall be designed to accommodate the variety of ways that students learn, and provide strategies for addressing academic deficiencies as needed.

Students shall progress through the grade levels by demonstrating growth in learning and meeting grade-level standards of expected student achievement.

When high academic achievement is evident, the teacher may recommend a student for acceleration into a higher grade level. The student's maturity level shall be taken into consideration in making a determination to accelerate a student.

In all instances of grade adjustment (acceleration and retention), a case study shall be completed before an adjustment is made. The case study shall include a review of academic achievement and social-emotional development. A conference shall be held to review the case study, including, at minimum, the parent/guardian, teacher, and principal.

Teachers shall identify students who should be retained or who are at risk of being retained at their current grade level as early as possible in the school year and as early in their school careers as practicable. Such students shall be identified at the following grade levels: (Education Code 48070.5)

1. Between grades 2 and 3
2. Between grades 3 and 4
3. Between grades 5 and 6
4. Between grades 8 and 9

Students shall be identified for retention on the basis of failure to meet minimum levels of proficiency as indicated by grades and progress toward meeting grade level standards.

Students not progressing toward meeting grade level standards shall receive additional classroom instructional supports to address academic deficiencies. As early in the school year as possible, parents shall be notified by letter and provided academic achievement indicators, informing them that their student is not progressing toward grade level standards proficiency and may be a retention candidate.

Parents will be provided updates through progress monitoring, and academic supports shall intensify if adequate progress toward meeting grade level standards does not occur.

**BOARD POLICY**

**BP 5123**

**STUDENTS**

**PROMOTION/ACCELERATION/ RETENTION**

If a student continues to not demonstrate adequate progress toward meeting grade level standard proficiency, the teacher will consult with a school team knowledgeable about curriculum, social-emotional, and maturational development to discuss student progress, maturity, and the possibility of retention.

If a student is recommended for retention, a meeting will be held with the teacher, parent, and principal to provide the retention recommendation. When retention is not considered appropriate, a meeting will be held with the teacher, parent, and principal to provide a plan.

Students between grades 2 and 3 and grades 3 and 4 shall be identified as a possible retention candidate primarily on the basis of their level of proficiency in reading. Proficiency in reading, English language arts, and mathematics shall be the basis for identifying students between grades 4 and 5, between grade 5 and middle school grades, and between grade 8 and high school grades.

If a student does not have a single regular classroom teacher, the Superintendent or designee shall specify the teacher(s) responsible for the decision to promote or retain the student.

A student may be retained once in elementary school.

Retention/promotion decisions for students receiving special education services will be determined through the IEP team meeting process.

Students must be enrolled for six months in the District before being considered for retention, unless agreed upon by parent/guardian and Student Study Team.

Unless agreed upon by parent/guardian and Student Study Team, English learners must be enrolled in the District for two full years before being considered as candidates for retention.

The teacher's decision to promote or retain a student may be appealed in accordance with AR 5123 – Promotion/Acceleration/Retention.

When a student in grades 2-8 is retained or recommended for retention, the Superintendent or designee shall offer an appropriate program of remedial instruction to assist the student in meeting grade-level expectations. The District also shall offer supplemental instruction to a student in grades 2-6 who is identified as being at risk for retention.

*Legal Reference:*

**EDUCATION CODE**

*37252-37254.1 Supplemental instruction*

*41505-41508 Pupil Retention Block Grant*

*46300 Method of computing ADA*

*48010 Admittance to first grade*

*48011 Promotion/retention following one year of kindergarten*

*48070-48070.5 Promotion and retention*

*56345 Elements of individualized education plan*

*60641-60649 California Assessment of Student Performance and Progress*

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5123**

**STUDENTS**

**PROMOTION/ACCELERATION/ RETENTION**

*Legal Reference (Continued):*

CODE OF REGULATIONS, TITLE 5

*200-202 Admission and exclusion of students*

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*FAQs Promotion, Retention, and Grading (students with disabilities)*

*FAQs Pupil Promotion and Retention*

*Kindergarten Continuance Form*

WEB SITES

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

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

Policy Adopted: 12/10/91  
Policy Revised: 06/01/99  
Policy Revised: 03/21/00  
Policy Revised: 10/02/01  
Policy Revised: 01/13/04  
Policy Revised: 03/07/06  
Policy Revised: 10/06/09  
Policy Revised: 01/11/11  
Policy Revised: 10/15/19

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5123**

**STUDENTS**

**PROMOTION/ACCELERATION/RETENTION**

Acceleration from Kindergarten to First Grade

Any student who meets the age eligibility requirement and has completed one year of kindergarten shall be admitted to first grade unless the parent/guardian and the Superintendent or designee agree that the student shall continue in kindergarten.

A student who does not meet the age eligibility requirement may be admitted to first grade at the discretion of the Superintendent or designee and with the consent of the parent/guardian, upon determination that the child is ready for first grade work, subject to the following minimum criteria:

1. The student is at least five years of age.
2. The student has attended a public school kindergarten for a long enough time to enable school personnel to evaluate his/her ability.
3. The student is in the upper five percent of his/her age group in terms of general mental ability.
4. The physical development and social maturity of the student are consistent with his/her advanced mental ability.
5. The parent/guardian of the student has filed a written statement with the school district approving the placement in first grade.

Continuation in Kindergarten

Whenever the Superintendent or designee and the parents/guardians agree that a student shall continue in kindergarten for an additional year, the Superintendent or designee shall secure an agreement, signed by the parent/guardian, stating that the student shall continue in kindergarten for not more than one additional school year.

The Superintendent or designee shall not approve a student's continuation in kindergarten until the student has completed close to one school year of kindergarten.

If a student is identified as performing below the minimum standard for promotion to the next grade level based on the indicators specified in Board Policy, the student shall be retained in his/her current grade level unless the student's regular classroom teacher determines, in writing, that retention is not the appropriate intervention for the student's academic deficiencies. This

**ADMINISTRATIVE REGULATION**

**AR 5123**

**STUDENTS**

**PROMOTION/ACCELERATION/RETENTION**

Continuation in Kindergarten (continued)

determination shall specify the reasons that retention is not appropriate for the student and shall include recommendations for interventions other than retention that, in the opinion of the teacher, are necessary to assist the student in attaining acceptable levels of academic achievement.

If the teacher's recommendation to promote is contingent on the student's participation in a remediation program, the student's academic performance shall be reassessed at the end of the remediation program, and the decision to retain or promote the student shall be reevaluated at that time. The teacher's evaluation shall be provided to and discussed with the student's parents/guardians and the principal before any final determination of retention or promotion.

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

The Superintendent or designee shall also provide a copy of the District's promotion/retention policy and administrative regulation to those parents/guardians who have been notified that their child has been recommended for retention.

Appeal Process

Whenever a student's parent/guardian appeals the teacher's decision to promote or retain a student, the burden shall be on the appealing party to show why the teacher's decision should be overruled.

To appeal a teacher's decision, the parent/guardian shall submit a written request to the Superintendent or designee specifying the reasons that the teacher's decision should be overruled. The appeal must be initiated within 10 school days of the determination of retention or promotion.

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

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5123**

**STUDENTS**

**PROMOTION/ACCELERATION/RETENTION**

Appeal Process (continued)

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

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

Regulation Adopted: 03/21/00-AR 5123 (Promotion/Acceleration/Retention)  
Regulation Revised: 10/02/01-AR 5123 (Promotion/Acceleration/Retention)  
Regulation Revised: 01/13/04- AR 5123 (Promotion/Acceleration/Retention)  
Regulation Revised: 03/07/06- AR 5123 (Promotion/Acceleration/Retention)  
Regulation Adopted: 12/10/91-AR 5123.1 (Administrative Guidelines for Grade Adjustment)  
Regulation Renumbered: 01/11/11-AR 5123.1 included in AR 5123  
Regulation Revised: 01/11/11  
Regulation Revised: 07/17/12  
Regulation Revised: 10/15/19

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5125**

**STUDENTS**

**STUDENT RECORDS**

The Board of Trustees recognizes the importance of keeping accurate, comprehensive student records as required by law. The Superintendent or designee shall ensure that the District's administrative regulation and school site procedures for maintaining the confidentiality of student records are consistent with state and federal law.

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

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

*Legal Reference:*

EDUCATION CODE

48201 Student records for transfer students who have been suspended/expelled

48904-48904.3 Withholding grades, diplomas, or transcripts

48918 Rules governing expulsion procedures

49060-49079 Student records

49091.14 Parental review of curriculum

51747 Independent study programs

56050 Surrogate parents

56055 Foster parents

CODE OF CIVIL PROCEDURE

1985.3 Subpoena duces tecum

FAMILY CODE

3025 Access to records by noncustodial parents

GOVERNMENT CODE

6252-6260 Inspection of public records

HEALTH AND SAFETY CODE

120440 Immunizations; disclosure of information

WELFARE AND INSTITUTIONS CODE

681 Truancy petitions

16010 Health and education records of a minor

CODE OF REGULATIONS, TITLE 5

430-438 Individual student records

16020-16027 Destruction of records of school districts

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

300.501 Opportunity to examine records for parents of student with disability

*Management Resources:*

FEDERAL REGISTER

Final Rule and Analysis of Comments and Changes, Family Educational Rights and Privacy, December 9, 2008, Vol. 73, No. 237, pages 74806-74855

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5125**

**STUDENTS**

**STUDENT RECORDS**

*Management Resources (continued):*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Joint Guidance on the Application of FERPA and HIPAA to Student Health Records, November 2008*

WEB SITES

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

*U.S. Department of Education, Family Policy Compliance Office, <http://www.ed.gov/policy/gen/guid/fpco/index.html>*

Policy Adopted: 12/10/91  
Policy Revised: 09/02/97  
Policy Revised: 09/03/02  
Policy Revised: 01/11/11



OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5125**

**STUDENTS**

**STUDENT RECORDS**

Definitions

Student means any individual who is or has been in attendance at the District and regarding whom the District maintains student records.

Attendance includes, but is not limited to, attendance in person or by paper correspondence, videoconference, satellite, Internet, or other electronic information and telecommunication technologies for students who are not physically present in the classroom, and the period during which a person is working under a work-study program.

Student records are any items of information (in handwriting, print, tape, film, computer, or other medium) gathered within or outside the District that are directly related to an identifiable student and maintained by the District, required to be maintained by an employee in the performance of his/her duties, or maintained by a party acting for the District. Any information maintained for the purpose of second-party review is considered a student record. Student records include the student's health record.

Student records do not include:

1. Directory information.
2. Informal notes compiled by a school officer or employee which remain in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a substitute.
3. Records of the law enforcement unit of the District, subject to the provisions of 34 CFR 99.8.
4. Records created or received by the District after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

Mandatory permanent student records are those records which are maintained in perpetuity and which schools have been directed to compile by state law, regulation, or administrative directive.

Mandatory interim student records are those records which the schools are directed to compile and maintain for stipulated periods of time and are then destroyed in accordance with state law, regulation, or administrative directive.

**ADMINISTRATIVE REGULATION**

**AR 5125**

**STUDENTS**

**STUDENT RECORDS**

Definitions (continued)

Permitted student records are those records having clear importance only to the current educational process of the student.

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

Disclosure means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in education records to any party, except the party that provided or created the record, by any means including oral, written, or electronic.

Personally identifiable information includes, but is not limited to:

1. The student's name.
2. The name of the student's parent/guardian or other family members.
3. The address of the student or student's family.
4. A personal identifier, such as the student's social security number, student number, or biometric record (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).
5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name.
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.
7. Information requested by a person who the District reasonably believes knows the identity of the student to whom the student record relates.

Adult student is a person who is or was enrolled in school and who is at least 18 years of age.

**ADMINISTRATIVE REGULATION**

**AR 5125**

**STUDENTS**

**STUDENT RECORDS**

Definitions (continued)

Parent/guardian means a natural parent, an adopted parent, legal guardian, surrogate parent, or foster parent.

School officials and employees are officials or employees whose duties and responsibilities to the District, whether routine or as a result of special circumstances, require that they have access to student records. School officials and employees include contractors, consultants, volunteers, or other parties to whom the District has outsourced District functions and who perform services for which the District would otherwise use employees.

A legitimate educational interest is one held by school officials and employees whose duties and responsibilities to the District, whether routine or as a result of special circumstances, require that they have access to student records.

Custodian of records is the employee responsible for the security of student records maintained by the District and for devising procedures for assuring that access to such records is limited to authorized persons.

County placing agency means the county social service department or county probation department.

Persons Granted Access Without Prior Written Consent

The following persons or agencies shall have absolute access to any and all student records in accordance with law:

1. Parents/guardians of students younger than age 18.
2. Access to student records and information shall be provided to the child's legal custodial parent.
3. An adult student age 18 or older or a student under the age of 18 who attends a postsecondary institution, in which case the student alone shall exercise rights related to his/her student records and grant consent for the release of records.
4. Any person, agency, or organization authorized in compliance with a court order or lawfully issued subpoena.

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**STUDENTS**

**STUDENT RECORDS**

Persons Granted Access Without Prior Written Consent (continued)

Unless otherwise instructed by the court, the Superintendent or designee shall, prior to disclosing a record pursuant to a court order or subpoena, give the parent/guardian or adult student at least three days' notice of the name of the requesting agency and the specific record requested, if lawfully possible within the requirements of the judicial order.

In addition, the following persons or agencies shall have access to those particular records that are relevant to their legitimate educational interest:

1. Parents/guardians of a dependent student age 18 or older.
2. Students who are age 16 or older or who have completed the 10th grade.
3. School officials and employees (consistent with criteria defined by the District).
4. Members of a school attendance review board (SARB) and any volunteer aide age 18 or older who has been investigated, selected, and trained by the SARB to provide follow-up services to a referred student.
5. Officials and employees of other public schools, school systems, or postsecondary institutions where the student intends or is directed to enroll, including local, county, or state correctional facilities where educational programs leading to high school graduation are provided, or where the student is already enrolled, as long as the disclosure is for purposes related to the student's enrollment or transfer.

When the District discloses personally identifiable information to officials of another school, school system, or postsecondary institution where the student seeks or intends to enroll, the Superintendent or designee shall make a reasonable attempt to notify the parent/guardian or adult student at his/her last known address, provide a copy of the record that is disclosed, and give the parent/guardian or adult student an opportunity for a hearing to challenge the record.

6. Federal, state, and local officials, as needed for program audits or compliance with law.
7. Any district attorney who is participating in or conducting a truancy mediation program or participating in the presentation of evidence in a truancy petition or a prosecuting agency for consideration against a parent/guardian for failure to comply with compulsory education laws.

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**ADMINISTRATIVE REGULATION**

**AR 5125**

**STUDENTS**

**STUDENT RECORDS**

Persons Granted Access Without Prior Written Consent (continued)

8. Any probation officer or district attorney for the purposes of conducting a criminal investigation or an investigation in regards to declaring a person a ward of the court or involving a violation of a condition of probation.
9. Any judge or probation officer for the purpose of conducting a truancy mediation program for a student or for the purpose of presenting evidence in a truancy petition pursuant to Welfare and Institutions Code 681.

Upon releasing student information to a judge or probation officer in such cases, the Superintendent or designee shall inform, or provide written notification to, the student's parent/guardian within 24 hours.

10. Any county placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile court or by law pursuant to Welfare and Institutions Code 16010 and to assist with the school transfer or enrollment of a student.

Foster family agencies with jurisdiction over currently enrolled or former students may access those students' records of grades and transcripts and any individualized education program (IEP) developed and maintained by the District with respect to such students.

When authorized by law to assist law enforcement in investigations of suspected kidnapping, the Superintendent or designee shall provide information about the identity and location of the student as it relates to the transfer of that student's records to another public school district or California private school. The information shall be released only to designated peace officers, federal criminal investigators, and federal law enforcement officers whose names have been submitted in writing by their law enforcement agency in accordance with the procedures specified in Education Code 49076.5.

The Superintendent or designee may release information from a student's records to the following:

1. Appropriate persons, including parents/guardians of a student, in an emergency, if the health and safety of the student or other persons are at stake.
2. Accrediting associations.

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Persons Granted Access Without Prior Written Consent (continued)

3. Under the conditions specified in Education Code 49076 and 34 CFR 99.31, organizations conducting studies on behalf of educational institutions or agencies for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, provided that:
  - a. The study is conducted in a manner that does not permit personal identification of parents/guardians and students by individuals other than representatives of the organization who have legitimate interests in the information.
  - b. The information is destroyed when no longer needed for the purposes for which the study is conducted.
  - c. The District enters into a written agreement with the organization that includes the information in 34 CFR 99.31.
4. Officials and employees of private schools or school systems where the student is enrolled or intends to enroll.

The Superintendent or designee may release information specified in law regarding a student's immunization record to local health departments operating countywide or regional immunization information and reminder systems and the California Department of Public Health. Prior to releasing such information, the Superintendent or designee shall notify the parent/guardian of his/her rights in accordance with law.

Persons Granted Access With Prior Written Consent

Persons, agencies, or organizations not afforded access rights by law may be granted access only through written permission of the parent/guardian or adult student, or by judicial order.

Only a parent/guardian having legal custody of the student may consent to the release of records to others. Either parent may grant consent if both parents notify the District, in writing, that such an agreement has been made.

Any person or agency granted access is prohibited from releasing information to another person or agency without written permission from the parent/guardian or adult student.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

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**STUDENT RECORDS**

Access to Records by Authorized Persons

Student records shall be maintained in a central file at the school attended by the student or, when records are maintained in different locations, a notation shall be placed in the central file indicating where other records may be found. Parents/guardians shall be notified of the location of student records if not centrally located.

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

The custodian of records shall develop reasonable methods, including physical, technological, and administrative controls, to ensure that school officials and employees obtain access to only those student records in which they have legitimate educational interests.

To inspect, review, or obtain copies of student records, authorized persons shall submit a request to the custodian of records. For those individuals for whom the law requires that access be granted based on a legitimate educational interest, the request shall specify such interest involved. Prior to granting the request, the custodian of records shall authenticate the individual's identity.

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

Within five business days following the date of request, a parent/guardian or other authorized person shall be granted access to inspect, review, and obtain copies of student records during regular school hours.

Qualified certificated personnel shall be available to interpret records when requested.

The custodian of records or the Superintendent or designee shall prevent the alteration, damage, or loss of records during inspection.



OCEAN VIEW SCHOOL DISTRICT  
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Access Log

A log shall be maintained for each student's record which lists all persons, agencies, or organizations requesting or receiving information from the records and the legitimate educational interest of the requester.

In every instance of inspection by persons who do not have assigned educational responsibility, the custodian of records shall make an entry in the log indicating the record inspected, the name of the person granted access, the reason access was granted, and the time and circumstances of inspection.

The log does not need to include record of access by:

1. Parents/guardians or adult students.
2. Students who are 16 years of age or older or who have completed the 10th grade.
3. Parties obtaining District-approved directory information.
4. Parties who provide written parental consent, in which case the consent notice shall be filed with the record pursuant to Education Code 49075.
5. School officials and employees who have a legitimate educational interest.

The log shall be accessible only to the parent/guardian, adult student, dependent adult student, student who is age 16 years or older or who has completed the 10th grade, custodian of records, and certain state/federal officials.

De-Identification of Records

The Superintendent or designee may release information from a student record without prior consent of the parent/guardian or adult student after the removal of all personally identifiable information, provided that he/she has made a reasonable determination that the student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information.

The Superintendent or designee may release de-identified student data from education records for the purpose of educational research in accordance with the conditions specified in 34 CFR 99.31.



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Duplication of Student Records

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

Changes to Student Records

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

Only a parent/guardian having legal custody of the student or an adult student may challenge the content of a record or offer a written response to a record.

Retention and Destruction of Student Records

All anecdotal information and assessment reports maintained as student records shall be dated and signed by the individual who originated the data.

The following mandatory permanent student records shall be kept indefinitely:

1. Legal name of student.
2. Date and place of birth and method of verifying birth date.
3. Sex of student.
4. Name and address of parent/guardian of minor student.
  - a. Address of minor student if different from the above.
  - b. Annual verification of parent/guardian's name and address and student's residence.
5. Entrance and departure dates of each school year and for any summer session or other extra session.
6. Subjects taken during each year, half-year, summer session, or quarter, and marks or credits given.

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**STUDENTS**

**STUDENT RECORDS**

Retention and Destruction of Student Records (continued)

7. Verification of or exemption from required immunizations.
8. Date of high school graduation or equivalent.

Mandatory interim student records, unless forwarded to another district, shall be maintained subject to destruction during the third school year following a determination that their usefulness has ceased or the student has left the district. These records include:

1. Expulsion orders and the causes therefore.
2. A log identifying persons or agencies who request or receive information from the student record.
3. Health information, including verification or waiver of the health screening for school entry.
4. Information on participation in special education programs, including required tests, case studies, authorizations, and evidence of eligibility for admission or discharge.
5. Language training records.
6. Progress slips/notices required by Education Code 49066 and 49067.
7. Parental restrictions/stipulations regarding access to directory information.
8. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action.
9. Parent/guardian authorization or denial of student participation in specific programs.
10. Results of standardized tests administered within the past three years.
11. Written findings resulting from an evaluation conducted after a specified number of missed assignments to determine whether it is in a student's best interest to remain in independent study.

Permitted student records may be destroyed six months after the student completes or withdraws from the educational program, including:

**ADMINISTRATIVE REGULATION**

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**STUDENTS**

**STUDENT RECORDS**

Retention and Destruction of Student Records (continued)

1. Objective counselor and/or teacher ratings.
2. Standardized test results older than three years.
3. Routine disciplinary data.
4. Verified reports of relevant behavioral patterns.
5. All disciplinary notices.
6. Supplementary attendance records.

Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process of destruction.

Transfer of Student Records

If a student transfers into this District from any other school district or a private school, the Superintendent or designee shall inform the parent/guardian of his/her rights regarding student records, including the right to review, challenge, and receive a copy of student records.

When a student transfers into this District from another district, the Superintendent or designee shall request that the student's previous district provide any records, either maintained by that district in the ordinary course of business or received from a law enforcement agency, regarding acts committed by the transferring student that resulted in his/her suspension or expulsion.

When a student transfers from this District to another school district or to a private school, the Superintendent or designee shall forward a copy of the student's mandatory permanent record as requested by the other district or private school. The original record or a copy shall be retained permanently by this District. If the transfer is to another California public school, the student's entire mandatory interim record shall also be forwarded. If the transfer is out of state or to a private school, the mandatory interim record may be forwarded. Permitted student records may be forwarded to any other district or private school.

Upon receiving a request from a county placing agency to transfer a student in foster care out of a District school, the Superintendent or designee shall transfer the student's records to the next educational placement within two business days.

**ADMINISTRATIVE REGULATION**

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**STUDENT RECORDS**

Transfer of Student Records (continued)

All student records shall be updated before they are transferred.

Student records shall not be withheld from the requesting district because of any charges or fees owed by the student or parent/guardian.

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

Notification of Parents/Guardians

Upon any student's initial enrollment, and at the beginning of each school year thereafter, the Superintendent or designee shall notify parents/guardians and eligible students, in writing, of their rights related to student records. Insofar as practicable, the District shall provide these notices in the student's home language and shall effectively notify parents/guardians or eligible students who are disabled.

The notice shall include:

1. The types of student records kept by the District and the information contained therein.
2. The title(s) of the official(s) responsible for maintaining each type of record.
3. The location of the log identifying those who request information from the records.
4. District criteria for defining school officials and employees and for determining legitimate educational interest.
5. District policies for reviewing and expunging student records.
6. The right to inspect and review student records and the procedures for doing so.
7. The right to challenge and the procedures for challenging the content of a student record that the parent/guardian or student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights.
8. The cost, if any, charged for duplicating copies of records.

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**AR 5125**

**STUDENTS**

**STUDENT RECORDS**

Notification of Parents/Guardians (continued)

9. The categories of information defined as directory information pursuant to Education Code 49073.
10. The right to consent to disclosures of personally identifiable information contained in the student's records except when disclosure without consent is authorized by law.
11. The availability of the curriculum prospectus developed pursuant to Education Code 49091.14 containing the titles, descriptions, and instructional aims of every course offered by the school.
12. Any other rights and requirements set forth in Education Code 49060-49078, and the right of parents/guardians to file a complaint with the United States Department of Education concerning an alleged failure by the District to comply with 20 USC 1232g.
13. A statement that the District forwards education records to other agencies or institutions that request the records and in which the student seeks or intends to enroll or is already enrolled as long as the disclosure is for purposes related to the student's enrollment.

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**AR 5125**

**STUDENTS**

**WITHHOLDING GRADES, DIPLOMA OR TRANSCRIPTS**

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

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

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

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

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

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

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

*Legal Reference:*

*EDUCATION CODE*

*48904 Liability of parent*

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

*48911 Suspension by principal, designee or superintendent*

*49069 Absolute right to access*

**ADMINISTRATIVE REGULATION**

**AR 5125**

**STUDENTS**

**CHALLENGING STUDENT RECORDS**

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

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

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

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

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

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

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**STUDENTS**

**CHALLENGING STUDENT RECORDS**

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

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

The right to challenge a record becomes the sole right of the student when the student becomes 18 or attends a postsecondary institution.

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

*Legal Reference:*

*EDUCATION CODE*

*49061 Definitions*

*49063 Notification of parents of their rights*

*49066 Grades; change of grade; physical education grade*

*49070 Challenging content of records*

*49071 Hearing panel*

*UNITED STATES CODE, TITLE 20*

*1232g Family Educational and Privacy Rights Act of 1974*

Regulation Adopted: 09/17/96-AR 5125 (Student Records)

Regulation Revised: 05/17/05-AR 5125 (Student Records)

Regulation Adopted: 01/11/11-AR 5125.2 (Withholding Grades, Diploma or Transcripts)

Regulation Adopted: 01/11/11-AR 5125.3 (Challenging Student Records)

Regulation Renumbered: 01/11/11-AR 5125.2 and AR 5125.3 included in AR 5125

Regulation Revised: 01/11/11



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5125.1**

**STUDENTS**

**RELEASE OF DIRECTORY INFORMATION**

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

The Superintendent or designee may release student directory information to representatives of the news media or nonprofit organizations in accordance with Board policy and administrative regulation.

The Superintendent or designee may limit or deny the release of specific categories of directory information to any public or private nonprofit organization based on his/her determination of the best interests of District students.

Under no circumstances shall directory information be disclosed to a private profit-making entity, except for representatives of the news media and prospective employers, in accordance with Board policy. Private schools and colleges may be given the names and addresses of 12th-grade students and students who are no longer enrolled provided that they use this information only for purposes directly related to the institution's academic or professional goals.

*Legal Reference:*

EDUCATION CODE

49061 Definitions

49063 Notification of parents of their rights

49073 Release of directory information

49073.5 Directory information; military representatives; telephone numbers

49603 Public high schools; military recruiting

UNITED STATES CODE, TITLE 10

503 Military recruiter access to directory information

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

7908 Armed forces recruiter access to students and student recruiting information

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

*Management Resources:*

WEB SITES

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/policy/gen/guid/fpco/index.html>

U.S. DEPARTMENT OF EDUCATION GUIDANCE

Access to High School Students and Information on Students by Military Recruiters, 2002

Policy Adopted: 05/07/02

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5125.1**

**STUDENTS**

**RELEASE OF DIRECTORY INFORMATION**

Definition

Directory information means information contained in an education record of a student. Such student information includes:

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Participation record in officially recognized activities and sports
7. Dates of attendance
8. Promotion
9. Most recent previous school attended

Directory information does not include a student's social security number or student identification number. However, directory information may include a student identification number, user identification, or other personal identifier used by the student for purposes of accessing or communicating in electronic systems, provided that the identifier cannot be used to gain access to education records except when used in conjunction with a personal identification number, password, or other factor known or possessed only by the authorized user.

Notification to Parents/Guardians

At the beginning of each school year, all parents/guardians shall be notified as to the categories of directory information the school or District plans to release and the recipients of the information. The notification shall also inform parents/guardians of their right to refuse to let the District designate any or all types of information as directory information and the period of time within which a parent/guardian must notify the District in writing that he/she does not want a certain category of information designated as directory information.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5125.1**

**STUDENTS**

**RELEASE OF DIRECTORY INFORMATION**

Notification to Parents/Guardians (continued)

The Superintendent or designee shall notify parents/guardians that they may request that the District not release the name, address, and telephone number of their child to military recruiters, employers, or institutions of higher education without prior written consent.

Parent/Guardian Consent

Directory information shall not be released regarding any student whose parent/guardian notifies the District in writing that such information not be disclosed without the parent/guardian's prior consent.

For a former student, the District shall continue to honor any valid request to opt out of the disclosure of directory information made while the student was in attendance at the District, unless the opt-out request has been rescinded.

Regulation Adopted: 05/07/02  
Regulation Revised: 01/11/11  
Regulation Revised: 09/03/13

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**E 5125.1**

**STUDENTS**

**RELEASE OF DIRECTORY INFORMATION**

**PARENT/GUARDIAN NOTICE  
RELEASE OF DIRECTORY INFORMATION**

The Family Educational Rights and Privacy Act (FERPA), a federal law, requires that Ocean View School District, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your child's education records. However, the District may disclose appropriately designated "directory information" without written consent, unless parents have advised the District to the contrary in accordance with District procedures. The primary purpose of directory information is to allow the District to include this type of information from your child's education records in certain school and/or District publications. Examples include:

- school-sponsored organizations (PTA/O, etc.);
- any law enforcement agency to aid in crime investigation;
- a playbill, showing your child's role in a drama production;
- the annual yearbook;
- honor roll or other recognition lists;
- promotion; and
- sports activity sheets.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent/guardian's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. In addition, two federal laws require districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) to provide military recruiters, upon request, with students' names, addresses and telephone listings, unless parents/guardians have advised the District that they do not want their child's information disclosed without their prior written consent.

If you do not want the District to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by September 30. The District has designated the following information as directory information:

1. Name
2. Address
3. Telephone number
4. Email address
5. Date of birth
6. Participation in officially recognized activities and sports
7. Dates of attendance
8. Most recent previous school attended

OCEAN VIEW SCHOOL DISTRICT  
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**E 5125.1**

**STUDENTS**

**RELEASE OF DIRECTORY INFORMATION**

The District also may disclose your child's student identification number, user identification, or other unique personal identifier used to communicate in electronic systems, provided it cannot be used to access education records without a personal identification number (PIN), password, or other factor that only the authorized user knows. Your child's social security number will not be used for this purpose.

Exhibit Adopted: 01/11/11  
Exhibit Revised: 09/03/13

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5126**

**STUDENTS**

**AWARDS FOR ACHIEVEMENT**

The Board of Trustees encourages excellence as a goal for all students and wishes to publicly recognize students for exemplary achievements in academic, athletic, extracurricular, perfect attendance, or community service activities.

Student awards may include verbal recognition, a letter, a certificate, a Board of Trustees resolution, public ceremony, trophy, gift, plaque, or cash gift.

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

*Legal Reference:*

EDUCATION CODE

220 Nondiscrimination

35160 Authority of governing boards

44015 Awards to employees and students

51243-51245 Credit for private school foreign language instruction

CODE OF REGULATIONS, TITLE 5

1632 Credit for private school foreign language instruction

*Management Resources:*

WEB SITES

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

Californians Together: <http://www.californianstogether.org>

Policy Adopted: 12/10/91

Policy Revised: 01/11/11



OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5126**

**STUDENTS**

**AWARDS FOR ACHIEVEMENT**

The Superintendent or designee may appoint a committee at each school to consider awards for student accomplishments. This committee may consist of school administrators, teachers, parents/guardians, community members, and student representatives.

The committee shall submit recommendations for student awards to the Superintendent or designee for approval.

Individual awards in excess of \$200 must be expressly approved by the Board of Trustees.





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**BOARD POLICY**

**BP 5127**

**STUDENTS**

**PROMOTION CEREMONIES AND ACTIVITIES**

The Board of Trustees desires that each elementary and middle school provide age-appropriate promotion exercises to recognize students who have completed the school's course of study.

Promotion from the Ocean View School District implies that students have satisfactorily participated in a prescribed course of study for the several grade levels in accordance with their respective abilities.

In order to encourage high standards of student conduct and behavior, the principal may deny a student the privilege of participating in promotion ceremonies and/or activities in accordance with school rules. School rules shall ensure that prior to denial of the privilege(s), the student, and where practicable his/her parent/guardian, is made aware of the grounds for such denial and that the student is given an opportunity to respond to the proposed denial. If privilege(s) are to be denied, the student and parent/guardian shall receive written notice of the denied privilege and the means whereby he/she may appeal this decision.

**Honors and Awards**

The Superintendent or designee shall identify other school-sponsored awards which may be given during promotion exercises. A separate awards program may be held to recognize students receiving other school and nonschool awards.

*Legal Reference:*

EDUCATION CODE

48904 Liability of parent or guardian; withholding of grades, diplomas, transcripts

51225.5 Honorary diplomas; foreign exchange students

51400-51403 Elementary school diploma

51410-51412 Diplomas

COURT DECISIONS

*Cole v. Oroville Union High School District*, (2000, 9th Cir.) 228 F.3d 1092

*Santa Fe Independent School District v. Doe*, (2000) 530 U.S. 290

*Lee v. Weisman*, (1992) 112 S.Ct. 2649

*Sands v. Morongo Unified School District*, (1991) 53 Cal. 3d 863

*Lemon v. Kurtzman*, (1971) 403 U.S. 602

*Management Resources:*

CDE PROGRAM ADVISORIES

0615.89 Granting credit for passing GED, SPB:88/89-11

WEB SITES

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

Policy Adopted: 12/10/91

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131**

**STUDENTS**

**CONDUCT**

The Board of Trustees believes that all students have the right to be educated in a safe and positive learning environment free from disruptions. Students shall be expected to exhibit appropriate conduct that does not infringe upon the rights of others or interfere with the school program while on school grounds, going to or coming from school, at school activities, or using District transportation.

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

Prohibited student conduct includes, but is not limited to:

1. Conduct that endangers students, staff, or others, including, but not limited to, physical violence, possession of a firearm or other weapon, and terrorist threats.
2. Discrimination, harassment, intimidation, or bullying of students or staff, including sexual harassment, cyberbullying, cyber-sexual bullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that cause or threatens to cause violence, bodily harm, or substantial disruption.
3. Conduct that disrupts the orderly classroom or school environment.
4. Willful defiance of staff's authority.
5. Damage to or theft of property belonging to students, staff, or the District.

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

6. Obscene acts or use of profane, vulgar, or abusive language.
7. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drug.
8. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose.

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

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5131**

**STUDENTS**

**CONDUCT** (continued)

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

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

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

10. Plagiarism or dishonesty in school work or on tests.
11. Inappropriate attire, as defined by school handbooks/compacts.
12. Tardiness or unexcused absence from school.
13. Failure to remain on school premises in accordance with school rules.

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

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

When a student uses any prohibited device, or uses a permitted device in any unethical or illegal activity, a District employee may confiscate the device. The employee shall store the item in a secure manner until an appropriate time, as defined by school handbooks/compacts.

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131**

**STUDENTS**

**CONDUCT** (continued)

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

*Legal Reference:*

*EDUCATION CODE*

*200-262.4 Prohibition of discrimination*

*32280-32289 Comprehensive safety plan*

*35181 Governing board authority to set policy on responsibilities of students*

*35291-35291.5 Rules*

*44807 Duty concerning conduct of students*

*48900-48925 Suspension or expulsion*

*51512 Prohibition against electronic listening or recording device in classroom without permission*

*CIVIL CODE*

*1714.1 Liability of parents and guardians for willful misconduct of minor*

*PENAL CODE*

*288.2 Harmful matter with intent to seduce*

*313 Harmful matter*

*417.25-417.27 Laser scope or laser pointer*

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

*653.2 Electronic communication devices, threats to safety*

*VEHICLE CODE*

*23123-23124 Prohibitions against use of electronic devices while driving*

*CODE OF REGULATIONS, TITLE 5*

*300-307 Duties of students*

*UNITED STATES CODE, TITLE 42*

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

*COURT DECISIONS*

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

*LaVine v. Blaine School District, (200,9<sup>th</sup> Cir.) 257 F.3d 981*

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

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

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

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

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131**

**STUDENTS**

**CONDUCT** (continued)

*Management Resources:*

*CSBA PUBLICATIONS*

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

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

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

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Bullying at School, 2003*

*WEB SITES*

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

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

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

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

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

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

Policy Adopted: 01/14/92  
Policy Revised: 05/18/99  
Policy Revised: 09/19/00  
Policy Revised: 09/03/02  
Policy Revised: 10/07/03  
Policy Revised: 05/17/05  
Policy Revised: 01/11/11  
Policy Revised: 06/05/12  
Policy Revised: 12/13/16

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, CA 92647

**BOARD POLICY**

**BP 5131.1**

**STUDENTS**

**BUS CONDUCT**

In order to help ensure the safety and well-being of students, bus drivers, and others, the Board of Trustees expects students to exhibit appropriate and orderly conduct at all times when using school transportation, including while preparing to ride, riding, or leaving the bus.

The Superintendent or designee shall establish regulations related to student conduct on buses, bus driver authority, and the suspension of riding privileges. He/she shall make these rules available to parents/guardians, students, and other interested parties.

Students found to be in violation of the District's bus conduct rules shall be subject to discipline in accordance with Board policy and administrative regulation.

The Superintendent or designee may deny a student the privilege of using school transportation upon the student's continued disorderly conduct or his/her persistent refusal to submit to the authority of the driver.

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

39800 Transportation

39839 Transportation of guide dogs, signal dogs, service dogs

44808 Duty to supervise conduct of students

48900 Grounds for suspension and expulsion

48918 Expulsion procedures

49060-49079 Student records

49073-49079 Privacy of student records

GOVERNMENT CODE

6253-6270 California Public Records Act

CODE OF REGULATIONS, TITLE 5

14103 Authority of the driver

CODE OF REGULATIONS, TITLE 13

1200-1228 General provisions, school bus regulations

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

*Management Resources:*

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES

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

California Department of Education, Office of School Transportation: <http://www.cde.ca.gov/ls/tn>

U.S. Department of Education, Family Policy Compliance Office: <http://www.ed.gov/policy/gen/guid/fpco>

Policy Adopted: 01/14/92

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5131.1**

**STUDENTS**

**BUS CONDUCT**

Bus Rider Rules

The following rules apply at all times when students are riding a school bus, including when on school activity trips:

1. Riders shall follow the instructions and directions of the bus driver at all times.
2. Riders should arrive at their designated bus stop on time and stand in a safe place at the stop to wait quietly for the bus.
3. Riders shall enter the bus in an orderly manner and go directly to their seats.
4. Riders shall sit down and fasten any passenger restraint systems. Riders shall remain seated while the bus is in motion.
5. Riders shall not block the aisle or emergency exit with their body or personal belongings. Riders may bring large or bulky items, such as class projects or musical instruments, on the bus only if the item does not displace any other rider or obstruct the driver's vision.
6. Riders should be courteous to the driver and to fellow passengers. Vulgarity, rude, or abusive behavior is prohibited.
7. Any noise or behavior that could distract the driver, such as loud talking, scuffling or fighting, throwing objects, or standing or changing seats, is prohibited and may lead to suspension of riding privileges.
8. Riders shall not use tobacco products, eat, or drink while riding the bus.
9. Riders may bring electronic devices onto the bus only if such devices are permitted at school. If the use of cellular telephones or similar devices must be turned off.
10. Riders shall not put any part of the body out of the window nor throw any item from the bus.
11. Riders shall help keep the bus and the area around the bus stop clean. Riders shall not damage or deface the bus or tamper with bus equipment.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5131.1**

**STUDENTS**

**BUS CONDUCT**

Bus Rider Rules (continued)

12. Service animals are permitted on school transportation services; all other animals are prohibited.
13. Upon reaching their destination, riders shall remain seated until the bus comes to a complete stop and upon the signal from the driver, unfasten any restraint system, enter the aisle, and go directly to the exit.
14. Riders should be alert for traffic when leaving the bus and shall follow the District's transportation safety plan when crossing the road and exiting the bus.

The driver or any passenger shall report any violation of the District's bus rules to the principal or designee. The principal or designee shall notify the student's parent/guardian of the misbehavior, determine the severity of the misconduct, and take action accordingly. In instances of a severe violation or repeated offenses, the rider may be denied transportation for a period of time determined appropriate by the principal or designee.

Bus drivers shall not deny transportation services except as directed by the principal or designee.

Bus Surveillance Systems

The Superintendent or designee shall monitor the use and maintenance of the District's bus surveillance system. Students are prohibited from tampering with the bus surveillance system. Any student found tampering with the system shall be subject to discipline and shall be responsible for the costs of any necessary repairs or replacement.

Camera supports may be installed in all buses. Cameras may be rotated among the buses and activated at the discretion of the Superintendent or designee.

The content of any recording is a student record and may only be accessed in accordance with the District's policy and administrative regulation concerning student records.

Regulation Adopted: 01/14/92  
Regulation Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP5131.2**

**STUDENTS**

**BULLYING**

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

No individual or group shall, through physical, written, verbal, or other means, harass, bully, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel on the actual or perceived basis of ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics during school attendance or school activities or any acts occurring within a school under the jurisdiction of the Superintendent of the school district.

This policy applies to all District students and applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the Ocean View School District.

*Legal Reference:*

EDUCATION CODE

*234.1 Prohibition of Discrimination*

*489000 Suspension or Expulsion*

MANAGEMENT RESOURCES CSBA:

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

## **ADMINISTRATIVE REGULATION**

**AR5131.2**

### **STUDENTS**

### **BULLYING**

#### **Definitions**

“Bullying” includes any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- placing a reasonable pupil in fear of harm to that pupil’s or those pupils’ person or property
- causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health
- causing a reasonable pupil to experience substantial interference with his or her academic performance
- causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from their services, activities, or privileges provided by a school

“Cyberbullying” includes the creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person’s electronic account and assuming that person’s identity in order to damage that person’s reputation.

“Electronic act” means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager.

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

#### **Bullying Prevention**

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

## **ADMINISTRATIVE REGULATION**

**AR5131.2**

### **STUDENTS**

#### **BULLYING**

##### **Bullying Prevention** (continued)

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

Staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective response.

##### **Intervention, Reporting and Investigations**

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

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the principal, a compliance officer, or any other available school employee. Within one business day of receiving such a report or of observing an incident of bullying, a staff member shall notify the site administrator of the report or observation. All incidents of reported or observed bullying shall be investigated by the site administrator.

Reports of bullying and cyberbullying shall be investigated promptly, and corrective action shall be taken when a complaint is verified. Neither reprisals nor retaliation shall occur as a result of the submission of a complaint and confidentiality is to be maintained.

School personnel who witness an act of discrimination, harassment, intimidation, or bullying shall take immediate action to intervene when safe to do so.

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

The expectation is that a site administrator shall complete an investigation within five school days and a written report within thirty days of receiving such notice of bullying behavior. When unforeseen circumstances prevent the completion of the investigation within five days and/or the written report within thirty days, such reasons shall be described in the final written report document.

## **ADMINISTRATIVE REGULATION**

**AR5131.2**

### **STUDENTS**

### **BULLYING**

#### Intervention, Reporting and Investigations (continued)

If the complainant is not in agreement with the findings of the school site investigation, a Bullying Complaint District Level Appeal may be submitted to the Student Services Office within ten days of receiving the investigation findings.

#### Discipline

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

When appropriate based on the severity of pervasiveness of the bullying, the Superintendent or designee may contact law enforcement.

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

#### *Legal Reference:*

##### EDUCATION CODE

*200-262.4 Prohibition of discrimination*

*32282 Comprehensive safety plan*

*32283.5 Bullying; online training*

*35181 Governing board policy on responsibilities of students*

*35291-35291.5 Rules*

*48900-48925 Suspension or expulsion*

*48985 Translation of notices*

*52060-52077 Local control and accountability plan*

##### PENAL CODE

*422.55 Definition of hate crime*

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

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

*653.2 Electronic communication devices, threats to safety*

##### CODE OF REGULATIONS, TITLE 5

*4600-4687 Uniform complaint procedures*

##### UNITED STATES CODE, TITLE 47 254

*Universal service discounts (e-rate)*

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

*35.107 Nondiscrimination on basis of disability; complaints*

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR5131.2**

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**STUDENTS**

**BULLYING**

*Legal Reference: (continued)*

CODE OF FEDERAL REGULATIONS, TITLE 34

*104.7 Designation of responsible employee for Section 504*

*106.8 Designation of responsible employee for Title IX*

*110.25 Notification of nondiscrimination on the basis of age*

COURT DECISIONS

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

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

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

Regulation Adopted: 01/10/17

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131.4**

**STUDENTS**

**STUDENT DISTURBANCES**

The Board of Trustees desires to provide orderly campuses that create a positive school environment and are conducive to learning. When students initiate or are involved in a campus disturbance that has the potential to threaten the safety of students or staff, the Superintendent or designee may request law enforcement assistance.

The Superintendent or designee and the principal of each school shall establish a school disturbance response plan that is intended to curb disruptions which may lead to riots, violence, or vandalism at school or at school-sponsored events. In developing each school's plan, the Superintendent or designee shall consult with local law enforcement authorities to create guidelines for law enforcement support and intervention.

Staff is encouraged to be alert to conditions at school that may lead to a disturbance, such as racial or cultural conflict, student protests, or gang intimidation and confrontations. Staff who believe that a disturbance is imminent, or who see a disturbance occurring, shall immediately contact the principal and invoke the school disturbance response plan.

Students who participate in a campus disturbance shall be subject to disciplinary action in accordance with Board policy and administrative regulations.

*Legal Reference:*

EDUCATION CODE

32210 Willful disturbance of public school or meeting  
32211 Threatened disruption or interference with classes  
32280-32288 School safety plans  
35160 Authority of governing boards  
38000-38005 Security patrols  
44810 Willful interference with classroom conduct  
44811 Disruption of classwork or extracurricular activities  
48900 Grounds for suspension or expulsion  
48907 Student exercise of free expression  
51512 Prohibited use of electronic listening or recording device

PENAL CODE

243.5 Assault or battery on school property  
403-420 Crimes against the public peace, especially:  
415 Fighting; noise; offensive words  
415.5 Disturbance of peace of school  
416 Assembly to disturb peace; refusal to disperse  
626-626.10 Crimes on school grounds  
627-627.7 Access to school premises  
653b Loitering about schools or public places

*Management Resources:*

CSBA PUBLICATIONS

911! A Manual for Schools and the Media During a Campus Crisis, 2001

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Practical Information on Crisis Planning: A Guide for Schools and Communities, May 2003

WEB SITES

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

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

U.S. Department of Education, Emergency Planning: <http://www.ed.gov/admins/lead/safety/emergencyplan>

Policy Adopted: 01/14/92

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5131.4**

**STUDENTS**

**STUDENT DISTURBANCES**

Prohibited Activities

A student involved or attempting to be involved in any of the following prohibited activities shall be subject to discipline:

1. Disturbing the peace, including, but not limited to, causing or attempting to cause a riot, burning or destroying property, fighting, challenging another to fight, or using offensive words likely to provoke a fight.
2. Disrupting school operations, including, but not limited to, exercising free expression which is obscene, libelous, or slanderous or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or substantially disrupting the orderly operation of the school.

Other examples of activities that may be considered disrupting school operations include, but are not limited to:

- a. Organizing or participating in unauthorized assemblies on school premises.
  - b. Participating in sit-ins or stand-ins which deny students or employees normal access to school premises.
  - c. Interfering with or unauthorized use of the District's computer system.
3. Refusing to disperse, including, but not limited to, assembling for the purpose of causing a disruption and refusing to disperse upon the direction of school personnel.
  4. Boycotting school, including, but not limited to, participating in any protest that involves nonattendance where attendance is required at school, class, or at a school activity.

Any student who participates in a boycott shall be given an unexcused absence and may be classified as truant, regardless of any parent/guardian approval of the absence.

Extension of Class Period and/or Dismissal of School

During any disturbance in which additional students might become involved while changing classes, the principal or designee may notify all staff that any class currently in session will be extended until further notice. Upon receiving this notification, staff shall ensure that all students in their charge remain in one location under their supervision and shall ask all students who are in the halls to return to their classes immediately.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5131.4**

**STUDENTS**

**STUDENT DISTURBANCES**

Extension of Class Period and/or Dismissal of School (continued)

The principal may also request that the Superintendent dismiss school in accordance with the school disturbance response plan.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131.5**

**STUDENTS**

**VANDALISM AND GRAFFITI**

The Board of Trustees considers vandalism a very serious matter. Vandalism includes the negligent, willful, or unlawful damaging or theft of any District-owned real or personal property, including the writing of graffiti.

Any District student who commits an act of vandalism shall be subject to disciplinary action by the District, may be prosecuted through other legal means and restitution sought. If reparation of damages is not made, the District also may withhold the student's grades, promotion certificates and/or transcripts in accordance with law.

*Legal Reference:*

EDUCATION CODE

48900 Grounds for suspension or expulsion

48904 Willful misconduct, limit of liability of parent or guardian

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

CODE OF REGULATIONS, TITLE 5

305 Pupil responsible for care of property

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

GOVERNMENT CODE

53069.5 Reward for information concerning person causing death, injury, or property damage; liability for reward

PENAL CODE

594 Vandalism

640.5 Graffiti; facilities or vehicles of governmental entity

640.6 Graffiti

Policy Adopted: 01/14/92  
Policy Revised: 01/11/11

OCEAN VIEWS CHOOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131.6**

**STUDENTS**

**ALCOHOL AND OTHER DRUGS**

The Board of Trustees believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep District schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning.

The Superintendent or designee shall develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The District's program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

The Board of Trustees and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the District's program in reducing drug and alcohol use. The Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among District students, including discipline problems, and the prevalence of risk factors.

The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the District's program.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the District's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

The District's drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county and county office of education staff in planning and implementing collaborative alcohol and drug prevention programs.

OCEAN VIEWS CHOOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131.6**

**STUDENTS**

**ALCOHOL AND OTHER DRUGS**

Instruction

The District shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal.

The District shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

Intervention, Referral and Student Assistance Programs

School staff, students and parents/guardians shall be informed about early warning signs which may indicate alcohol and other drug use and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs.

The Board of Trustees strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds or at school-sponsored activities.

Students possessing, using or selling alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures including suspension or expulsion and/or referral to law enforcement in accordance with law, Board policy and administrative regulation. In addition, such students may be referred to an appropriate counseling program, transferred to an alternative placement, and/or be restricted from extracurricular activities, including athletics.

*Legal Reference:*

EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student

44645 In-service training anabolic steroids

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

OCEAN VIEWS CHOOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131.6**

**STUDENTS**

**ALCOHOL AND OTHER DRUGS**

*Legal Reference (continued):*

48901 Smoking or use of tobacco prohibited  
48901.5 Prohibition of electronic signaling devices  
48902 Notification of law enforcement authorities; civil or criminal immunity  
48909 Narcotics or other hallucinogenic drugs  
48915 Expulsion; particular circumstances  
49602 Confidentiality of pupil information  
51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
51210 Areas of study  
51220 Areas of study, grades 7 to 12  
51260-51269 Drug education  
60041 Instructional materials  
60110-60115 Instructional materials on alcohol and drug education  
BUSINESS AND PROFESSIONS CODE  
25608 Alcohol on school property; use in connection with instruction  
HEALTH AND SAFETY CODE  
11032 Narcotics, restricted dangerous drugs and marijuana  
11053-11058 Standards and schedules  
11353.6 Juvenile Drug Trafficking and Schoolyard Act  
11357 Unauthorized possession of marijuana; possession in school or on school grounds  
11361.5 Destruction of arrest or conviction records  
11372.7 Drug program fund; uses  
11802 Joint school-community alcohol abuse primary education and prevention program  
11965-11969 The School-Community Primary Prevention Program  
11998-11998.3 Drug and Alcohol Abuse Master Plans  
11999-11999.3 Alcohol and drug program funding; no unlawful use  
124175-124200 Adolescent family life program (Department of Health Services)  
PENAL CODE  
13860-13864 Suppression of drug abuse in schools  
VEHICLE CODE  
13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;  
WELFARE AND INSTITUTIONS CODE  
828 Disclosure of information re minors  
828.1 Disclosure of criminal records; protection of vulnerable staff & students  
UNITED STATES CODE, TITLE 20  
5812 National education goals  
7101-7184 Safe and Drug-Free Schools and Communities Act

*Management Resources:*

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention: <http://www.cde.ca.gov/ls/he/at>  
California Healthy Kids: <http://www.californiahealthykids.org>  
U.S. Department of Education, Office of Safe and Drug Free Schools: <http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy Adopted: 03/07/89  
Policy Revised: 12/10/96  
Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5131.6**

**STUDENTS**

**ALCOHOL AND OTHER DRUGS**

Instruction

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of tobacco, alcohol, narcotics, dangerous drugs as defined in Health and Safety Code 11032, and other dangerous substances. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level.

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210.

In grades 7-12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220.

Instruction shall be provided by appropriately trained instructors who have demonstrated competencies, as determined by the principal or designee, in the following areas:

1. The ability to interact with students in a positive way.
2. Knowledge of the properties and effects of tobacco, alcohol, narcotics, dangerous drugs, and shared drug apparatus.
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions.

Intervention

District staff shall intervene whenever students use alcohol or other illegal drugs while on school property or under school jurisdiction. Staff members who have a reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

If the principal or designee, in his/her professional capacity or in the course of his/her employment, knows, observes or suspects that a student may be under the influence of alcohol or drugs, he/she may notify the parent/guardian.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5131.6**

**STUDENTS**

**ALCOHOL AND OTHER DRUGS**

Intervention (continued)

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131.62**

**STUDENTS**

**TOBACCO**

The Board of Trustees recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education, including youth development activities, and intervention and cessation activities and/or referrals.

Prohibition Against Tobacco Use

Students shall not possess, smoke or use tobacco, or any product containing tobacco or nicotine, while on campus, while attending school-sponsored activities, or while under the supervision and control of District employees. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This prohibition also applies to electronic nicotine delivery systems, such as electronic cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products at any time. This policy applies to all students, staff, visitors and civic use permit holders. However, this section does not prohibit the use or possession of prescription products, or other FDA approved cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property.

Intervention/Cessation Services

The District may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

Prevention Instruction

The District shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-8. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the District participates.

Program Planning

The District's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in District schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of District services.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131.62**

**STUDENTS**

**TOBACCO**

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, District staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

The Superintendent or designee also shall coordinate the District's tobacco-use prevention and intervention program with other District efforts to reduce student's use of illegal substances and to promote student wellness.

The Superintendent or designee shall select anti-tobacco programs based on the model program designs identified by the California Department of Education (CDE) and may modify the model to meet District needs.

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which has received funding from the tobacco industry.

**Program Evaluation**

To evaluate the effectiveness of the District's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey to students at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board of Trustees and the CDE if required, the data specified in Health and Safety Code 104450.

*Legal Reference:*

EDUCATION CODE

48900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131.62**

**STUDENTS**

**TOBACCO**

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

*Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003*

*Getting Results: Part 11 California Action Guide to Tobacco Use Prevention Education, 2000*

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

*Guidelines Related to School Health Programs to Prevent Tobacco Use and Addiction, 1994*

WEST ED PUBLICATIONS

*Guidebook for the California Healthy Kids Survey: 2008-2009 Edition, 2008*

WEB SITES

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

California Department of Education, Tobacco-Use Prevention Education: <http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org/>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

Safe and Healthy Kids Annual Report: <http://hk.duerrevaluation.com/>

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

U.S. Surgeon General: <http://www.surgeongeneral.gov/>

Policy Adopted: 01/11/11  
Policy Revised: 02/04/14

**ADMINISTRATIVE REGULATION**

**AR 5131.62**

**STUDENTS**

**TOBACCO**

**Tobacco-Use Prevention Education Program**

The District's tobacco-use prevention program shall provide students in grades 6-8 instruction which addresses the following topics:

1. Immediate and long-term undesirable physiologic, cosmetic, and social consequences of tobacco use.
2. Reasons that adolescents say they smoke or use tobacco.
3. Peer norms and social influences that promote tobacco use.
4. Refusal skills for resisting social influences that promote tobacco use.

As appropriate, the District shall provide or refer students in grades 7-8 to tobacco-use intervention and cessation activities.

These services shall be directed toward current users and shall be voluntary for students who desire assistance in ceasing the use of tobacco.

In addition to targeting students who currently use tobacco, the District's program shall target students most at risk for beginning to use tobacco as identified through a local needs assessment.

The District shall provide or refer every pregnant and parenting minor enrolled in the District to tobacco-use prevention services. Such services may be integrated with existing programs for pregnant and parenting minors and shall include:

1. Referral to perinatal and related support services.
2. Outreach services and assessment of smoking status.
3. Individualized counseling and advocacy services.
4. Motivational messages.
5. Cessation services, if appropriate.
6. Incentives to maintain a healthy lifestyle.
7. Follow-up assessment.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5131.62**

**STUDENTS**

**TOBACCO**

Tobacco-Use Prevention Education Program (continued)

8. Maintenance and relapse prevention services.

**BOARD POLICY**

**BP 5131.7**

**STUDENTS**

**WEAPONS AND DANGEROUS INSTRUMENTS**

The Board of Trustees desires students and staff to be free from the danger presented by firearms and other weapons and recognizes that they have the right to a safe and secure campus free from psychological and physical harm.

**Possession of Weapons**

The Board of Trustees prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Unless he/she has obtained prior written permission as specified below, any student who is determined to have brought a firearm to school or possessed a firearm at school, as verified by a school employee, shall be expelled for not less than one year, except that the Board of Trustees may set an earlier date for readmission on a case-by-case basis, in accordance with Board policy and administrative regulation.

Students possessing or threatening others with any weapon, dangerous instrument, or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

Under the power granted to the Board of Trustees to maintain order and discipline in the schools and to protect the safety of students, staff, and the public, any school employee is authorized to confiscate a weapon, dangerous instrument, or imitation firearm from any person on school grounds.

The principal or designee shall notify law enforcement authorities when any student possesses a weapon without permission or commits any act of assault with a firearm or other weapon.

**Advance Permission for Possession of a Firearm for Educational Use**

A student who desires to possess or transport a firearm or imitation firearm on school grounds for an educational purpose shall request prior permission from the principal at least five school days in advance of the planned possession. The student's parent/guardian shall provide written permission explaining the planned use of the weapon and the duration. The student shall also submit a written explanation from the staff person responsible for the school-sponsored activity or class.

**BOARD POLICY**

**BP 5131.7**

**STUDENTS**

**WEAPONS AND DANGEROUS INSTRUMENTS**

Advance Permission for Possession of a Firearm for Educational Use (continued)

On a case-by-case basis, the principal shall determine whether to grant permission for such possession when necessary for a school-sponsored activity or class or as part of the educational program. Factors that shall be considered include, but are not limited to, the planned use of the weapon, the duration and location of the planned use, whether an audience is expected, and any perceived adverse effects to the safety and well-being of students or staff. If the principal grants such permission, he/she shall provide the student and staff person with a written explanation regarding any limitations and the permissible duration of the student's possession.

The principal and/or a staff member with knowledge of firearm safety shall inspect the weapon to ensure that necessary safety precautions have been taken, including inspection to ensure that no live ammunition is present. The firearm shall be stored in a locked vehicle or in an appropriate, locked container before and after the educational activity.

A student granted permission to possess a firearm may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

Possession of Pepper Spray

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

Reporting of Dangerous Objects

The Board of Trustees encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The strategy shall also provide a method of informing staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131.7**

**STUDENTS**

**WEAPONS AND DANGEROUS INSTRUMENTS**

*Legal Reference:*

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious objects

PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school

653k Soliciting a minor to commit certain felonies

12001 Control of deadly weapons

12020-12036 Unlawful carrying and possession of concealed weapons

12220 Unauthorized possession of a machine gun

12401-12404 Tear gas

12550-12556 BB devices and imitation firearms

UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act; especially:

7151 Gun-Free Schools Act

*Management Resources:*

CSBA PUBLICATIONS

911: *A Manual for Schools and the Media During a Campus Crisis, 2001*

*Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999*

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

WEB SITES

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

California Attorney General's Crime and Violence Prevention Center: <http://www.safestate.org>

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

National Alliance for Safe Schools: <http://www.safeschools.org>

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

U.S. Department of Education, Office of Safe and Drug Free Schools: <http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy Adopted: 01/14/92

Policy Revised: 09/17/96

Policy Revised: 05/17/05

Policy Revised: 01/11/11

**ADMINISTRATIVE REGULATION**

**AR 5131.7**

**STUDENTS**

**WEAPONS AND DANGEROUS INSTRUMENTS**

Weapons and dangerous instruments include, but are not limited to:

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, and any other device capable of propelling a projectile by the force of an explosion or other form of combustion.
2. Knives: any dirks, daggers or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 3-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade.
3. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices.
4. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure or spring action, or any spot marker gun.
5. Any other dangerous device, instrument or weapon, especially those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon.
6. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm.

If an employee knows that a student possesses any of the above devices, he/she shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately.
2. Immediately notify the principal, who shall take appropriate action.
3. Immediately notify the local law enforcement agency and the principal.

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5131.7**

**STUDENTS**

**WEAPONS AND DANGEROUS INSTRUMENTS**

The principal shall report any possession of a weapon or dangerous instrument, including imitation firearm, to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

Regulation Adopted: 12/10/96  
Regulation Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5131.9**

**STUDENTS**

**ACADEMIC HONESTY**

The Board of Trustees believes that academic honesty and personal integrity are fundamental components of a student's education and character development. The Board of Trustees expects that students will not cheat, lie, plagiarize or commit other acts of academic dishonesty.

Students, parents/guardians, staff and administrators shall be responsible for creating and maintaining a positive school climate that encourages honesty. Students found to have committed an act of academic dishonesty shall be subject to District and school-site discipline rules.

The Superintendent or designee may establish a committee comprised of students, parents/guardians, staff, administrators and members of the public to develop standards of academic honesty, measures of preventing dishonesty, and specific consequences for acts of dishonesty. Any recommendations for discipline shall be incorporated into the school's site level discipline rules.

*Legal Reference:*

EDUCATION CODE  
35291-35291.5 Rules

Policy Adopted: 01/14/92  
Policy Revised: 01/11/11

## **BOARD POLICY**

**BP 5132**

### **STUDENTS**

#### **DRESS AND GROOMING**

The Board of Trustees believes that appropriate dress and grooming contribute to a productive learning environment. The Board of Trustees expects students to wear clothing that is suitable for the school activities in which they participate. Students shall not wear clothing that presents a health or safety hazard or is likely to cause a substantial disruption to the educational program.

District and school rules pertaining to student attire shall be included in student handbooks, may be posted in school offices and classrooms, and may be periodically reviewed with all students as necessary.

Students shall not be prohibited from dressing in a manner consistent with their gender identity or gender expression or with their religious or cultural observance.

The principal or designee is authorized to enforce this policy and shall inform any student who does not reasonably conform to the dress code. The dress code shall not be enforced in a manner that discriminates against a particular viewpoint or results in a disproportionate application of the dress code based on students' gender, sexual orientation, race, ethnicity, household income, or body type or size.

School administrators, teachers, and other staff shall be notified of appropriate and equitable enforcement of the dress code.

When practical, students shall not be directed to correct a dress code violation during instructional time or in front of other students.

Repeated violations or refusal to comply with the District's dress code may result in disciplinary action.

#### **Gang-Related Apparel**

The Superintendent or designee may establish a reasonable dress code that prohibits students from wearing gang-related apparel when there is evidence of a gang presence that disrupts or threatens to disrupt the school's activities. Such a proposed school specific dress code shall be presented to the Board of Trustees who shall approve the plan upon determining that it is necessary to protect the health and safety of the school environment. The dress code policy shall be included in the school's comprehensive safety plan.

When determining specific items of clothing that may be defined as gang apparel, the school shall ensure that the determination is free from bias based on race, ethnicity, national origin, immigration status, or other protected characteristics.

**BOARD POLICY**

**BP 5132**

**STUDENTS**

**DRESS AND GROOMING** (Continued)

**Uniforms**

The Board of Trustees may approve a school-initiated dress code requiring students at the school to wear a school uniform whenever the Board determines that such a dress code will promote student achievement, a positive school climate, and/or student safety.

If a school's plan to require uniforms is adopted, the Superintendent or designee shall establish procedures whereby parents/guardians may choose to have their children exempted from the school uniform policy. Students shall not be penalized academically, otherwise discriminated against or denied attendance to school if their parents/guardians so decide.

The Superintendent or designee shall ensure that resources are identified to assist economically disadvantaged students in obtaining uniforms.

*Legal Reference:*

*EDUCATION CODE*

*35183 School dress codes; uniforms*

*32281 School safety plans*

*48907 Student exercise of free expression*

*49066 Grades; effect of physical education class apparel*

*CODE OF REGULATIONS, TITLE 5*

*302 Pupils to be neat and clean on entering school*

*Hartzell v. Connell (1984) 35 Cal. 3d 899*

*Arcadia Unified School District v. California Department of Education, (1992) 2 Cal. 4th 251*

*Marvin H. Jeglin et al v. San Jacinto Unified School District et al 827 F.Supp. 1459 (C.D. Cal. 1993)*

Policy Adopted: 01/11/11

Policy Revised: 09/17/19

## **ADMINISTRATIVE REGULATION**

**AR 5132**

### **STUDENTS**

#### **DRESS AND GROOMING**

In cooperation with teachers, students and parents/guardians, the principal or designee shall establish school rules governing student dress and grooming which are consistent with law, Board Policy and Administrative Regulations. These school dress codes shall be regularly reviewed.

The following guidelines shall apply to all regular school activities:

1. Clothing, jewelry and personal items shall be free of writing, pictures, or any other insignia which is vulgar, lewd, obscene, profane, or sexually suggestive, or which promotes the use of drugs, alcohol, or tobacco, or other illegal activity.
2. Shoes must be worn at all times. Sandals must have heel straps. Flip-flops or backless shoes or sandals are not acceptable.
3. Hats, caps, and other head coverings shall not be worn indoors.
4. Clothes shall be sufficient to conceal undergarments at all times. See-through tops and bare abdomens are prohibited.

The dress code shall be modified as appropriate to accommodate a student's religious or cultural observance, health condition, or other circumstance deemed necessary by the principal or designee. In addition, the principal or designee may impose dress requirements to accommodate the needs of special school activities, physical education classes, athletic activities, and other extracurricular and cocurricular activities.

No grade of a student participating in a physical education class shall be adversely affected if the student does not wear standardized physical education apparel because of circumstances beyond the student's control.

Students shall be allowed to wear sun-protective clothing, including but not limited to hats, for outdoor use during the school day.

#### **Gang-Related Apparel**

At individual schools that have a dress code prohibiting gang-related apparel at school or school activities, the principal, staff and parents/guardians participating in the development of the school safety plan shall define "gang-related apparel" and shall limit this definition to apparel that reasonably could be determined to threaten the health and safety of the school environment if it were worn or displayed on a school campus.

**ADMINISTRATIVE REGULATION**

**AR 5132**

**STUDENTS**

**DRESS AND GROOMING** (Continued)

Gang-Related Apparel (Continued)

Because gang-related symbols are constantly changing, definitions of gang-related apparel shall be reviewed at least once each semester and updated whenever related information is received. As necessary, the school shall collaborate with law enforcement agencies to update definitions of gang-related apparel.

Regulation Adopted: 01/14/92  
Regulation Revised: 05/07/02  
Regulation Revised: 01/11/11  
Regulation Revised: 09/17/19

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5136**

**STUDENTS**

**GANGS**

The Board of Trustees desires to keep District schools free from the threats or harmful influence of any groups or gangs which exhibit drug use, violence or disruptive behavior. The Superintendent or designee shall take steps to deter gang intimidation of students and staff and confrontations between members of different gangs. He/she shall exchange information and establish mutually supportive efforts with local law enforcement authorities.

The Superintendent or designee shall provide inservice training which helps staff to identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately to gang behavior. Staff shall be informed about conflict management techniques and alerted to intervention measures and community resources.

The Board of Trustees realizes that students become involved in gangs for many reasons, such as peer pressure, the need for a sense of belonging, and lack of refusal skills. Age-appropriate gang violence prevention education shall start with students in the early elementary grades and may start in kindergarten.

To further discourage the influence of gangs, the Superintendent or designee shall ensure that school rules of conduct and any school dress code prohibiting gang-related apparel are enforced consistently. If a student exhibits signs of gang affiliation, staff shall so inform the parent/guardian.

*Legal Reference:*

EDUCATION CODE

35183 Gang-related apparel

32282 School safety plans

41510-41514 School Safety Consolidated Competitive Grant

48907 Student exercise of free expression

51264 Educational inservice training; CDE guidelines

51265 Gang violence and drug and alcohol abuse prevention inservice training

51266-51266.5 Model gang and substance abuse prevention curriculum

PENAL CODE

186.22 Participation in criminal street gang

13826-13826.7 Gang violence suppression

UNITED STATES CODE, TITLE 20

7101-7184 Safe and Drug-Free Schools and Communities Act

*Management Resources:*

CDE PUBLICATIONS

*On Alert: Gang Prevention in School and Inservice Guidelines, January 1994*

CSBA PUBLICATIONS

*Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995*

Policy Adopted: 01/14/92

Policy Revised: 01/11/11

**ADMINISTRATIVE REGULATION**

**AR 5136**

**STUDENTS**

**GANGS**

Prevention and Intervention Measures

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

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



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5136**

**STUDENTS**

**GANGS**

Prevention and Intervention Measures (continued)

- d. Assign individual gang members to cooperative learning groups in which they may work toward common goals with students who are not members of their gang.
- e. Provide school-to-career instruction.
- f. Provide positive interaction with local law enforcement staff.

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

- 6. Staff shall actively promote membership in authorized student organizations which can provide students companionship, safety, and a sense of purpose and belonging, including:
  - a. Positive sports and cultural activities and affiliations with the local community.
  - b. Structured, goal-oriented community service projects.

Community Outreach

Gang prevention classes or counseling offered for parents/guardians shall address the following topics:

- 1. The dangers of gang membership.
- 2. Warning signs which may indicate that children are at risk of becoming involved with gangs.
- 3. The nature of local gang apparel and graffiti.
- 4. Effective parenting techniques.
- 5. Conflict resolution techniques.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5136**

**STUDENTS**

**GANGS**

Community Outreach (continued)

Community programs shall address:

1. The scope and nature of local gang problems.
2. Strategies by which each segment of the community may alleviate gang problems.

**BOARD POLICY**

**BP 5137**

**STUDENTS**

**POSITIVE SCHOOL CLIMATE**

The Board of Trustees desires to enhance student learning by providing an orderly, caring, and nurturing educational and social environment in which all students can feel safe and take pride in their school and their achievements. The school environment should be characterized by positive interpersonal relationships among students and between students and staff.

All staff are expected to serve as role models for students by demonstrating positive, professional attitudes and respect toward each student and other staff members. Teachers shall use effective classroom management techniques based on clear expectations for student behavior.

Staff shall consistently enforce Board policies and regulations which establish rules for appropriate student conduct, including prohibitions against bullying, cyberbullying, harassment of students, hazing, other violence or threats of violence against students and staff, and drug, alcohol, and tobacco use.

The District's curriculum shall include age-appropriate character education which includes, but is not limited to, the principles of equality, human dignity, mutual respect, fairness, honesty, and citizenship. Teachers are encouraged to employ cooperative learning strategies that foster positive interactions in the classroom among students from diverse backgrounds.

The Superintendent or designee may develop other strategies to enhance students' feelings of connectedness with the schools, such as campus beautification projects, graffiti removal, development of extracurricular activities and after-school programs, pairing of adult mentors with individual students, recognition of student achievement, and encouragement of strong family and community involvement in the schools.

Students shall have opportunities to voice their concerns about school policies and practices and to share responsibility for solving problems that affect their school.

The schools shall promote nonviolent conflict resolution techniques in order to encourage attitudes and behaviors that foster harmonious relations. As part of this effort, students shall be taught the skills necessary to reduce violence, including communication skills, anger management, bias reduction, and mediation skills.

Staff shall receive professional development designed to improve classroom management, conflict resolution techniques, and communications with students and parents/guardians including persons of diverse backgrounds.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5137**

**STUDENTS**

**POSITIVE SCHOOL CLIMATE**

*Legal Reference:*

*EDUCATION CODE*

*233-233.8 Hate violence prevention*

*32280-32289 School safety plans*

*32295.5 Teen court programs*

*35181 Governing board policy on responsibilities of students*

*35291-35291.5 Rules*

*44807 Teachers' duty concerning conduct of students*

*48900-48925 Suspension and expulsion*

*Management Resources:*

*CSBA PUBLICATIONS*

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

*Protecting Our Schools: Governing Board Strategies to Combat School Violence, rev. 1999*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Bullying at School, 2003*

*Creating Safe and Drug-Free Schools: An Action Guide, 1996*

*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*

*Preventing Bullying: A Manual for Schools and Communities, 1998*

*WEB SITES*

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

*California Department of Education, Learning Support: <http://www.cde.ca.gov/lr>*

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

*U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/offices/OESE/SDFS>*

**BOARD POLICY**

**BP 5138**

**STUDENTS**

**CONFLICT RESOLUTION/PEER MEDIATION**

To promote student safety and contribute to the maintenance of a positive school climate, the Board of Trustees encourages the development of school-based conflict resolution programs designed to help students learn constructive ways of handling conflict. The Board of Trustees believes that such programs can reduce violence and promote communication, personal responsibility and problem-solving skills among students.

Conflict resolution strategies shall be considered as part of each school's comprehensive safety plan and incorporated into other District discipline procedures as appropriate. Conflict resolution programs shall not supplant the authority of staff to take appropriate action as necessary to prevent violence, ensure student safety, maintain order in the school, and institute disciplinary measures.

Schoolwide programs may include curriculum in conflict resolution, including, but not limited to, instruction in effective communication and listening, critical thinking, problem-solving processes and the use of negotiation to find mutually acceptable solutions. In addition, the curriculum may address students' ethical and social development, respect for diversity, and interpersonal and behavioral skills.

Conflict resolution programs may incorporate peer mediation strategies in which selected students are specially trained to work with their peers in resolving conflicts.

Students' participation in any peer mediation program shall be voluntary and kept confidential by all parties involved.

In developing a conflict resolution and/or peer mediation program, school-site teams shall address, as appropriate:

1. The grade levels and courses in which the conflict resolution curriculum shall be delivered.
2. Staff development related to the implementation of the curriculum and modeling of appropriate behaviors and communication skills.
3. The selection of peer mediators involving, to the extent possible, a cross-section of students in terms of grade, gender, race, ethnicity, and socioeconomic status, and including some students who exhibit negative leadership among peers.
4. Training and support for peer mediators, including training in mediation processes and in the skills related to understanding conflict, communicating effectively and listening.

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**CONFLICT RESOLUTION/PEER MEDIATION**

5. The process for identifying and referring students to the peer mediation program.
6. The types of conflicts suitable for peer mediation.
7. Scheduling and location of peer mediation sessions.
8. Methods of obtaining and recording agreement from all disputants.
9. The appropriate involvement of parents/guardians, the community and staff, including counseling/guidance and security staff.
10. Communications to students, parents/guardians and staff regarding the availability of the program.
11. Methods of following up with students to determine the effectiveness of the process.
12. Development of assessment tools to periodically evaluate the success of the program including, but not limited to, measurements of whether there has been a reduction in violence at the school and whether the school's suspension rates have fallen since the program has been introduced.

*Legal Reference:*

*EDUCATION CODE*  
32280-32288 School safety plans  
32295.5 Teen court programs  
35291-35291.5 Rules  
44807 Duty concerning conduct of students  
*CALIFORNIA CONSTITUTION*  
Article 1, Section 28(c) Right to safe schools

*Management Resources:*

*CSBA PUBLICATIONS*  
*Protecting Our Children: Governing Board Strategies to Combat School Violence, revised 1999*  
*CDE PUBLICATIONS*  
*Safe Schools: A Planning Guide for Action, 1995*  
*USDE PUBLICATIONS*  
*Creating Safe and Drug-Free Schools: An Action Guide, 1996*  
*WEB SITES*  
U.S. Department of Education, Safe and Drug-Free Schools Program: <http://www.ed.gov/offices/OESE/SDFS/>  
California Department of Education, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety/>

Policy Adopted: 01/11/11

## **BOARD POLICY**

**BP 5141**

### **STUDENTS**

#### **HEALTH CARE AND EMERGENCIES**

The Board of Trustees recognizes the importance of taking appropriate action whenever an emergency threatens the safety, health, or welfare of a student at school or during school-sponsored activities.

The Superintendent or designee shall develop procedures to ensure that first aid and/or medical attention is provided as quickly as possible when student accidents and injuries occur and that parents/guardians are notified as appropriate.

The Superintendent or designee shall ask parents/guardians to provide emergency contact information in order to facilitate communication in the event of an accident or illness.

District staff shall appropriately report and document student accidents.

#### **Resuscitation Orders**

The Board of Trustees believes that staff members should not be placed in the position of determining whether or not to follow any parental or medical "do not resuscitate" orders. Staff shall not accept or follow any such orders unless they have been informed by the Superintendent or designee that the request to accept such an order has been submitted to the Superintendent or designee, signed by the parent/guardian, and supported by a written statement from the student's physician and an order from an appropriate court.

The Superintendent or designee shall ensure that all parents/guardians are informed of this policy.

#### *Legal Reference:*

##### EDUCATION CODE

32040-32044 First aid equipment

49300-49307 School safety patrols

49407 Liability for treatment

49408 Emergency information

49409 Athletic events; physicians and surgeons; emergency medical care; immunity

49470 Medical and hospital services for athletic program

49471 Medical and hospital services not provided or available

49472 Medical and hospital services for pupils

49474 Ambulance services

51202 Instruction in personal and public health and safety

##### CIVIL CODE

1714.21 Defibrillators; CPR; immunity from civil liability

##### FAMILY CODE

6550-6552 Caregivers

##### HEALTH AND SAFETY CODE

1797.196 Automatic external defibrillators, immunity from civil liability

##### CODE OF REGULATIONS, TITLE 8

5193 California Bloodborne Pathogens Standard

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**BOARD POLICY**

**BP 5141**

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**HEALTH CARE AND EMERGENCIES**

Policy Adopted: 02/18/92  
Policy Revised: 01/11/11



**ADMINISTRATIVE REGULATION**

**AR 5141**

**STUDENTS**

**HEALTH CARE AND EMERGENCIES**

Emergency Contact Information

In order to facilitate contact in case of an emergency or accident, parents/guardians shall furnish the principal or designee with the information specified below:

1. Home address and telephone number.
2. Parent/guardian's business address and telephone number.
3. Parent/guardian's cell phone number and e-mail address, if applicable.
4. Name, address, and telephone number of a relative or friend to whom the student may be released and who is authorized by the parent/guardian to care for the student in cases of emergency or when the parent/guardian cannot be reached.
5. Local physician to call in case of emergency.

Consent by Caregiver

Any person 18 years of age and older who files with the District a completed caregiver's authorization affidavit for a minor District student shall have the right to consent to or refuse school-related medical care on behalf of the student. The caregiver's authorization shall be invalid if the District receives notice from the caregiver that the minor student is no longer living with the caregiver.

The caregiver's consent to medical care shall be superseded by any contravening decision of the parent or other person having legal custody of the student, provided that this contravening decision does not jeopardize the student's life, health, or safety.

First Aid/Medical Attention Procedures

The District has created a handbook entitled "A Manual for Administration of Specialized Physical Health Care Services." The Superintendent and staff shall update this handbook to be compliant with federal, state, and local laws, and align with the Centers for Disease Control (CDC) and the American Academy of Pediatrics (AAP).

Regulation Adopted: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5141.21**

STUDENTS

Administering Medication And Monitoring Health Conditions

The Board of Trustees believes that regular school attendance is critical to student learning and that students who need to take medication prescribed or ordered for them by their authorized health care providers should be able to participate in the educational program.

Any medication prescribed for a student with a disability who is qualified to receive services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 shall be administered in accordance with the student's individualized education program or Section 504 services plan as applicable.

For the administration of medication to other students during school or school-related activities, the Superintendent or designee shall develop protocols which shall include options for allowing a parent/guardian to administer medication to his/her child at school, designate other individuals to do so on his/her behalf, and, with the child's authorized health care provider's approval, request the District's permission for his/her child to self-administer a medication or self-monitor and/or self-test for a medical condition. Such processes shall be implemented in a manner that preserves campus security, minimizes instructional interruptions, and promotes student safety and privacy.

The Superintendent or designee shall make epinephrine auto-injectors available at each school for providing emergency medical aid to any person suffering, or reasonably believed to be suffering, from an anaphylactic reaction.

The Superintendent or designee shall make Naloxone hydrochloride or another opioid antagonist available for emergency medical aid to any person suffering, or reasonably believed to be suffering, from an opioid overdose.

Because of the conflict between state and federal law regarding the legality of medicinal cannabis, the Board prohibits the administration of medicinal cannabis to students on school grounds by parents/guardians or school personnel.

The Superintendent or designee shall collaborate with city and county emergency responders, including local public health administrators, to design procedures or measures for addressing an emergency such as a public disaster or epidemic.

Administration of Medication by School Personnel

When allowed by law, medication prescribed to a student by an authorized health care provider may be administered by a school nurse or, when a school nurse or other medically licensed person is unavailable and the physician has authorized administration of medication by unlicensed personnel for a particular student, by other designated school personnel with appropriate training. School nurses and other designated school personnel shall administer

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Administering Medication And Monitoring Health Conditions

Administration of Medication by School Personnel (continued)

medications to students in accordance with law, Board policy, administrative regulation, and, as applicable, the written statement provided by the student's parent/guardian and authorized health care provider. Such personnel shall be afforded appropriate liability protection.

The Superintendent or designee shall ensure that school personnel designated to administer any medication receive appropriate training and, as necessary, retraining from qualified medical personnel before any medication is administered. At a minimum, the training shall cover how and when such medication should be administered, the recognition of symptoms and treatment, emergency follow-up procedures, and the proper documentation and storage of medication. Such trained, unlicensed designated school personnel shall be supervised by, and provided with immediate communication access to, a school nurse, physician, or other appropriate individual.

The Superintendent or designee shall maintain documentation of the training and ongoing supervision, as well as annual written verification of competency of other designated school personnel.

*Legal Reference:*

BUSINESS CODE

*2700-2837 Nursing*

*3500-3546 Physician assistants*

*4119.2 Acquisition of epinephrine auto-injectors*

*4119.8 Acquisition of naloxone hydrochloride or another opioid antagonist*

EDUCATION CODE

*48980 Parent/Guardian notifications*

*49407 Liability for treatment*

*49408 Student emergency information*

*49414 Emergency epinephrine auto-injectors*

*49414.3 Emergency medical assistance; administration of medication for opioid overdose*

*49414.5 Providing school personnel with voluntary emergency training*

*49422-49427 Employment of medical personnel*

*49423 Administration of prescribed medication for student*

*49423.1 Inhaled asthma medication*

*49480 Continuing medication regimen; notice*

UNITED STATES CODE, TITLE 20

*1232g Family Educational Rights and Privacy Act (FERPA) of 1974*

*1400-1482 Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 21

*812 Schedule of controlled substances*

*844 Penalties for possession of controlled substances*

UNITED STATES CODE, TITLE 29

*794 Rehabilitation Act of 1973, Section 504*

COURT DECISIONS

*American Nurses Association v. Torlakson, (2013) 57 Cal.App.4th 570*

*Management Resources:*

AMERICAN DIABETES ASSOCIATION PUBLICATIONS

*Glucagon Training Standards for School Personnel: Providing Emergency Medical Assistance to Pupils with Diabetes, May 2006*

*Legal Advisory on Rights of Students with Diabetes in California's K-12 Public Schools, August 2007*

*Training Standards for the Administration of Epinephrine Auto-Injectors, rev. 2015*

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STUDENTS

Administering Medication And Monitoring Health Conditions

*Management Resources (continued):*

*Program Advisory on Medication Administration, 2005*

*NATIONAL DIABETES EDUCATION PROGRAM PUBLICATIONS*

*Helping the Student with Diabetes Succeed: A Guide for School Personnel, June 2003*

*WEB SITES*

*California School Boards Association (CSBA): <http://www.csba.org>*

*CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org>*

*National Diabetes Education Program: [www.ndep.nih.gov](http://www.ndep.nih.gov)*

*American Diabetes Association: <http://www.diabetes.org>*

*California Department of Education, Health Services and School Nursing: <http://www.cde.ca.gov/ls/he/hn>*

*National Diabetes Education Program: <http://www.ndep.nih.gov>*

*U.S. Department of Health and Human Services, National Institutes of Health, Blood Institute, asthma information:  
<http://www.nhlbi.nih.gov/health/public/lung/index.htm#asthma>*

Policy Adopted: 02/18/92  
Policy Revised: 03/02/99  
Policy Revised: 05/17/05  
Policy Revised: 01/11/11  
Policy Revised: 06/02/15  
Policy Revised: 01/24/23

**ADMINISTRATIVE REGULATION**

**AR 5141.21**

**STUDENTS**

**Administering Medication And Monitoring Health Conditions**

**Definitions**

Authorized health care provider means an individual who is licensed by the State of California to prescribe or order medication, including, but not limited to, a physician or physician assistant. (Education Code 49423)

Other designated school personnel means any individual employed by the District, including a nonmedical school employee, who has volunteered or consented to administer medication or otherwise assist the student, and who may legally administer the medication to the student or assist the student in the administration of the medication.

Medication may include not only a substance dispensed in the United States by prescription, but also a substance that does not require a prescription, such as over-the-counter remedies, nutritional supplements, and herbal remedies.

Emergency medical assistance for a student suffering an epileptic seizure means the administration of an emergency antiseizure medication such as diazepam rectal gel and other emergency medications approved by the federal Food and Drug Administration for patients suffering from epileptic seizures. (Education Code 49414.7)

Epinephrine auto-injector means a disposable delivery device designed for the automatic injection of a premeasured dose of epinephrine into the human body to prevent or treat a life-threatening allergic reaction. (Education Code 49414)

Anaphylaxis means a potentially life-threatening hypersensitivity to a substance, which may result from an insect sting, food allergy, drug reactions, exercise, or other cause. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma. (Education Code 49414)

Opioid antagonist means naloxone hydrochloride or another drug approved by the federal Food and Drug Administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the body and that has been approved for the treatment of an opioid overdose. (Education Code 49414.3)

**Notifications to Parents/Guardians**

At the beginning of each school year, the Superintendent or designee shall notify parents/guardians of the options available to students who need to take prescribed medication during the school day and the rights and responsibilities of parents/guardians regarding those options. (Education Code 49480)

**ADMINISTRATIVE REGULATION**

**AR 5141.21**

**STUDENTS**

**Administering Medication And Monitoring Health Conditions**

Notifications to Parents/Guardians (continued)

In addition, the Superintendent or designee shall inform the parents/guardians of any student on a continuing medication regimen for a nonepisodic condition of the following requirements: (Education Code 49480)

1. The parent/guardian is required to inform the school nurse or other designated employee of the medication being taken, the current dosage, and the name of the supervising physician.
2. With the parent/guardian's consent, the school nurse or other designated employee may communicate with the student's physician regarding the medication and its effects, and may counsel school personnel regarding the possible effects of the medication on the student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission or overdose.

Parent/Guardian Responsibilities

The responsibilities of the parent/guardian of any student who may need medication during the school day shall include, but are not limited to:

1. Submitting the parent/guardian written statement and the authorized health care provider's written statements each school year as described in sections "Parent/Guardian Statement" and "Health Care Provider Statement" below. The parent/guardian shall provide a new authorized health care provider's statement if the medication, dosage, frequency of administration, or reason for administration changes. (Education Code 49414.5, 49414.7, 49423, 49423.1)
2. If the student is on a continuing medication regimen for a nonepisodic condition, informing the school nurse or other designated certificated employee of the medication being taken, the current dosage, and the name of the supervising physician and updating the information when needed. (Education Code 49480) Student has had an emergency antiseizure medication administered to him/her within the past four hours on a school day. (Education Code 49414.7)
3. Providing medications in properly labeled, original containers, along with the authorized health care provider's instructions. For prescribed or ordered medication, the container also shall bear the name and telephone number of the pharmacy, the student's identification, and the name and phone number of the authorized health care provider.

**ADMINISTRATIVE REGULATION**

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**Administering Medication And Monitoring Health Conditions**

**Parent/Guardian Statement**

When District employees are to administer medication to a student, the parent/guardian's written statement shall include the following:

1. Identify the student.
2. Grant permission for an authorized District representative to communicate directly with the student's authorized health care provider and pharmacist, as may be necessary, regarding the health care provider's written statement or any other questions that may arise with regard to the medication.
3. Contain an acknowledgment that the parent/guardian understands how District employees will administer the medication or otherwise assist the student in its administration.
4. Contain an acknowledgment that the parent/guardian understands the responsibilities to provide a written statement from the authorized health care provider, to ensure that the medication is delivered to the school in a proper container by an individual legally authorized to be in possession of the medication, and to provide all necessary supplies and equipment.
5. Contain an acknowledgment that the parent/guardian understands the right to terminate the consent for the administration of the medication or for otherwise assisting the student in the administration at any time.

In addition to the requirements in items #1-5 above, if a parent/guardian has requested that the student be allowed to carry and self-administer prescription auto-injectable epinephrine or prescription inhaled asthma medication, the parent/guardian's written statement shall: (Education Code 49423, 49423.1)

1. Consent to the self-administration.
2. Release the District and school personnel from civil liability if the student suffers and adverse reaction as a result of self-administering the medication.

In addition to the requirements in items #1-5 above, if a parent/guardian wishes to designate an individual who is not an employee of the District to administer medication to the student, the parent/guardian's written statement shall clearly identify the individual and shall state:

1. The individual's willingness to accept the designation.
2. That the individual is permitted to be on the school site.

**ADMINISTRATIVE REGULATION**

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**Administering Medication And Monitoring Health Conditions**

Parent/Guardian Statement (continued)

3. Any limitations on the individual's authority.

Health Care Provider Statement

When any District employee is to administer prescribed medication to a student, or when a student is to be allowed to carry and self-administer medication during school hours, the authorized health care provider's written statement shall include:

1. Clear identification of the student. (Education Code 49414.7, 49423, 49423.1)
2. The name of the medication. (Education Code 49414.7, 49423, 49423.1)
3. The method, amount, and time schedules by which the medication is to be taken. (Education Code 49414.7, 49423, 49423.1)
4. If a parent/guardian has requested that his/her child be allowed to self-administer medication, confirmation that the student is able to self-administer the medication. (Education Code 49423, 49423.1)
5. For medication that is to be administered by unlicensed personnel, confirmation by the student's health care provider that the medication may safely and appropriately be administered by unlicensed personnel. (Education Code 49423, 49423.1)
6. For medication that is to be administered in an as-needed basis, the specific symptoms that would necessitate administration of the medication, allowable frequency for administration, and indications for referral for medical evaluation.
7. Possible side effects of the medication.
8. Name, address, telephone number, and signature of the student's authorized health care provider.

For self-administration of inhaled asthma medication, the District shall accept a written statement from a physician or surgeon contracted with a health plan licensed pursuant to Health and Safety Code 1351.2. Such written statement shall be in English and Spanish and shall include the name and contact information for the physician or surgeon. (Education Code 49423.1)

When authorizing a District employee to administer emergency antiseizure medication to a student, the authorized health care provider's written statement shall also include the following:



**ADMINISTRATIVE REGULATION**

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**STUDENTS**

**Administering Medication And Monitoring Health Conditions**

Health Care Provider Statement (continued)

1. Detailed seizure symptoms, including frequency, type, or length of seizures that identify when the administration of the medication becomes necessary.
2. Any potential adverse responses by the student and recommended mitigation actions, including when to call emergency services.
3. A protocol for observing the student after a seizure, including, but not limited to, whether he/she should rest in the school office or return to his/her class and the length of time he/she should be under direct observation.
4. A statement that, following a seizure, a school administrator or other staff member shall contact the school nurse and the student's parent/guardian to continue the observation plan.

District Responsibilities

The Superintendent or designee shall ensure that any unlicensed school personnel authorized to administer medication to a student receives appropriate training from the school nurse or other qualified medical personnel. The school nurse or other designated school personnel shall:

1. Administer or assist in administering medication in accordance with the authorized health care provider's written statement.
2. Accept delivery of medications from parents/guardians and count and record them upon receipt.
3. Maintain a list of students needing medication during the school day, including those authorized to self-administer medication, and note on the list the type of medication and the times and dosage to be administered.
4. Maintain for each student a medication log which may:
  - a. Specify the student's name, medication, dose, method of administration, time of administration during the regular school day, date(s) on which the student is required to take the medication, and the authorized health care provider's name and contact information
  - b. Contain space for daily recording of the date, time, and amount of medication administered, and the signature of the individual administering the medication.

**ADMINISTRATIVE REGULATION**

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**Administering Medication And Monitoring Health Conditions**

District Responsibilities (continued)

5. Maintain for each student a medication record which may include the authorized health care provider's written statement, the parent/guardian's written statement, the medication log, and any other written documentation related to the administration of medication to the student.
6. Ensure that student confidentiality is appropriately maintained.
7. Coordinate and, as appropriate, ensure the administration of medication during field trips and other school-related activities.
8. Report to a student's parent/guardian and the site administrator any refusal by the student to take the medication.
9. Keep all medication to be administered by the District in a locked drawer or cabinet.
10. As needed, communicate with a student's authorized health care provider and/or pharmacist regarding the medication and its effects.
11. Counsel other designated school personnel regarding the possible effects of a medication on a student's physical, intellectual, and social behavior, as well as possible behavioral signs and symptoms of adverse side effects, omission, or overdose.
12. Ensure that any unused, discontinued, or outdated medication is returned to the student's parent/guardian at the end of the school year or, if the medication cannot be returned, dispose of it in accordance with state laws and local ordinances.
13. In the event of a medical emergency requiring administration of medication, provide immediate medical assistance, directly observe the student following the administration of medication, contact the student's parent/guardian, and determine whether the student should return to class, rest in the school office, or receive further medical assistance.
14. Report to the site administrator, the student's parent/guardian, and if necessary, the student's authorized health care provider any instance when a medication is not administered properly, including administration of the wrong medication or failure to administer the medication in accordance with authorized health care provider's written statement.

**ADMINISTRATIVE REGULATION**

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**STUDENTS**

**Administering Medication And Monitoring Health Conditions**

**Additional Requirements for Management of Epileptic Seizures**

The Superintendent or designee shall make arrangements for assisting students with epilepsy who may suffer a seizure at school. Such arrangements shall include the following: (Education Code 49414.7)

1. Training: Any employee who volunteers to administer an emergency antiseizure medication shall receive from a licensed health care professional the training specified in 5 CCR 623 before administering such medication. The training shall include, but is not limited to:
  - a. Recognition and treatment of different types of seizures.
  - b. Administration of an emergency antiseizure medication.
  - c. Basic emergency follow-up procedures, including, but not limited to, a requirement for the principal or designee to call the emergency 911 telephone number and to contact the student's parent/guardian, but not necessarily to transport the student to an emergency room.
  - d. Techniques and procedures to ensure student privacy.

When a trained employee has not administered an emergency antiseizure medication to a student within two years after completing the training and a student who may need the administration of an emergency antiseizure medication is enrolled in the school, the employee shall be retrained in order to retain the ability to administer an emergency antiseizure medication.

2. Notification of Administration: The Superintendent or designee shall establish a process for notifying the credentialed school nurse, or the Superintendent or designee as applicable, whenever an employee administers an emergency antiseizure medication to a student at a school site.
3. Supervision of Volunteers: Volunteer school employees shall be supervised by a licensed health care professional in accordance with 5 CCR 627.

**Emergency Epinephrine Auto-Injectors**

The Superintendent or designee shall provide epinephrine auto-injectors to school nurses or other employees who have volunteered to administer them in an emergency and have received training. The school nurse, or a volunteer employee when a school nurse or physician is unavailable, may administer an epinephrine auto-injector to provide emergency medical aid to any person suffering, or reasonably believed to be suffering, from potentially life-threatening symptoms of anaphylaxis at school or a school activity. (Education Code 49414)

**ADMINISTRATIVE REGULATION**

**AR 5141.21**

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**Administering Medication And Monitoring Health Conditions**

**Emergency Epinephrine Auto-Injectors (continued)**

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer an epinephrine auto-injector and describing the training that the volunteer will receive. (Education Code 49414)

The principal or designee at each school may designate one or more volunteers to receive initial and annual refresher training, which shall be provided by a school nurse or other qualified person designated by a physician and surgeon authorized pursuant to Education Code 49414, and shall be based on the standards developed by the Superintendent of Public Instruction. Written materials covering the required topics for training shall be retained by the school for reference. (Education Code 49414)

A school nurse or other qualified supervisor of health, or a District administrator if the District does not have a qualified supervisor of health, shall obtain a prescription for epinephrine auto-injectors for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. Elementary schools shall, at a minimum, be provided one package of adult (regular) and one junior epinephrine auto-injectors. Secondary schools shall be provided at least one adult (regular) epinephrine auto-injectors, unless there are any students at the school who require a junior epinephrine auto-injector. (Education Code 49414)

If an epinephrine auto-injector is used, the school nurse or other qualified supervisor of health shall restock the epinephrine auto-injector as soon as reasonably possible, but no later than two weeks after it is used. In addition, epinephrine auto-injectors shall be restocked before their expiration date. (Education Code 49414)

Information regarding defense and indemnification provided by the District for any and all civil liability for volunteers administering epinephrine auto-injectors shall be provided to each volunteer and retained in his/her personnel file. (Education Code 49414)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying of the requirements of Education Code 49414, including, but not limited to, the acceptance of epinephrine auto-injectors from a manufacturer or wholesaler. (Education Code 49414)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of epinephrine auto-injectors for a period of three years from the date the records were created. (Business and Professions Code 4119.2)

**ADMINISTRATIVE REGULATION**

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**STUDENTS**

**Administering Medication And Monitoring Health Conditions**

**Emergency Medication for Opioid Overdose**

The District may elect to make emergency naloxone hydrochloride or another opioid antagonist available at schools for the purpose of providing emergency medical aid to persons suffering, or reasonable believed to be suffering, from an opioid overdose. In determining whether to make this medication available, the Superintendent or designee shall evaluate the emergency medical response time to the school and determine whether initiating emergency medical services is an acceptable alternative to providing an opioid antagonist and training personnel to administer the medication. (Education Code 49414.3)

When available at the school site, the school nurse shall provide emergency naloxone hydrochloride or another opioid antagonist for emergency medical aid to any person exhibiting potentially life-threatening symptoms of an opioid overdose at school or a school activity. Other designated personnel who have volunteered and have received training may administer such medication when a school nurse or physician is unavailable, and shall only administer the medication by nasal spray or auto injector. (Education Code 49414.3)

At least once per school year, the Superintendent or designee shall distribute to all staff a notice requesting volunteers to be trained to administer naloxone hydrochloride or another opioid antagonist, describing the training that the volunteer will receive, and explaining the right of the volunteer to rescind the offer to volunteer at any time, including after receiving training. The notice shall also include a statement that no benefit will be granted to or withheld from any employee based on the offer to volunteer and that there will be no retaliation against any employee for rescinding the offer to volunteer. (Education Code 49414.3)

The principal or designee may designate one or more volunteer employees to receive initial and annual refresher training, based on standards adopted by the SPI, regarding the storage and emergency use of naloxone hydrochloride or another opioid antagonist. The training shall be provided at no cost to the employee, conducted during regular working hours, and be provided by a school nurse or other qualified person designated by an authorizing physician and surgeon. Written materials provided during the training shall be retained at the school for reference. (Education Code 49414.3)

A school nurse, other qualified supervisor of health, or, if the District does not have a qualified supervisor of health, a District administrator shall obtain a prescription for naloxone hydrochloride or another opioid antagonist for each school from an authorized physician and surgeon. Such prescription may be filled by local or mail order pharmacies or manufacturers. (Education Code 49414.3)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5141.21**

**STUDENTS**

**Administering Medication And Monitoring Health Conditions**

Emergency Medication for Opioid Overdose (continued)

If the medication is used, the school nurse, other qualified supervisor of health, or District administrator, as applicable, shall restock the medication as soon as reasonably possible, but no later than two weeks after it is used. In addition, the medication shall be restocked before its expiration date. (Education Code 49414.3)

Information regarding defense and indemnification provided by the District for any and all civil liability for volunteers administering naloxone hydrochloride or another opioid antagonist for emergency aid shall be provided to each volunteer and retained in the employee's personnel file. (Education Code 49414.3)

A school may accept gifts, grants, and donations from any source for the support of the school in carrying out the requirements of Education Code 49414.3, including, but not limited to, the acceptance of the naloxone hydrochloride or another opioid antagonist from a manufacturer or wholesaler. (Education Code 49414.3)

The Superintendent or designee shall maintain records regarding the acquisition and disposition of naloxone hydrochloride or another opioid antagonist for a period of three years from the date the records were created. (Business and Professions Code 4119.8)

Regulation Adopted: 01/11/11  
Regulation Revised: 06/02/15  
Regulation Revised: 01/24/23

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

BOARD POLICY

E 5141.21

STUDENTS

ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS



Orange County Department of Education  
Instructional Services

PARENT/GUARDIAN AND AUTHORIZED HEALTH CARE PROVIDER REQUEST FOR MEDICATION

Name of Student: \_\_\_\_\_ Birthdate: \_\_\_\_\_  
School/District: \_\_\_\_\_ Teachers Name: \_\_\_\_\_ Grade/Track: \_\_\_\_\_

**PARENT/GUARDIAN REQUEST FOR THE ADMINISTRATION OF MEDICATION  
PRESCRIPTION AND NONPRESCRIPTION**

California Education Code Section, 49423 allows the school nurse or other designated non-medical school personnel to assist students who are required to take medication during the school day. This service is provided to enable the student to remain in school and to maintain, or improve his/her potential for education and learning.

I request that medication be administered to my child in accordance with our authorized health care provider written instructions. I understand that designated non-medical school personnel may assist in carrying out written orders under supervision of a qualified School Nurse. I will notify the school immediately and submit a new form if there are changes in medication, dosage, time of administration, and/or the prescribing authorized health care provider. I give permission for the school nurse to exchange medication-related information with the authorized health care provider. The school nurse may counsel appropriate school personnel regarding the medication and its possible effects.

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

Telephone: (Work) \_\_\_\_\_ (Home) \_\_\_\_\_

Emergency medicine such as EpiPen or inhalers may be carried by the student when recommended by an authorized health care provider and parent. Back up medication should be kept at school for emergency use.

**AUTHORIZED HEALTH CARE PROVIDER REQUEST FOR ADMINISTRATION OF MEDICATION**

Reason for Medication: \_\_\_\_\_

Medication: \_\_\_\_\_ Dose: \_\_\_\_\_ Route: \_\_\_\_\_ Time: \_\_\_\_\_

If PRN: Amount of time between doses \_\_\_\_\_ Maximum number of doses \_\_\_\_\_ per day.

Possible medication reactions: \_\_\_\_\_

Instructions for emergency care \_\_\_\_\_

Authorized Health Care Provider Signature: \_\_\_\_\_

Telephone \_\_\_\_\_

Date of Request: \_\_\_\_\_

Date to Discontinue Medication: \_\_\_\_\_

Office Stamp

Regarding EpiPen/Inhalers: It is my professional opinion that this student should be permitted to carry/self administer this emergency Inhaler/EpiPen. This student has been instructed in, and demonstrates an understanding of proper usage.

Health Care Provider Initials \_\_\_\_\_

**SCHOOL USE:**

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

*This request is valid for a maximum of one year.*

Revised 07/15/2009

Exhibit Adopted: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 5141.21**

**STUDENTS**

**ADMINISTERING MEDICATION AND MONITORING HEALTH CONDITIONS**



Orange County Department of Education  
Instructional Services

**PARENT NOTIFICATION FOR THE  
ADMINISTRATION OF MEDICINE AT SCHOOL**

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

**TO THE PARENT/GUARDIAN:**

Medical treatment is the responsibility of the parent/guardian and an authorized health care provider. An authorized health care provider is an individual who is licensed by the State of California to prescribe medication. Medications, both prescription and over the counter, may be given at school when it is deemed absolutely necessary by the authorized health care provider that the medication be given during school hours. The parent/guardian is urged, with the help of your child's authorized health care provider, to work out a schedule of giving medication at home whenever possible.

California Education Code, Section 49423 allows school personnel to assist in carrying out an authorized health care providers written orders. Designated non-medical school personnel may be assisting with your child's medication. They will be trained and supervised by credentialed school nurses. Medication will be safely stored and locked or refrigerated, if required.

Emergency medicine such as EpiPens or inhalers may be carried by the student when recommended by a authorized health care provider and parent. When appropriate, the school nurse will evaluate the student's ability to safely self-administer the medication based on written district guidelines. (Title 5). Back up medication should be kept at school for emergency use. Students who have a serious medical condition (diabetes, epilepsy, etc.) should have an emergency supply of their prescription medication at school with the appropriate consent forms in the event of a disaster.

**IF MEDICATION IS TO BE ADMINISTERED AT SCHOOL, ALL OF THE FOLLOWING  
CONDITIONS MUST BE MET:**

1. A written statement signed by the licensed authorized health care provider/dentist specifying the reason for the medication, the name, dosage, time, route, side effect; and specific instructions for emergency treatment must be on file at school.
2. A signed request from the parent/guardian must be on file at school.
3. Medication must be delivered to the school by the parent/guardian or other responsible adult.
4. Medication must be in your child's original, labeled pharmacy container written in English.
5. All liquid medication must be accompanied by an appropriate measuring device.
6. Any tablets requiring partial doses (1/2 or 1/4) must be sent to school already cut.
7. A separate form is required for each medication.

**NOTE:** Please discuss your authorized health care provider's instructions with your child, so that he/she is aware of the time medication is due at school.

**Whenever there is a change in medication, dose, time, or route, the parent/guardian and authorized health care provider must complete a new form.**

*This request is valid for a maximum of one year.*

Revised 07/15/2009



## **BOARD POLICY**

**BP 5141.22**

### **STUDENTS**

#### **INFECTIOUS DISEASES**

The Board of Trustees desires to protect students from risks posed by exposure to infectious diseases while providing an appropriate education for all students. The Board of Trustees recognizes that prevention and education are the most effective means of limiting the spread of infectious diseases.

##### **Infectious Disease Prevention**

The Superintendent or designee shall collaborate with parents/guardians and local health agencies and organizations to develop a comprehensive approach to disease prevention that promotes preventative measures and education of students and staff.

The Superintendent or designee shall regularly review resources available from health experts to ensure that District programs are based on the most up-to-date information.

The Superintendent or designee shall ensure that the District's comprehensive health education program provides information about the prevention of infectious diseases, including the nature of bloodborne pathogens and their transmission, as well as information to help prevent the spread of contagious diseases, such as a pandemic influenza. He/she shall also ensure that each school has sufficient infection prevention supplies that are easily accessible to staff.

##### **Universal Precautions**

Students and staff shall observe universal precautions in order to prevent exposure to bloodborne pathogens and to prevent the spread of infectious diseases as detailed in the District's Exposure Control Plan for Bloodborne Pathogens.

The Superintendent or designee shall inform students of the precautions to be used in cases of exposure to blood or other body fluids through injury, accident, or classroom instruction.

##### **Students with Infectious Diseases**

The Superintendent or designee shall exclude students only in accordance with law, Board policy, and administrative regulation. Because bloodborne pathogens such as hepatitis B virus, hepatitis C virus, and human immunodeficiency virus (HIV) are not casually transmitted, the presence of infectious conditions of this type is not, by itself, sufficient reason to exclude students from attending school.

Parents/guardians are encouraged to inform the Superintendent or designee if their child has an infectious disease so that school staff may work cooperatively with the student's

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5141.22**

**STUDENTS**

**INFECTIOUS DISEASES**

parents/guardians to minimize the child's exposure to other diseases in the school setting.

Students with Infectious Diseases (continued)

The Superintendent or designee shall ensure that student confidentiality rights are strictly observed in accordance with law.

*Legal Reference:*

EDUCATION CODE

48210-48216 Persons excluded

49073-49079 Privacy of pupil records

49403 Cooperation in control of communicable disease and immunization of pupils

49405 Smallpox control

49406 Examination for tuberculosis (employees)

49408 Information of use in emergencies

49602 Confidentiality of student information

51202 Instruction in personal and public health and safety

CALIFORNIA CONSTITUTION

Article 1, Section 1 Right to Privacy

CIVIL CODE

56-56.37 Confidentiality of Medical Information Act

1798-1798.76 Information Practices Act

HEALTH AND SAFETY CODE

120230 Exclusion for communicable disease

120325-120380 Immunization against communicable diseases

120875-120895 AIDS information

120975-121022 Mandated blood testing and confidentiality to protect public health

121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard

CODE OF REGULATIONS, TITLE 17

2500-2511 Communicable disease reporting requirements

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 45

164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

COURT DECISIONS

*Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 376*

Policy Adopted: 02/18/92

Policy Revised: 09/19/00

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5141.23**

**STUDENTS**

**ASTHMA MANAGEMENT**

The Board of Trustees desires to provide support systems for students with asthma in order to reduce school absences, help ensure that such students receive appropriate intervention if symptoms occur at school, and enable them to participate in the educational program and school activities to the extent possible.

The Superintendent or designee shall involve school nurses, other health professionals, school administrators, and health educators in the development of strategies to help provide a healthy and safe school environment for students with asthma. He/she may also involve school health councils or committees and other interested persons to ensure that the district's strategies are coordinated with other school health programs and practices.

District strategies shall include, but not be limited to, procedures for identifying and addressing individual student needs, providing effective professional development on asthma symptoms and staff responsibilities, and identifying and reducing environmental factors at schools that may trigger and/or worsen asthma symptoms.

*Legal Reference:*

EDUCATION CODE

49407 Liability for treatment

49408 Emergency information

49414.5 Providing school personnel with voluntary emergency training

49423-49423.1 Administration of prescribed medication for student

49423.5 Specialized health care services

49426 School nurses

49480 Continuing medication regimen; notice

51880-51921 Comprehensive health education

CODE OF REGULATIONS, TITLE 5

600-611 Administering medication to students

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

UNITED STATES CODE, TITLE 42

280g Children's asthma treatment grant program

Policy Adopted: 02/18/92

Policy Revised: 01/11/11

**ADMINISTRATIVE REGULATION**

**AR 5141.23**

**STUDENTS**

**ASTHMA MANAGEMENT**

Identification of Students with Asthma

The Superintendent or designee shall, upon a student's registration for school and annually thereafter, request parents/guardians to notify the principal or designee, in writing, if their child has been diagnosed with asthma, has recently experienced symptoms or has a history of asthma, and/or is at risk for potentially severe asthma attacks. The request also shall encourage parents/guardians to provide such notification at any time during the school year that their child is so diagnosed.

The Superintendent or designee shall keep a student's medical information in a secure location and maintain the confidentiality of student health records in accordance with law governing student records. A copy of a student's health record shall be provided to the school nurse, if any. In addition, pertinent information from the health record shall be released to other employees whose responsibilities require that they have access to such information in order to provide support services or to respond in an emergency, such as a student's teacher(s), coach(es), bus driver, and any other staff with responsibility for direct supervision of the student.

Individualized Asthma Management

When a student has been diagnosed with asthma or when such a student registers for school, the Superintendent or designee shall request that the parent/guardian submit an asthma action plan. This plan shall be developed by the student's health care provider, in partnership with the student and his/her parents/guardians, and shall include, but not be limited to, information regarding the student's symptoms and severity, asthma triggers, necessary medications, and the parent/guardian's authorization for the health care provider's disclosure of health information to the District. The Superintendent or designee shall request that the parents/guardians submit an updated plan each school year or whenever there are changes in the student's health condition or treatment.

When a student with asthma has been identified as disabled pursuant to Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act, necessary accommodations and services shall be identified as part of the student's Section 504 services plan or individualized education program (IEP), as appropriate.

Any student who needs to take prescribed medication during the school day may be assisted by a school nurse or designated school personnel or allowed to carry and self-administer inhaled asthma medication provided that the District receives written statements from the student's physician and parent/guardian in accordance with Education Code 49423.1 and BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions. Parents/guardians shall be requested to provide quick relief medication to be administered in accordance with the student's asthma action plan.

**ADMINISTRATIVE REGULATION**

**AR 5141.23**

**STUDENTS**

**ASTHMA MANAGEMENT**

Individualized Asthma Management (continued)

Students shall be encouraged to notify their teacher, physical education teacher, coach, or other staff when they are experiencing difficulty breathing and/or need to alter their physical activity level. A student experiencing symptoms shall be encouraged to use his/her quick relief medication. The student shall be supervised on school grounds by a responsible adult until he/she is no longer experiencing symptoms and/or his/her parent/guardian has been contacted.

In case of emergency, staff shall call 911 and assist the student in the administration of quick relief medication as authorized in the student's asthma action plan, Section 504 services plan, or IEP. Staff shall contact the student's parent/guardian or other person identified as an emergency contact and shall supervise the student until his/her care has been assumed by a health professional, parent/guardian, or designated emergency contact.

Education and Support Services

Asthma management and support systems shall be coordinated by a school nurse, other qualified health professional, or educator who has received appropriate training.

The Superintendent or designee shall provide each school site with information regarding emergency management of asthma.

Environmental Assessment

The Superintendent or designee may periodically conduct an environmental assessment to identify and reduce the presence of common asthma triggers, including, but not limited to, pesticides, chemical pollutants, mold, and animal and dust mite allergens, in the school environment.

The Superintendent or designee shall communicate with each school principal when local health advisories are issued for high ozone days or poor outdoor air quality so that outdoor physical activities may be curtailed as necessary.

**ADMINISTRATIVE REGULATION**

**AR 5141.23**

**STUDENTS**

**SPECIALIZED HEALTH CARE SERVICES**

Definitions

Specialized physical health services means those health services prescribed by the student's licensed physician requiring medically related training for the individual who performs the services and which are necessary during the school day to enable the student to attend school. These services include catheterization, gastric tube feeding, suctioning, or other services that require medically related training.

Qualified means the ability to demonstrate competence in cardio-pulmonary resuscitation, current knowledge of community emergency medical resources, and skill in the use of equipment and performance of techniques necessary to provide specialized physical health care services for individuals with disabilities. In addition, for designated school personnel, qualified means trained in the procedures to a level of competence and safety which meets the objectives of the training as provided by the school nurse, public health nurse, licensed physician, or other programs which provide the training.

Training means preparation in the appropriate delivery and skillful performance of specialized physical health care services.

Supervision means review, observation, and/or instruction of a designated school person's performance and of physical health care services, but does not necessarily require the immediate presence of the supervisor at all times.

Provision of Services

A student with disabilities who requires specialized health care services during the school day, as identified in his/her individualized education program (IEP), may be assisted by any of the following individuals:

1. Qualified persons who possess an appropriate credential pursuant to Education Code 44267 (service credential with specialization in health), Education Code 44267.5 (service credential with specialization in health for school nurse), or a valid certificate of public health nursing issued by the Board of Registered Nursing.
2. Qualified designated school personnel trained in the administration of specialized physical health care if they perform those services under the supervision of a credentialed school nurse, public health nurse, or licensed physician and the services are determined by the credentialed school nurse or licensed physician, in consultation with the physician treating the student, to meet all of the following criteria:

**ADMINISTRATIVE REGULATION**

**AR 5141.23**

**STUDENTS**

**SPECIALIZED HEALTH CARE SERVICES**

Provision of Services (continued)

- a. Constitute routine care for the student.
- b. Pose little potential harm for the student.
- c. Are performed with predictable outcomes, as defined in the student's IEP.
- d. Do not require a nursing assessment, interpretation, or decision making by the designated school personnel.

Specialized health care or other services that require medically related training shall be provided pursuant to Education Code 49423.

Schools shall provide appropriate accommodations for safety and necessary physical care services. The student's personal privacy and dignity shall be assured.

A qualified school nurse, public health nurse, or licensed physician responsible for supervising the physical health care of students with disabilities in the school setting shall:

1. Coordinate the health care services to the students with disabilities on the school site.
2. Consult with appropriate personnel regarding management of health care services for students with disabilities.
3. Make appropriate referrals and maintain communication with health agencies providing care to students with disabilities.
4. Maintain or review licensed physician and parent/guardian requests and daily documentation records.

The licensed physician of a student with disabilities who is required to receive physical health care services shall provide a written statement detailing the procedure and time schedule by which such procedures are to be given. In addition, the student's parent/guardian shall provide a written statement indicating his/her desire that the District assist the student in the matters set forth in the physician's statement and granting consent for the delivery of such services.



OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5141.23**

**STUDENTS**

**SPECIALIZED HEALTH CARE SERVICES**

Provision of Services (continued)

For each student with disabilities, the District shall maintain the physician and parent/guardian statements, as well as the specific standardized procedures to be used if the services are provided. The District shall also maintain daily documentation of specific services provided and shall include the signatures of the personnel who performed the procedure. This documentation shall be maintained in accordance with the requirements for confidentiality of student records and shall be classified as mandatory interim student records.

*Legal Reference:*

*EDUCATION CODE*

*44267 Services credential with specialization in health*  
*44267.5 Services credential with specialization in health for school nurse*  
*49423 Administration of prescribed medication for student*  
*49423.5 Specialized physical health care services*  
*49426 School nurses*  
*56000-56606 Special education programs, especially:*  
*56345 Individualized education program contents*

*BUSINESS AND PROFESSIONS CODE*

*2700-2837 Nursing, especially:*  
*2726 Authority not conferred*  
*2727 Exceptions in general*

*CODE OF REGULATIONS, TITLE 5*

*3051.12 Health and nursing services*

*UNITED STATES CODE, TITLE 20*

*1232g Family Educational Rights and Privacy Act of 1974*

*1400-1482 Individuals with Disabilities Education Act*

*CODE OF FEDERAL REGULATIONS, TITLE 34*

*300.1-300.818 Individuals with Disabilities Education Act, especially:*

*300.34 Related services*

*COURT DECISIONS*

*Cedar Rapids Community School District v. Garret F., (1999) 526 U.S. 66*  
*Clovis Unified School District v. Office of Administrative Hearings, (1990) 903 F.2d 635*  
*Taylor v. Honig, (1990) 910 F.2d 627*

Regulation Adopted: 01/11/11-AR 5141.23 (Asthma Management)

Regulation Adopted: 01/11/11-AR 5141.24 (Specialized Health Care Services)

Regulation Renumbered: 01/11/11-AR 5141.24 included in AR 5141.23



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5141.26**

**STUDENTS**

**TUBERCULOSIS TESTING**

The Board of Trustees recognizes that tuberculosis poses a public health threat, and that treatment of active cases of this disease is the most effective means of controlling its spread.

The Superintendent or designee may require a tuberculosis skin test when qualified medical personnel reasonably suspect that a student has active tuberculosis. If there is an outbreak of tuberculosis at any school, the Superintendent or designee may require all students at the school to undergo tuberculosis skin tests.

Students known to have had a positive tuberculosis skin test shall be excluded from school until they provide evidence of a follow-up x-ray and appropriate medical care or are no longer suspected of having active tuberculosis.

All District staff shall receive information on how tuberculosis is spread and how it can be prevented and treated.

*Legal Reference:*

*EDUCATION CODE*

*49450 Rules to insure proper care and secrecy*

*49451 Parent's refusal to consent*

*HEALTH AND SAFETY CODE*

*120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B*

*120880 Information to employees of school district*

*120230 Exclusion of persons from school*

*121475-121520 Tuberculosis tests for pupils*

Policy Adopted: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5141.26**

**STUDENTS**

**TUBERCULOSIS TESTING**

The following protocol shall be followed for any student who has a positive TB skin test:

1. The parent/guardian must provide the school with the results of a chest x-ray before the student enters class. If no x-ray has been done, the parent/guardian shall be given a TB follow-up form to take to his/her personal physician or to the county public health office. The student must then obtain a chest x-ray and bring proof that the film was taken for school entry.
2. If the TB form is not returned with x-ray results within two weeks, the Superintendent or designee shall contact the student and family for information about the x-ray report.
3. If the student is found to have active infectious tuberculosis on chest x-ray and sputum tests, the student shall not be admitted to school until a physician's note is presented, showing that the student is free of communicable tuberculosis.
4. If the x-ray is negative and the student admitted, the Superintendent or designee may contact the student and family again in four to six weeks to determine that they have followed through with a medical appointment for the INH preventive medication program, if indicated.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5141.27**

**STUDENTS**

**FOOD ALLERGIES/SPECIAL DIETARY NEEDS**

The Board of Trustees desires to prevent exposure of students to foods to which they are allergic and to provide for prompt and appropriate treatment in the event that a severe allergic reaction occurs at school.

The Superintendent or designee shall develop guidelines for the care of food-allergic students. Such guidelines shall include, but not be limited to, strategies for identifying students at risk for allergic reactions, avoidance measures and other means to manage allergies, education of staff regarding typical symptoms, and actions to be taken in the event of a severe allergic reaction.

Parents/guardians shall be responsible for notifying the Superintendent or designee, in writing, regarding any food allergies or other special dietary needs of their child in accordance with administrative regulation.

Students with serious dietary needs that qualify as a disability under Section 504 of the federal Rehabilitation Act or the Individuals with Disabilities Education Act shall be provided reasonable accommodation or services, as appropriate, in accordance with his/her accommodation plan or individualized education program.

Students shall not be excluded from school activities based solely on their food allergy.

*Legal Reference:*

EDUCATION CODE  
49407 Liability for treatment  
49408 Emergency information  
49414 Emergency epinephrine auto-injectors  
49423 Administration of prescribed medication for student  
CODE OF REGULATIONS, TITLE 5  
600-611 Administering medication to students  
15562 Reimbursement for meals, substitutions  
UNITED STATES CODE, TITLE 20  
1232g Family Educational Rights and Privacy Act of 1974  
1400-1482 Individuals with Disabilities Education Act  
UNITED STATES CODE, TITLE 29  
701-795a Rehabilitation Act, including:  
794 Rehabilitation Act of 1973, Section 504  
UNITED STATES CODE, TITLE 42  
1751-1769h National School Lunch Program  
1771-1791 Child nutrition, especially:  
1773 School Breakfast Program  
CODE OF FEDERAL REGULATIONS, TITLE 7  
210.1-210.31 National School Lunch Program  
220.1-220.21 National School Breakfast Program  
225.16 Meal programs, individual substitutions

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**BP 5141.27**

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**FOOD ALLERGIES/SPECIAL DIETARY NEEDS**

Policy Adopted: 01/11/11

**ADMINISTRATIVE REGULATION**

**AR 5141.27**

**STUDENTS**

**FOOD ALLERGIES/SPECIAL DIETARY NEEDS**

Definitions

Special dietary needs include food intolerances, allergies, and other medical needs that may require avoidance of specific foods.

Food allergies are abnormal responses of the body's immune system to certain foods or ingredients.

Anaphylaxis is a potentially life-threatening hypersensitivity to a substance and may be caused by a food allergy. Symptoms may include shortness of breath, wheezing, difficulty breathing, difficulty talking or swallowing, hives, itching, swelling, shock, or asthma.

In severe cases, anaphylaxis may result in lowered blood pressure, loss of consciousness, or even death. Symptoms typically appear immediately after exposure to a certain food or substance but in rare cases may occur after a few hours.

Epinephrine auto-injector is a disposable drug delivery system with a spring-activated concealed needle that is designed for emergency administration of epinephrine to persons suffering a potentially fatal reaction to anaphylaxis.

Notification by Parent/Guardian

If their child has a known food allergy, the parents/guardians shall notify the Superintendent or designee, in writing, and provide written medical documentation, signed by a physician, that describes the nature of the student's condition, instructions, and necessary medications. If the food allergy requires food substitutions or modifications in school meals, the written statement shall also describe the specific foods to be restricted and the foods that should be substituted.

Prevention

To minimize students' exposure to foods to which they are allergic, the Superintendent or designee shall, at a minimum, implement the following preventive measures:

1. Notification to District Staff

When notified by the parent/guardian that a student has a food allergy, the Superintendent or designee shall inform the student's principal, teacher(s), bus driver, school nurse, coach, substitute teacher, child care, and/or any other personnel responsible for supervising the student.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

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**AR 5141.27**

**STUDENTS**

**FOOD ALLERGIES/SPECIAL DIETARY NEEDS**

**Prevention** (continued)

The principal or designee shall notify substitute staff of any students with known food allergies and the school's response plan.

2. Food Services

The District's food services program shall make food substitutions in breakfasts, lunches, and after-school snacks when students are considered to have a disability under Section 504 of the federal Rehabilitation Act of 1973 that restricts their diet and when a physician has signed a statement of need that includes recommended alternate foods.

Substitutions may be made on a case-by-case basis for students who do not have a disability under Section 504 but who cannot consume the regular breakfast, lunch, or after-school snack because of medical or other special dietary needs, when supported by a statement of need signed by a recognized medical authority.

The District's food services staff shall check food labels or specifications to ensure that foods do not contain traces of substances to which the student is allergic.

Under no circumstances shall food services staff prescribe nutritional requirements or revise a diet order prescribed by a physician.

Food substitutions shall not result in any additional cost to the student.

3. Class Parties/School Activities

Without identifying the student, the principal or teacher may notify parents/guardians of other students in the class that a student is allergic to a specific food and may request that the food not be provided at class parties or other school events.

Whenever the ingredients in any food served at class parties or other school activities are unknown, the student shall be encouraged to avoid the food.

4. Sanitation and Cleaning

To avoid spreading allergens, cafeteria tables and classroom surfaces shall be cleaned with a fresh cloth or disposable paper towels and cleaning products known to effectively remove food proteins, excluding waterless cleaners or instant hand sanitizers that do not involve a wet-wash step. Cross-contact from a sponge or cloth used to clean allergen-

**ADMINISTRATIVE REGULATION**

**AR 5141.27**

**STUDENTS**

**FOOD ALLERGIES/SPECIAL DIETARY NEEDS**

Prevention (continued)

containing tabletops shall be avoided.

Staff shall use and promote hand-washing using soap and water before and after food handling.

Students shall be notified that exchanging meals or utensils is prohibited.

5. Professional Development

Schoolwide professional development shall be provided to appropriate staff on the identification and management of food allergies, including avoidance measures, typical symptoms, the proper use of epinephrine auto-injectors, documentation and storage of medication, and emergency drills.

6. Supervision of Students

Staff who are trained and knowledgeable about symptoms of anaphylaxis and actions to take in an emergency shall provide supervision in the classroom and cafeteria and on the playground whenever students known to have a food allergy are on school grounds.

7. Health Education

The District's health education curriculum may include instruction on food allergies in order to assist food-allergic students in taking responsibility for monitoring their diet and to teach other students about the dangers of sharing foods or utensils with others.

Emergency Response

Epinephrine auto-injectors or other medicine provided for use in the event of an anaphylactic shock reaction shall be stored and used in accordance with law and BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions.

In addition, staff shall call 911 and seek immediate medical attention for a student experiencing an anaphylactic shock reaction.

As soon as possible, school staff shall contact the student's parents/guardians or other person identified as an emergency contact.

Regulation Adopted: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5141.3**

**STUDENTS**

**HEALTH EXAMINATIONS**

The Board of Trustees recognizes that periodic health examinations of students may lead to the detection and treatment of conditions that impact learning. Health examinations also may help in determining whether special adaptations of the school program are necessary.

In addition to verifying that students have complied with legal requirements for health examinations and immunizations before enrolling in school, the District shall administer tests for vision, hearing and scoliosis as required by law.

*Legal Reference:*

EDUCATION CODE

44871-44879 Employment qualifications

49400-49413 General powers-school boards (re pupil health)

49422 Supervision of health and physical development

49450-49457 Physical examinations (of pupils)

49460-49466 Development of standardized health assessments

HEALTH AND SAFETY CODE

120325-120380 Immunization against communicable diseases

121475-121520 Tuberculosis tests for pupils

CODE OF REGULATIONS, TITLE 5

590-596 Vision screening

3027 Hearing and vision screening for special education

3028 Audiological screening

Policy Adopted: 02/18/92

Policy Revised: 10/01/96

Policy Revised: 01/11/11



OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5141.3**

**STUDENTS**

**HEALTH EXAMINATIONS**

The principal at each school shall notify parents/guardians of the rights of students and parents/guardians related to health examinations.

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

Vision and Hearing Tests

Students shall have their vision and hearing tested by qualified personnel authorized by the District.

All students shall be tested for visual acuity when they first enroll in elementary school and every three years thereafter until the student completes grade 8. External observations of the student's eyes, visual performance and perception shall be made by the school nurse and the classroom teacher.

For male students, color vision shall be tested one time, after the student reaches grade 1. Results of the test shall be entered into the student's health record.

Evaluation of a student's vision may be waived at the parent/guardian's request if the parent/guardian presents a certificate from either a medical doctor or an optometrist specifying the results of an examination of the student's vision including visual acuity, and, in male students, color vision.

Visual defects or any other defects found as a result of the vision examination shall be reported to the parent/guardian with a request that remedial action be taken to correct or cure the defect. If made in writing, such reports shall not include a referral to any private practitioner, and the report of a visual defect shall be made on a form prescribed by the Superintendent of Public Instruction.

The student may be referred to a public clinic or diagnostic and treatment center operated by a public hospital or by the state, county or city department of public health.

Scoliosis Screening

Each female student in grade 7 and each male student in grade 8 shall be screened for scoliosis. This screening shall comply with California Department of Education standards and shall be performed by qualified personnel as specified in law.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5141.3**

**STUDENTS**

**HEALTH EXAMINATIONS**

Scoliosis Screening (continued)

Persons performing the screening shall not solicit, encourage or advise treatment of the student for scoliosis or any other condition discovered in the course of the screening.

The parent/guardian of any student suspected of having scoliosis shall receive a notice which includes an explanation of scoliosis and describes the significance of treatment at an early age. This notice shall also describe the public services available for treatment and include a referral to appropriate community resources.

OCEAN VIEW SCHOOL DISTRICT OF ORANGE COUNTY  
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**BOARD POLICY**

**BP 5141.31**

**STUDENTS**

**Immunizations**

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Board of Trustees shall cooperate with state and local public health agencies to encourage and facilitate immunization of all District students against preventable diseases.

Each student enrolling for the first time in a District elementary or secondary school, preschool, or child care and development program, or, after July 1, 2016, enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that he/she has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Each transfer student shall be requested to present his/her immunization record, if possible, upon registration at a District school.

The Superintendent or designee may arrange for an authorized health care provider to administer immunizations at school to any student whose parent/guardian has consented in writing. At the beginning of the school year, parents/guardians shall be notified of their right to provide consent for the administration of an immunization to their child at school. (Education Code 49403)

*Legal Reference:*

EDUCATION CODE

44871 *Qualifications of supervisor of health*

46010 *Total days of attendance*

48216 *Immunization*

48853.5 *Immediate enrollment of foster youth*

48980 *Required notification of rights*

49403 *Cooperation in control of communicable disease and immunizations*

49426 *Duties of school nurses*

49701 *Flexibility in enrollment of children of military families*

51745-51749.6 *Independent study*

HEALTH AND SAFETY CODE

120325-120380 *Immunization against communicable disease, especially:*

120335 *Immunization requirement for admission*

120395 *Information about meningococcal disease, including recommendation for vaccination*

120440 *Disclosure of immunization information*

CODE OF REGULATIONS, TITLE 5

430 *Student records*

CODE OF REGULATIONS, TITLE 17

6000-6075 *School attendance immunization requirements*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act*

UNITED STATES CODE, TITLE 42

11432 *Immediate enrollment of homeless children*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 *Family Educational Rights and Privacy*

OCEAN VIEW SCHOOL DISTRICT OF ORANGE COUNTY  
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**BOARD POLICY**

**BP 5141.31**

**STUDENTS**

**Immunizations**

*Management Resources:*

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

*California Immunization Handbook for Child Care Programs and Schools, August 2015*

*Guide to Immunizations Required for Child Care*

*Guide to Immunizations Required for School Entry*

*Parents' Guide to Immunizations Required for Child Care*

*Parents' Guide to Immunizations Required for School Entry*

EDUCATION AUDIT APPEALS PANEL PUBLICATIONS

*Guide for Annual Audits of Local Education Agencies and State Compliance Reporting, July 2015*

U.S. DEPARTMENT OF EDUCATION GUIDANCE

*Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009*

WEB SITES

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

*California Department of Public Health, Immunization Branch: <http://www.cdph.ca.gov/programs/immunize>*

*California Department of Public Health, Shots for Schools: <http://shotsforschools.org>*

*Centers for Disease Control and Prevention: <http://www.cdc.gov>*

*Education Audit Appeals Panel: <http://www.eaap.ca.gov>*

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

Policy Adopted: 02/18/92  
Policy Revised: 02/21/95  
Policy Revised: 09/16/03  
Policy Revised: 01/11/11  
Policy Revised: 02/09/16

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5141.31**

**STUDENTS**

**Immunizations**

Required Immunizations

The Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.

The Superintendent or designee shall not unconditionally admit any student to a District elementary or secondary school, preschool, or child care and development program for the first time nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized. The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Heath and Safety Code 120335; 17 CCR 6020)

Immunizations for Grades K-8

1. Measles, mumps and rubella (MMR)
2. Diphtheria, tetanus and pertussis (whooping cough) (DTP, DTaP, or Tdap)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. Any other disease designated by the CDPH

However, full immunization against hepatitis B shall not be a condition by which the Superintendent or designee shall admit or advance any student to grade 7. (Health and Safety Code 120335)

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and this regulation. However, the District shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related service required by his/her IEP regardless of whether the student is fully immunized. (Health and Safety Code 120335)

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5141.31**

**STUDENTS**

**Immunizations**

Immunizations for Grades K-8 (continued)

The student's immunization record shall be provided by the student's health care provider or from the student's previous school immunization record. The record must show at least the month and year for each dose, except that the day, month, and year must be shown for the MMR doses given during the month of the first birthday and for the Tdap dose given during the month of the seventh birthday. (17 CCR 6070)

Exemptions

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

1. The parent/guardian files with the District a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe. The statement shall indicate the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family medical history, for which the physician does not recommend immunization. (Health and Safety Code 120370; 17 CCR 6051)
2. The student's parent/guardian files with the District, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to his/her personal beliefs, in which case the student shall be exempted from the immunization until he/she enrolls in the next applicable grade span requiring immunization (birth to preschool, grades TK-5, grades 6-8). (Health and Safety Code 120335)

When a student transfers to a different school within the District or transfers into the District from another school district in California, his/her personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the District shall present a copy of the personal beliefs exemption upon enrollment. When a student transfers into the District from outside California and presents a personal beliefs exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

3. The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction.

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5141.31**

**STUDENTS**

**Immunizations**

Exemptions (continued)

Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. The student has not received all the immunizations required for his/her age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission.
2. The student has a temporary exemption from immunization for medical reasons pursuant to item #1 in the section "Exemptions" above.

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses as specified in 17 CCR 6035.

In addition, a transfer student may be conditionally admitted for up to 30 school days while his/her immunizations records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6070)

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, he/she shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

The Superintendent or designee shall immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or District staff shall work with the student's prior school to obtain the student's immunization records or shall ensure that he/she is properly immunized. (Education Code 48853.5, 49701; Health and Safety Code 120341; 42 USC 11432)

Exclusions Due to Lack of Immunizations

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or an exemption is granted in accordance with the section "Exemptions" above.

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**ADMINISTRATIVE REGULATION**

**AR 5141.31**

**STUDENTS**

**Immunizations**

Exclusions Due to Lack of Immunizations (continued)

Before an already admitted student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days in which to supply evidence of proper immunization or an appropriate exemption. This notice shall refer the parent/guardian to the student's usual source of medical care, or, if the student has no usual source of medical care, then the parent/guardian shall be referred to the county health department. (Education Code 48216; 17 CCR 6040)

The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

Exclusion Due to Exposure to Disease

If the District has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and his/her documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer informs the District in writing that he/she is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120370)

Records

The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

The District shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5141.31**

**STUDENTS**

**Immunizations**

Audits

If an audit reveals deficiencies in the District's reporting procedures, the Superintendent or designee shall present the Board with a plan to remedy such deficiencies.

OCEAN VIEW SCHOOL DISTRICT OF ORANGE COUNTY  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5141.31**

**STUDENTS**

**Health Screening for School Entry**

**Comprehensive Health Screening for Grades TK/K-1**

The parent/guardian of a student in TK/kindergarten or first grade shall submit to the Superintendent or designee a certification form developed by the California Department of Health Care Services (DHCS) and signed by the student's health examiner certifying that the student has completed a comprehensive health screening within 18 months prior to entry into first grade or within 90 days thereafter. (Health and Safety Code 124040, 124085)

The Superintendent or designee shall notify parents/guardians of all TK/kindergarten students of the requirement to obtain a health screening and of the availability of the Child Health and Disability Prevention (CHDP) program established pursuant to Health and Safety Code 124025-124110 to assist eligible low-income families in obtaining the health screening. (Health and Safety Code 124100)

The notice and certification form shall be included with the notification of immunization requirements provided to parents/guardians prior to their child's enrollment in TK/kindergarten and shall encourage completion of the health screening simultaneously with immunizations. The notice shall also be provided to the parent/guardian of any student who is enrolling in first grade without having attended kindergarten in the District.

In lieu of the certification, the parent/guardian may submit a waiver on a form developed by DHCS indicating that he/she does not want or is unable to obtain a health screening. If the waiver indicates that the parent/guardian was unable to obtain the services, the reasons should be included in the waiver. (Health and Safety Code 124085)

The waiver form shall be provided to a parent/guardian upon request.

The completed certification form or the waiver shall be maintained in the student's health file or cumulative record. (5 CCR 432)

During the first 90 days of the school year, the Superintendent or designee may contact any parent/guardian of a first-grade student who has not provided either the certification form or the waiver to ensure that the parent/guardian understands the health screening requirement and, if appropriate, his/her possible eligibility for the CHDP program.

The Superintendent or designee shall exclude from school, for not more than five school days, any first-grade student who does not present evidence of a health screening or a waiver on or before the 90th day after entering first grade. The exclusion shall begin on the 91st day after the student's entrance into the first grade, or if school is not in session, then on the next succeeding school day. (Health and Safety Code 124105)

OCEAN VIEW SCHOOL DISTRICT OF ORANGE COUNTY  
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**ADMINISTRATIVE REGULATION**

**AR 5141.31**

**STUDENTS**

**Health Screening for School Entry**

**Comprehensive Health Screening for Grades TK/K-1 (continued)**

The Superintendent or designee may exempt a student from exclusion when his/her parents/guardians have been contacted at least twice between the first day and the 90th day after the student's enrollment in first grade and the parents/guardians refuse to provide either a certification form or a waiver. (Health and Safety Code 124105)

**Oral Health Assessment for Grades TK/K-1**

No later than May 31 of the relevant school year, the parent/guardian of a kindergarten student, or first-grade student who was not previously enrolled in TK/kindergarten in a public school, shall certify that the student has received an oral health assessment. The oral health assessment shall have been performed by a licensed dentist or other authorized dental health professional no earlier than 12 months prior to the date of the student's initial enrollment. The parent/guardian shall submit to the Superintendent or designee a California Department of Education standardized form which has been completed and signed by the dental health professional. (Education Code 49452.8)

The Superintendent or designee shall notify parents/guardians of the oral health assessment requirement. The notification shall, at a minimum, consist of a letter that includes all of the following: (Education Code 49452.8)

1. An explanation of the administrative requirements of the law.
2. Information on the importance of primary teeth.
3. Information on the importance of oral health to overall health and to learning.
4. A toll-free telephone number to request an application for Healthy Families, Medi-Cal, or other government-subsidized health insurance programs.
5. Contact information for county public health departments.
6. A statement of privacy applicable under state and federal laws and regulations.

The notification and certification form shall be provided to parents/guardians when they register their child for school

The student may be excused from complying with the oral health assessment if his/her parent/guardian indicates on the standardized form that it could not be completed for any of the following reasons: (Education Code 49452.8)

OCEAN VIEW SCHOOL DISTRICT OF ORANGE COUNTY  
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**ADMINISTRATIVE REGULATION**

**AR 5141.31**

**STUDENTS**

**Health Screening for School Entry**

**Oral Health Assessment for Grades TK/K-1 (continued)**

1. Completion of an assessment poses an undue financial burden on the parent/guardian.
2. The parent/guardian lacks access to a licensed dentist or other dental health professional.
3. The parent/guardian does not consent to an assessment.

Students who are not assessed, or for whom the parents/guardians fail to return the standardized form, shall not be excluded from school attendance.

By December 31 of each year, the Superintendent or designee shall report data on oral health assessments to the county office of education in accordance with Education Code 49452.8.

The report shall also be provided to the Board of Trustees. The identity of any student shall not be included in the report.

*Legal Reference:*

EDUCATION CODE

48985 Notice to parents in language other than English

49060-49079 Pupil records

49452.8 Oral health assessment

HEALTH AND SAFETY CODE

104395 Child Health and Disability Prevention Program expansion

124025-124110 Child Health and Disability Prevention Program, especially:

124085 Certificate documenting health screening and evaluation services; waiver by parent/guardian

124100 Distribution of program information to parents/guardians of kindergarten children

124105 Exclusions and exemption; legislative intent of notification contents

CODE OF REGULATIONS, TITLE 5

432 Student records

CODE OF REGULATIONS, TITLE 17

6800-6874 Child Health and Disability Prevention Program

*Management Resources:*

CSBA PUBLICATIONS

Promoting Oral Health for California's Students: New Roles, New Opportunities for Schools, Governance and Policy Services, Policy Brief, February 2007

DEPARTMENT OF HEALTH SERVICES PUBLICATIONS

CHDP School Handbook: School Entry Health Examination Requirements, rev. January 2006

WEB SITES

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

California Department of Education, Health Services: <http://www.cde.ca.gov/le/he/hn>

California Dental Association: <http://www.cda.org>

California Department Health Care Services, Child Health and Disability Prevention Program: <http://www.dhcs.ca.gov/services/chdp>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

OCEAN VIEW SCHOOL DISTRICT OF ORANGE COUNTY  
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**ADMINISTRATIVE REGULATION**

**AR 5141.31**

**STUDENTS**

**Health Screening for School Entry**

Regulation Adopted:	02/18/92-AR 5141.32 (Health Screening for School Entry)
Regulation Adopted:	02/21/96-AR 5141.31 (Immunizations)
Regulation Revised:	09/16/03-AR 5141.31 (Immunizations)
Regulation Renumbered:	01/11/11-AR 5141.32 included in AR 5141.31
Regulation Revised:	01/11/11
Regulation Revised:	02/09/16 (Immunizations and Health Screening for School Entry)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5141.33**

**STUDENTS**

**HEAD LICE**

The Board of Trustees believes that the District's head lice management program should emphasize the correct diagnosis and treatment of head lice in order to minimize disruption of the education process and to reduce the number of student absences resulting from infestation. In consultation with the school nurse, the Superintendent or designee may establish a routine screening program to help prevent the spread of head lice.

School employees shall report all suspected cases of head lice to the school nurse or designee as soon as possible. The nurse or designee shall examine the student and other students who are siblings of the affected student or members of the same household.

If a student is found with active, adult head lice, he/she shall be excluded from attendance. The parent/guardian of an excluded student shall receive information about recommended treatment procedures and sources of further information. The student shall be allowed to return to school the next day and shall be checked by the nurse or designee before returning to class. Once he/she is determined to be free of lice, the student shall be rechecked weekly for up to six weeks.

The Superintendent or designee shall send home the notification required by law for excluded students.

The principal and school nurse shall work with the parents/guardians of any student who has been deemed to be a chronic head lice case in order to help minimize the student's absences from school.

When two or more students in any class have been identified as having a head lice infestation, all students in the class shall be examined. In consultation with the school nurse, the principal may also send information about head lice home to all parents/guardians of the students in that class. Staff shall maintain the privacy of students identified as having head lice and excluded from attendance.

*Legal Reference:*

EDUCATION CODE

48210-48216 Persons excluded

49451 Physical examinations: parent's refusal to consent

Policy Adopted: 02/04/86

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5141.4**

**STUDENTS**

**CHILD ABUSE PREVENTION AND REPORTING**

The Board of Trustees is committed to supporting the safety and well-being of District students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

Child Abuse Prevention

The District's instructional program shall include age-appropriate and child abuse prevention curriculum. This curriculum shall explain students' right to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach them how to obtain help and disclose incidents of abuse. The curriculum also shall include training in self-protection techniques.

The District's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction.

The Superintendent or designee shall to the extent feasible, seek to incorporate community resources into the District's child abuse prevention programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the District and/or school comprehensive safety plan.

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

Mandated reporters shall not investigate any suspected incidents, but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

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**BOARD POLICY**

**BP 5141.4**

**STUDENTS**

**CHILD ABUSE PREVENTION AND REPORTING**

Child Abuse Reporting (continued)

The Superintendent or designee shall provide training regarding the reporting duties of mandated reporters.

*Legal Reference:*

EDUCATION CODE

32280-32288 Comprehensive school safety plans  
33195 Heritage schools, mandated reporters  
33308.1 Guidelines on procedure for filing child abuse complaints  
44252 Teachers Credentialing  
44691 Staff development in the detection of child abuse and neglect  
44807 Duty concerning conduct of students  
44906 Notification when student released to peace officer  
48987 Dissemination of reporting guidelines to parents  
49001 Prohibition of corporal punishment  
51220.5 Parenting skills education  
51900.6 Sexual abuse and sexual assault awareness and prevention

PENAL CODE

152.3 Duty to report murder, rape, or lewd or lascivious act  
273a Willful cruelty or unjustifiable punishment of child; endangering life or health  
288 Definition of lewd or lascivious act requiring reporting  
11164-11174.4 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

15630-15637 Dependent adult abuse reporting

CODE OF REGULATIONS, TITLE 5

4650 Filing complaints with CDE, special education students

UNITED STATES CODE, TITLE 42

11434a McKinney-Vento Homeless Assistance Act; definitions

Policy Adopted: 02/18/92  
Policy Revised: 09/04/01  
Policy Revised: 01/11/11  
Policy Revised: 04/26/16



OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5141.4**

**STUDENTS**

**CHILD ABUSE PREVENTION AND REPORTING**

Definitions

Child abuse or neglect includes the following:

1. A physical injury or death inflicted by other than accidental means on a child by another person.
2. Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1.
3. Neglect of a child as defined in Penal Code 11165.2.
4. Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3.
5. Unlawful corporal punishment or injury as defined in Penal Code 11165.4.

Child abuse or neglect does not include:

1. A mutual affray between minors.
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment.
3. An injury resulting from the exercise by a teacher, vice principal, principal, or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning.
4. An injury caused by a school employee's use of force that is reasonable and necessary to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student.
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student.
6. Homelessness or classification as an unaccompanied minor.

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Definitions (continued)

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; District police or security officers; licensed nurse or health care provider; and administrators, presenters, and counselors of a child abuse prevention program.

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. However, reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect.

Reportable Offenses

A mandated reporter shall make a report using the procedures provided below whenever, in his/her professional capacity or within the scope of his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect.

Any mandated reporter who has knowledge of or who reasonably suspects that a child is suffering serious emotional damage or is at a substantial risk of suffering serious emotional damage, based on evidence of severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, may make a report to the appropriate agency.

Any District employee who reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14 shall notify a peace officer.

Responsibility for Reporting

The reporting duties of mandated reporters are individual and cannot be delegated to another person.

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

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Responsibility for Reporting (continued)

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report.

Any person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to the appropriate agency.

Reporting Procedures

1. Initial Telephone Report

Immediately or as soon as practicably possible after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department.

Child Abuse Registry/Orange County

P.O. Box 14102

Orange, CA 92863-1502

714-940-1000 (HOTLINE), 714-938-0289 (FAX)

When the initial telephone report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

Within 36 hours of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572).

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Reporting Procedures (continued)

The Department of Justice form may be obtained from the District office or other appropriate agencies, such as the county probation or welfare department or the police or sheriff's department.

Reports of suspected child abuse or neglect shall include, if known:

- a. The name, business address, and telephone number of the person making the report and the capacity that makes the person a mandated reporter.
- b. The child's name and address, present location and, where applicable, school, grade, and class.
- c. The names, addresses, and telephone numbers of the child's parents/guardians.
- d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information.
- e. The name, address, telephone number, and other relevant personal information about the person(s) who might have abused or neglected the child.

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her.

The mandated reporter may give to an investigator from an agency investigating the case, including a licensing agency, any information relevant to the incident of child abuse or neglect or to a report made for serious emotional damage pursuant to Penal Code 11166.05

3. Internal Reporting

The mandated reporter shall not be required to disclose his/her identity to his/her supervisor, the principal, or the Superintendent or designee.

However, employees reporting child abuse or neglect to an appropriate agency are encouraged, but not required, to notify the principal as soon as possible after the initial telephone report to the appropriate agency. When so notified, the principal shall inform the Superintendent or designee, who will then inform the Board of Trustees within 24 hours.

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Reporting Procedures (continued)

The principal so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Board policy, and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing the necessary forms.

Reporting the information to an employer, supervisor, principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency.

Training

Within the first six weeks of each school year, the Superintendent or designee shall provide training on mandated reporting requirements to District employees and persons working on their behalf who are mandated reporters. Any school personnel hired during the school year shall receive such training within the first six weeks of employment.

The Superintendent or designee shall use the online training module provided by the California Department of Social Services. However, if the online training module is not used, the Superintendent or designee is required to report to the CDE regarding the training being used in its place.

The training shall include, but not necessarily be limited to, training in identification and reporting of child abuse and neglect. In addition, the training shall include information that failure to report an incident of known or reasonably suspected child abuse or neglect as required by law is a misdemeanor punishable by imprisonment and/or a fine as specified.

The Superintendent or designee shall obtain and retain proof of each mandated reporter's completion of the training.

Victim Interviews

Whenever the Department of Social Services or another government agency investigating suspected child abuse or neglect that occurred within the child's home or out-of-home care facility, the student may be interviewed by an agency representative during school hours, on school premises. The Superintendent or designee shall give the student the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the student.

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Victim Interviews (continued)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her of the following requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school.

Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian.

Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures for reporting suspected child abuse occurring at a school site to appropriate agencies. For parents/guardians whose primary language is other than English, such procedures shall be in their primary language and, when communicating orally regarding those procedures, an interpreter shall be provided.

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Parent/Guardian Complaints (continued)

To file a complaint against a District employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person, or in writing with any appropriate agency identified above under "Reporting Procedures." If a parent/guardian makes a complaint about an employee to any other employee, the employee receiving the information shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency. The employee also is obligated pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650.

Notifications

The Superintendent or designee shall provide to all new employees who are mandated reporters a statement that informs them of their status as mandated reporters, of their reporting obligations under Penal Code 11166, and of their confidentiality rights under Penal Code 11167. The District shall also provide these new employees with a copy of Penal Code 11165.7, 11166, and 11167.

Before beginning employment, any person who will be a mandated reporter by virtue of his/her position shall sign a statement indicating that he/she has knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee.

Employees who work with dependent adults shall be notified of legal responsibilities and reporting procedures pursuant to Welfare and Institutions Code 15630-15637.

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his/her professional capacity or outside the scope of his/her employment. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.

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Notifications (continued)

2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she may be guilty of a crime punishable by a fine and/or imprisonment.
3. No employee shall be subject to any sanction by the District for making a report unless it can be shown that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.

Regulation Adopted: 02/18/92  
Regulation Revised: 09/04/01  
Regulation Revised: 01/11/11  
Regulation Revised: 04/26/16



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**OCEAN VIEW SCHOOL DISTRICT**

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**Human Resources**

To: All New Employees

Re: DISTRICT CHILD ABUSE REPORTING REQUIREMENTS AND SEXUAL HARASSMENT POLICY

State law requires that every school district employee who falls within certain statutorily defined categories be familiar with the laws relating to child abuse reporting requirements and work place sexual harassment policy. Such employees must, prior to commencing employment, sign a statement signifying that they have knowledge of the reporting requirements for child abuse and will comply with them, and have knowledge of the District Sexual Harassment Policy. (Penal Code Section 11164, 11165, 11165.5, 11165.7, 11165.9, 11165.11, 11165.12, 11166, 11172 (a), and Board Policy 4119.11 for sexual harassment)

Your employment falls within such a statutory category. Consequently, please read the attached materials which explain your responsibilities regarding any suspected instances of child abuse and the procedure for doing so, and that you are knowledgeable of the sexual harassment policy.

I have read the attached Penal Code, sections 11164, 11165, 11165.5, 11165.7, 11165.9, 11165.11, 11165.12, 11166, 11172 (a), and Board Policy 4119.11. I understand and agree to comply therewith.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Please print name

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**CHILD ABUSE PREVENTION AND REPORTING**

**TO REPORT SUSPECTED CHILD ABUSE OR NEGLECT  
PLEASE CALL SOCIAL SERVICES AGENCY  
(714) 940-1000**

**Ocean View School District  
Huntington Beach, CA 92647  
Human Resources**

**Receipt and Acknowledgment of Child Abuse Reporting**

Section 11164 of the Penal Code requires any child care custodian, as defined in Penal Code section 11165.7 who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse, to report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone and to prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

**Following is penal code sections 11164, 11165. 11165.5, 11165.7, 11165.9, 11165.11, 11165.12, 11166, and 11172(a) which explains the procedure for reporting child abuse:**

- 11164 (a) This article shall be known and may be cited as the Child Abuse and Neglect Reporting Act.
- (b) The intent and purpose of this article is to protect children from abuse and neglect. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case shall consider the needs of the child victim and shall do whatever is necessary to prevent psychological harm to the child victim.

11165 As used in this article "child" means a person under the age of 18 years.

11165.5 As used in this article, the term "abuse or neglect in out-of-home care" includes physical injury inflicted upon a child by another person by other than accidental means, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, unlawful corporal punishment or injury as defined in Section 11165.4, or the willful cruelty or unjustifiable punishment of a child, as defined in Section 11165.3, where the person responsible for the child's welfare is a licensee, administrator, or employee of any facility licensed to care for children, or an administrator or employee of a public or private school or other institution or agency. "Abuse or neglect in out-of-home care" does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer.

# OCEAN VIEW SCHOOL DISTRICT

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#### CHILD ABUSE PREVENTION AND REPORTING

- 11165.7 (a) As used in this article, "mandated reporter" is defined as any of the following:
- (1) A teacher.
  - (2) An instructional aide.
  - (3) A teacher's aide or teacher's assistant employed by any public or private school.
  - (4) A classified employee of any public school.
  - (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.
  - (6) An administrator of a public or private day camp.
  - (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
  - (8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
  - (9) Any employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis.
  - (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
  - (11) A Head Start teacher.
  - (12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
  - (13) A public assistance worker.
  - (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
  - (15) A social worker, probation officer, or parole officer.
  - (16) An employee of a school district police or security department.
  - (17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
  - (18) A district attorney investigator, inspector, or family support officer unless the investigator, inspector, or officer is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
  - (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
  - (20) A firefighter, except for volunteer firefighters.
  - (21) A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

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- (22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- (23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
- (24) A marriage, family and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code.
- (26) A state or county public health employee who treats a minor for venereal disease or any other condition.
- (27) A coroner.
- (28) A medical examiner, or any other person who performs autopsies.
- (29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.
- (30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.
- (31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:
  - (a) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.
  - (b) "Humane society officer" means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.
- (32) A clergy member, as specified in subdivision (c) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

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- (33) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.
- (34) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the Rules of Court.
  - (a) Volunteers of public or private organizations whose duties require direct contact and supervision of children are encouraged to obtain training in the identification and reporting of child abuse.
  - (b) Training in the duties imposed by this article shall include training in child abuse identification and training in child abuse reporting. As part of that training, school districts shall provide to all employees being trained a written copy of the reporting requirements and a written disclosure of the employees' confidentiality rights.
  - (c) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.
  - (d) The absence of training shall not excuse a mandated reporter from the duties imposed by this article.

11165.9 Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department. Any of those agencies shall accept a report of suspected child abuse or neglect whether offered by a mandated reporter or another person, or referred by another agency, even if the agency to whom the report is being made lacks subject matter or geographical jurisdiction to investigate the reported case, unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction. When an agency takes a report about a case of suspected child abuse or neglect in which that agency lacks jurisdiction, the agency shall immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction.

11165.11 As used in this article, "licensing agency" means the State Department of Social Services office responsible for the licensing and enforcement of the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code), the California Child Day Care Act (Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code), and Chapter 3.5 (commencing with Section licensing agency which has contracted with the state for performance of those duties.

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**CHILD ABUSE PREVENTION AND REPORTING**

11165.12 As used in this article, the following definitions shall control:

- (a) "Unfounded report" means a report which is determined by the investigator who conducted the investigation to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect, as defined in Section 11165.6.
- (b) "Substantiated report" means a report which is determined by the investigator who conducted the investigation, based upon some credible evidence, to constitute child abuse or neglect, as defined in Section 11165.6.
- (c) "Inconclusive report" means a report which is determined by the investigator who conducted the investigation not to be unfounded, but in which the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in Section 11165.6, has occurred.

**CALL SOCIAL SERVICES AGENCY AT (714) 940-1000**

- 11166
- (a) Except as provided in subdivision (c), a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make a report to the agency immediately or as soon as is practicably possible by telephone, and the mandated reporter shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident.
    - (1) For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.
    - (2) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.
  - (b) Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that fine and punishment.



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- (c) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, or slide depicting a child under the age of 16 years engaged in an act of sexual conduct, shall report the instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately, or as soon as practically possible, by telephone, and shall prepare and send a written report of it with a copy of the film, photograph, videotape, negative, or slide attached within 36 hours of receiving the information concerning the incident. As used in this subdivision, "sexual conduct" means any of the following:
  - (1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.
  - (2) Penetration of the vagina or rectum by any object.
  - (3) Masturbation for the purpose of sexual stimulation of the viewer.
  - (4) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.
  - (5) Exhibition of the genitals, pubic, or rectal areas of any person for the purpose of sexual stimulation of the viewer.
- (d) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9.
- (e) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.
  - (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.
  - (2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

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- (3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.
- (f) A county probation or welfare department shall immediately, or as soon as practically possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.
- (g) A law enforcement agency shall immediately, or as soon as practically possible, report by telephone to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.



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- 11172      (a)      No mandated reporter shall be civilly or criminally liable for any report required or authorized by this article. Any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by this article unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report, and any person who makes a report of child abuse or neglect known to be false or with reckless disregard of the truth or falsity of the report is liable for any damages caused. No person required to make a report pursuant to this article, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse or neglect, or causing photographs to be taken of a suspected victim of child abuse or neglect, without parental consent, or for disseminating the photographs with the reports required by this article. However, this section shall not be construed to grant immunity from this liability with respect to any other use of the photographs.

Exhibit Adopted: 09/04/01  
Exhibit Revised: 01/11/11

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**SUICIDE PREVENTION**

The Board of Trustees recognizes that suicide is a leading cause of death among youth and that school personnel who regularly interact with students are often in a position to recognize the warning signs of suicide and to offer appropriate referral and/or assistance. To attempt to reduce suicidal behavior and its impact on students and families, the Superintendent or designee shall develop measures and strategies for suicide prevention, intervention and postvention.

In developing measures and strategies for use by the District, the Superintendent or designee shall consult with school and community stakeholders, school employed mental health professionals, suicide prevention experts and the county mental health plan. (Education Code 215)

The Board of Trustees shall ensure that measures and strategies for students in grades TK-6 are age appropriate and delivered and discussed in a manner that is sensitive to the needs of young students. (Education Code 215)

Measures and strategies for suicide prevention, intervention, and postvention shall include, but are not limited to:

1. Staff development on suicide awareness and prevention for teachers, school counselors, and other District employees who interact with students, as described in the accompanying Administrative Regulation.
2. Instructing students in problem-solving and coping skills to promote students' mental emotional, and social health and well-being.
3. Promoting a positive school climate that enhances students' feelings of connectedness with the school and that is characterized by caring staff and harmonious interrelationships among students.
4. Providing information to parents/guardians regarding risk factors and warning signs of suicide, the severity of the youth suicide problem, the District's suicide awareness and prevention strategies, basic steps for helping suicidal youth, and school and community resources that can help youth in crisis.
5. Encouraging students to notify appropriate school personnel or other adults when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.
6. Developing crisis intervention procedures for addressing suicide threats or attempts.
7. Counseling and other postvention strategies for helping students, staff, and others cope in the aftermath of a student's suicide.

**STUDENTS**

**SUICIDE PREVENTION** (continued)

As appropriate, these measures and strategies shall specifically address the needs of students who are at high risk of suicide, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth. (Education Code 215)

If a referral is made for mental health or related services for a student in grade TK-6 who is a MediCal beneficiary, the Superintendent or designee shall coordinate and consult with the county mental health plan. (Education Code 215)

District employees shall act only within the authorization and scope of their credential or license. Nothing in this policy shall be construed as authorizing or encouraging District employees to diagnose or treat mental illness unless they are specifically licensed and employed to do so.

The Board shall review, and update as necessary, this policy at least every five years. (Education Code 215)

The Superintendent or designee shall post this policy on the District's website, in a prominent location, and in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

*Legal Reference:*

**EDUCATION CODE**

32280-32289 Comprehensive safety plan

49060-49079 Student records

49602 Confidentiality of student information

49604 Suicide prevention training for school counselors

**GOVERNMENT CODE**

810-996.6 Government Claims Act

**WELFARE AND INSTITUTIONS CODE**

5698 Emotionally disturbed youth; legislative intent

5850-5883 Mental Health Services Act

**COURT DECISIONS**

*Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554*

*Management Resources:*

**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

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

*Youth Suicide-Prevention Guidelines for California Schools, 2005*

*Health Framework for California Public Schools, Kindergarten Through Grade Twelve, 2003*

**CALIFORNIA DEPARTMENT OF MENTAL HEALTH PUBLICATIONS**

*California Strategic Plan for Suicide Prevention: Every Californian is Part of the Solution, 2008*

**CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS**

*School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009*

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS**

*National Strategy for Suicide Prevention: Goals and Objectives or Action, 2001*

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5141.52**

**STUDENTS**

**SUICIDE PREVENTION**

*Management Resources: (continued)*

**WEB SITES**

*American Psychological Association: <http://www.apa.org>*

*California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh>*

*California Department of Mental Health, Children and Youth Programs:*

*[http://www.dmh.ca.gov/Services\\_and\\_Programs/Children\\_and\\_Youth](http://www.dmh.ca.gov/Services_and_Programs/Children_and_Youth)*

*Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>*

*National Institute for Mental Health: <http://www.nimh.nih.gov>*

*U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration:  
<http://www.samhsa.gov>*

Policy Adopted: 01/11/11

Policy Revised: 09/05/17

Policy Revised: 08/11/20

**ADMINISTRATIVE REGULATION**

**AR 5141.52**

**STUDENTS**

**SUICIDE PREVENTION**

Staff Development

Suicide prevention training shall be provided to teachers, counselors, and other District employees who interact with students. The training shall be offered under the direction of a school counselor/psychologist and/or in cooperation with one or more community mental health agencies.

Materials for training shall include how to identify appropriate mental health services at the school site and within the community, and when and how to refer youth and their families to those services. Materials also may include programs that can be completed through self-review of suitable suicide prevention materials. (Education Code 215)

Staff development shall include research and information related to the following topics:

1. The higher risk of suicide among certain groups, including, but not limited to, students who are bereaved by suicide; students with disabilities, mental illness, or substance use disorders; students who are experiencing homelessness or who are in out-of-home settings such as foster care; and students who are lesbian, gay, bisexual, transgender, or questioning youth
2. Individual risk factors such as previous suicide attempt(s) or self-harm, history of depression or mental illness, family history of suicide or violence, feelings of isolation, interpersonal conflicts, a recent severe stressor or loss, family instability, impulsivity, and other factors
3. Warning signs that may indicate depression, emotional distress, or suicidal intentions, such as changes in students' personality or behavior and verbalizations of hopelessness or suicidal intent
4. Protective factors that may help to decrease a person's suicide risk, such as resiliency, problem-solving ability, access to mental health care, and positive connections to family, peers, school, and community
5. Instructional strategies for teaching suicide awareness and prevention strategies and promoting mental and emotional health
6. School and community resources and services, including resources and services that meet the specific needs of high-risk groups
7. Appropriate ways to interact with a student who is demonstrating emotional distress or is suicidal and procedures for intervening when a student attempts, threatens, or discloses the desire to die by suicide, including, but not limited to, appropriate protocols for monitoring the student while the immediate referral of the student to medical or mental health services is being processed.

**ADMINISTRATIVE REGULATION**

**AR 5141.52**

**STUDENTS**

**SUICIDE PREVENTION**

Staff Development (continued)

8. District procedures for responding after a suicide has occurred.

Instruction

The District's comprehensive health education program shall promote the healthy mental, emotional, and social development of students and shall be aligned with the state content standards and curriculum framework. Suicide prevention instruction shall be incorporated into the health education curriculum in an age appropriate manner and shall be designed to help students:

1. Identify and analyze signs of depression and self-destructive behaviors in oneself and others and understand how feelings of depression, loss, isolation, inadequacy, and anxiety can lead to thoughts of suicide
2. Develop coping and resiliency skills and self-esteem
3. Learn to listen, be honest, share feelings, and get help when communicating with friends who show signs of suicidal intent
4. Identify trusted adults, school resources, and/or community crisis intervention resources where youth can get help and recognize that there is no stigma associated with seeking services for mental health, substance abuse, and/or suicide prevention

Student Identification Cards

Student identification cards for students in grades 7-12 shall include the National Suicide Prevention Lifeline telephone number and may also include the Crisis Text Line and/or a local suicide prevention hotline telephone number (Education Code 215.5)

Intervention

Students shall be encouraged to notify a teacher, principal, counselor, or other adult when they are experiencing thoughts of suicide or when they suspect or have knowledge of another student's suicidal intentions.

Every statement regarding suicidal intent shall be taken seriously. Whenever a staff member suspects or has knowledge of a student's suicidal intentions based on the student's verbalizations or act of self-harm, he/she shall promptly notify the principal, school psychologist or school counselor who shall implement District intervention protocols as appropriate.

**ADMINISTRATIVE REGULATION**

**AR 5141.52**

**STUDENTS**

**SUICIDE PREVENTION**

**Intervention** (continued)

Although any personal information that a student discloses to a school counselor shall generally not be revealed, released, referenced, or discussed with third parties, the counselor may report to the principal or student's parents/guardians when he/she has reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or others within the school community. In addition, the counselor may disclose information of a personal nature to psychotherapists, other health care providers, or the school nurse for the sole purpose of referring the student for treatment. (Education Code 49602)

When a suicide attempt or threat is reported, the principal or designee shall ensure student safety by taking the following actions:

1. Immediately securing medical treatment and/or mental health services as necessary
2. Notifying law enforcement and/or other emergency assistance if a suicidal act is being actively threatened
3. Keeping the student under continuous adult supervision until the parent/guardian and/or appropriate support agent or agency can be contacted and has the opportunity to intervene
4. Removing other students from the immediate area as soon as possible

The principal or designee shall document the incident in writing, including the steps that the school took in response to the suicide attempt or threat.

The Superintendent or designee shall follow up with the parent/guardian and student in a timely manner to provide referrals to appropriate services as needed. If the parent/guardian does not access treatment for the student, the Superintendent or designee may meet with the parent/guardian to identify barriers to treatment and assist the family in providing follow-up care for the student. If follow-up care is still not provided, the Superintendent or designee shall consider whether he/she is required, pursuant to laws for mandated reporters of child neglect, to refer the matter to the local child protective service agency.

For any student returning to school after a mental health crisis, the principal or designee, school psychologist and/or school counselor may meet with the parents/guardians and, if appropriate, with the student to discuss re-entry and appropriate next steps to ensure the student's readiness for return to school and determine the need for ongoing support.

**ADMINISTRATIVE REGULATION**

**AR 5141.52**

**STUDENTS**

**SUICIDE PREVENTION**

**Postvention**

In the event that a student dies by suicide, the Superintendent or designee shall communicate with the student's parents/guardians to offer condolences, assistance, and resources. In accordance with the laws governing confidentiality of student record information, the Superintendent or designee shall consult with parents/guardians regarding facts that may be divulged to other students, parents/guardians, and staff.

The Superintendent or designee shall implement procedures to address students' and staff's grief and to minimize the risk of imitative suicide or suicide contagion. He/she shall provide students, parents/guardians, and staff with information, counseling, and/or referrals to community agencies as needed. Students significantly affected by suicide death and those at risk of imitative behavior should be identified and closely monitored. School staff may receive assistance from school counselors or other mental health professionals in determining how best to discuss the suicide or attempted suicide with students.

Any response to media inquiries shall be handled by the District-designated spokesperson who shall not divulge confidential information. The District's response shall not sensationalize suicide and shall focus on the District's postvention plan and available resources.

After any suicide or attempted suicide by a student, the Superintendent or designee shall provide an opportunity for all staff who responded to the incident to debrief, evaluate the effectiveness of the strategies used, and make recommendations for future actions.

Regulation Adopted: 01/11/11  
Regulation Revised: 09/15/17  
Regulation Revised: 08/11/20



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5141.6**

**STUDENTS**

**SCHOOL HEALTH SERVICES**

The Board of Trustees recognizes that good physical and mental health is critical to a student's ability to learn and believes that all students should have access to comprehensive health services. The District may provide access to health services at or near district schools through the establishment of a school health center and/or mobile van(s) that serve multiple campuses.

The Board of Trustees and the Superintendent or designee shall collaborate with local and state agencies and health care providers to assess the health needs of students in District schools and the community. Based on this needs assessment and the availability of resources, the Superintendent or designee shall recommend for Board approval the types of health services to be provided by the District.

The Board of Trustees may employ or contract with health care professionals or partner with community health centers to provide the services under the terms of a written contract or memorandum of understanding.

The Superintendent or designee shall coordinate the provision of school health services with other student wellness initiatives, including health education, programs that address nutrition and physical fitness, and other activities designed to create a healthy school environment. The Superintendent or designee shall encourage joint planning and regular communications among health services staff, district administrators, teachers, counselors, other staff, and parents/guardians.

**Consent and Confidentiality**

The Superintendent or designee shall obtain written parent/guardian consent prior to providing services to a student, except when the student is authorized to consent to the service pursuant to Family Code 6920-6929 or other applicable laws.

The Superintendent or designee shall maintain the confidentiality of student health records in accordance with law.

**Payment/Reimbursement for Services**

The Board of Trustees desires that costs not be a barrier to student access to services. Services may be provided free of charge or on a sliding scale in accordance with law.

The Superintendent or designee shall establish procedures for billing public and private insurance programs and other applicable programs for reimbursement of services as appropriate.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5141.6**

**STUDENTS**

**SCHOOL HEALTH SERVICES**

Payment/Reimbursement for Services (continued)

The District shall serve as a Medi-Cal provider to the extent feasible, comply with all related legal requirements, and seek reimbursement of costs to the extent allowed by law.

To further encourage student access to health care services, the Superintendent or designee shall develop and implement strategies to assist in outreach and enrollment of eligible students from low- to moderate-income families in affordable, comprehensive state or federal health coverage programs and local health initiatives. Such strategies may include, but not be limited to, providing information about the Medi-Cal program on the application for free and reduced-price meals in accordance with law and providing students and parents/guardians with information about the low-cost Healthy Families insurance program.

Program Evaluation

In order to continuously improve school health services, the Board of Trustees shall evaluate the effectiveness of such services and the extent to which they continue to meet student needs.

The Superintendent or designee shall provide the Board of Trustees with periodic reports that may include, but not necessarily be limited to, rates of participation in school health services; changes in student outcomes such as school attendance or achievement; feedback from staff and participants regarding program accessibility and operations, including accessibility to low-income and linguistically and culturally diverse students and families; and program costs and revenues.

*Legal Reference:*

*EDUCATION CODE*

*8800-8807 Healthy Start support services for children*

*49073-49079 Privacy of student records*

*49423.5 Specialized physical health care services*

*49557.2-49558 Eligibility for free and reduced-price meals; sharing information with Medi-Cal FAMILY CODE*

*6920-6929 Consent by minor for medical treatment*

*GOVERNMENT CODE*

*95020 Individualized family service plan*

*HEALTH AND SAFETY CODE*

*121020 HIV/AIDS testing and treatment; parental consent for minor under age 12*

*123110 Minor's right to access health records*

*123115 Limitation on parent/guardian access to minor's health records*

*123800-123995 California Children's Services Act*

*124025-124110 Child Health and Disability Prevention Program*

*124172-124174.5 Public School Health Center Support Program*

*130300-130317 Health Insurance Portability and Accountability Act (HIPAA)*

*WELFARE AND INSTITUTIONS CODE*

*14059.5 Definition of "medically necessary"*

*14100.2 Confidentiality of Medi-Cal information*

*14115 Medi-Cal claims process*

*14124.90 Third-party health coverage*

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5141.6**

**STUDENTS**

**SCHOOL HEALTH SERVICES**

*Legal Reference (continued):*

14132.06 Covered benefits; health services provided by local educational agencies  
14132.47 Administrative claiming process and targeted case management  
CODE OF REGULATIONS, TITLE 10  
2699.6500-2699.6905 Healthy Families Program  
CODE OF REGULATIONS, TITLE 17  
2951 Testing standards for hearing tests  
6800-6874 Child Health and Disability Prevention Program  
CODE OF REGULATIONS, TITLE 22  
51009 Confidentiality  
51050-51192 Definitions of Medi-Cal providers and services  
51200 Requirements for providers  
51231.2 Wheelchair van requirements  
51270 Local educational agency provider; conditions for participation  
51304 Limitations on specified benefits  
51309 Psychology, physical therapy, occupational therapy, speech pathology, audiological services  
51323 Medical transportation services  
51351 Targeted case management services  
51360 Local educational agency; types of services  
51491 Local educational agency eligibility for payment  
51535.5 Reimbursement to local educational agency providers  
UNITED STATES CODE, TITLE 20  
1232g Family Educational and Privacy Rights Act (FERPA)  
UNITED STATES CODE, TITLE 42  
1320c-9 Prohibition against disclosure of records  
1397aa-1397jj State Children's Health Insurance Program  
CODE OF FEDERAL REGULATIONS, TITLE 42  
431.300 Use and disclosure of information on Medicaid applicants and recipients  
CODE OF FEDERAL REGULATIONS, TITLE 45  
164.500-164.534 Health Insurance Portability and Accountability Act (HIPAA)

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5141.6**

**STUDENTS**

**SCHOOL HEALTH SERVICES**

Medi-Cal Billing

In order to provide services as a Medi-Cal provider, the District shall enter into and maintain a contract with the California Department of Health Care Services (DHCS).

The Superintendent or designee shall submit a claim for Medi-Cal reimbursement whenever the District provides a covered preventive, diagnostic, therapeutic, or rehabilitative service specified in 22 CCR 51190.4 or 51360 to a Medi-Cal-eligible student under age 22 and/or a member of his/her family.

The District shall maintain records including, but not limited to, records of the type and extent of services provided to a Medi-Cal beneficiary in accordance with law.

The Superintendent or designee shall ensure that all practitioners employed by or under contract with the District possess the appropriate license, certification, registration, or credential and provide only those services that are within their scope of practice.

Any federal funds received by the district as reimbursement for the costs of services under the Medi-Cal billing option shall be reinvested in services for students and their families as specified in Education Code 8804(g). The Superintendent or designee shall consult with a local school-linked services collaborative group, such as that defined in Education Code 8806, regarding decisions on reinvestment of federal funds.

Medi-Cal Administrative Activities

Designated school staff shall document, on a time survey form, the amount of time spent on activities identified by DHCS which are related to the administration of the Medi-Cal program. Such activities include, but are not be limited to:

1. Outreach.
2. Referral of health and mental health services.
3. Translation services.
4. Facilitation of applications.
5. Scheduling and arranging emergency and medical transportation of eligible individuals.
6. Contracting for services.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5141.6**

**STUDENTS**

**SCHOOL HEALTH SERVICES**

Medi-Cal Administrative Activities (continued)

7. Program planning and policy development.
8. Claims administration.
9. General administration.

The Superintendent or designee shall, on a quarterly basis, submit an invoice to the local educational consortium or local governmental agency through which the District has contracted to receive reimbursement.

Staff responsible for completing the time survey shall annually participate in training regarding eligible activities and the time survey methodology, and shall receive additional training whenever there are changes or updates in administrative claiming categories and activities. New or reassigned staff shall receive training before beginning their duties completing time surveys.

The Superintendent or designee shall maintain an audit file containing original time survey documentation and other records specified by DHCS. Such documentation shall be kept for three years after the end of the quarter in which expenditures were incurred or, if an audit is in progress, until the completion of the audit.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 5141.6**

**STUDENTS**

**SCHOOL HEALTH SERVICES**

Board Resolution on Student Health and Learning

WHEREAS, the Board of Trustees of the Ocean View School District recognizes that good health is a prerequisite to optimal learning and that absenteeism among students is clearly associated with school failure; and

WHEREAS, health is defined in a broad sense as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity; and

WHEREAS, health services are an important element of a comprehensive approach to promoting health and preventing disease and disability in children and youth; and

WHEREAS, access to regular medical care is improved through health insurance, inasmuch as children without health insurance are less likely to have a family doctor, receive timely preventive care, and receive medical treatment; and

WHEREAS, nearly one in five of California's children has no health care coverage, and nearly one in five children without health care coverage do not receive necessary medical treatment for a chronic illness that was serious enough to keep the child from functioning in school; and

WHEREAS, families have a variety of options for health care coverage, including but not limited to California's low-cost Healthy Families program, no-cost Medi-Cal for Children program and local county health initiatives such as Healthy Kids, which provide comprehensive health, dental and vision care coverage to low-income, uninsured children under 19 years of age who represent the state's most vulnerable population; and

WHEREAS, after one year of coverage in the Healthy Families program, California children in the poorest health significantly improved their health, missed less school and improved their school performance; and

WHEREAS, schools can help students achieve academic success by participating in efforts that promote good health and have already demonstrated their commitment to students' health through the institution of such programs as Healthy Start and after-school programs, early care and education programs, school-based/school-linked health services, child nutrition services, school readiness, counseling services, and immunization programs; and

WHEREAS, children's access to health care services requires collaboration with local agencies and community-based organizations so that, through the shared responsibility and collective action of schools, local agencies and/or community-based organizations, we can ensure positive outcomes for our children and youth;

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 5141.6**

**STUDENTS**

**SCHOOL HEALTH SERVICES**

Board Resolution on Student Health and Learning (continued)

NOW THEREFORE BE IT RESOLVED that the Board of the Ocean View School District will work to improve children's health, thereby improving their academic performance, by helping to ensure that all children have health insurance coverage. To this end, the District will participate in outreach and enrollment efforts related to California's low-cost Healthy Families Program, no-cost Medi-Cal for Children, and other affordable health programs including local county health initiatives such as Healthy Kids. This will help assure optimal learning for every child by addressing children's health problems and maximizing school attendance.

PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at a regular meeting,  
by the following vote:

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5141.7**

**STUDENTS**

**SUN SAFETY**

The Board of Trustees recognizes that overexposure to ultraviolet (UV) radiation from the sun and artificial sources such as sunlamps and tanning beds is linked to the development of skin cancer, eye damage, premature aging, and a weakened immune system and that children are particularly vulnerable to the effects of overexposure. The Board of Trustees desires to support the prevention of excessive UV radiation exposure by students and to assist students in developing sun-safe habits to use throughout their lives.

The Superintendent or designee shall establish a developmentally appropriate prevention/intervention program for grades K-8 to prevent student overexposure to UV radiation. He/she may coordinate sun safety and UV radiation education and policy efforts with the California Department of Health Services, the local health department, and other local agencies and/or community organizations. He/she shall involve students, parents/guardians, and the community in support of such school-based programs.

The Superintendent or designee shall incorporate sun safety elements into the curriculum in order to increase students' understanding of the health risks associated with overexposure to UV radiation from the sun or artificial sources and to encourage students to engage in preventive practices.

Students shall be encouraged to take reasonable measures to protect their skin and eyes from overexposure to the sun while on campus, while attending school-sponsored activities, or while under the supervision and control of District employees.

To encourage and assist students to avoid overexposure to the sun when they are outdoors:

1. Students shall be allowed to wear sun-protective clothing, including, but not limited to, hats.
2. Students shall be allowed to wear UV-protective sunglasses outdoors.
3. Students shall be allowed to use sunscreen during the school day without a physician's note or prescription.

Those students using sunscreen shall be encouraged to apply sunscreen at least 15-20 minutes prior to any outdoor activity that will require prolonged exposure to the sun. School personnel shall not be required to assist students in applying sunscreen.

4. Students shall be allowed to use UV-protective lip balm.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5141.7**

**STUDENTS**

**SUN SAFETY**

The Superintendent or designee shall evaluate the adequacy of shaded and/or indoor areas for recreation at each school and shall consider the provision of sufficient shaded areas in plans for new construction or modernization of facilities.

The Superintendent or designee may monitor the UV Index and modify outdoor school activities with regard to the risk of harm associated with the Index level.

Staff shall be encouraged to model recommended sun-safe behaviors, such as avoiding excessive sun exposure, using sunscreen, and wearing hats and other sun-protective clothing.

The Superintendent or designee shall inform school staff and parents/guardians of the District's sun safety measures and shall encourage parents/guardians to provide sunscreen, lip balm, hats, and other sun-protective clothing for their children to use at school. The Superintendent or designee also may provide information to parents/guardians about the risks of overexposure to UV radiation and preventive measures they may take to protect their children during nonschool hours.

*Legal Reference:*

*EDUCATION CODE*

*35183.5 Sun protection*

*51210 Courses of study, grades 1-6*

*51220 Courses of study, grades 7-12*

*51890-51891 Comprehensive health education programs*

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5142**

**STUDENTS**

**SAFETY**

The Board of Trustees recognizes the importance of providing a safe school environment that is conducive to learning and helps ensure student safety and the prevention of student injury. The Superintendent or designee shall implement appropriate practices to minimize the risk of harm to students, including, but not limited to, practices relative to school facilities and equipment, the outdoor environment, educational programs, and school-sponsored activities.

Staff shall be responsible for the proper supervision of students during school hours, during school-sponsored activities, and while students are using District transportation to and from school.

The Superintendent or designee shall ensure that students receive appropriate instruction on topics related to safety, as well as injury and disease prevention.

*Legal Reference:*

EDUCATION CODE

8482-8484.6 After School Education and Safety Program  
17280-17317 Building approvals (Field Act)  
17365-17374 Fitness of school facilities for occupancy  
32001 Fire alarms and drills  
32020 School gates; entrances for emergency vehicles  
32030-32034 Eye safety  
32040 First aid equipment  
32225-32226 Two-way communication devices in classrooms  
32240-32245 Lead-free schools  
32250-32254 CDE school safety and security resources unit  
32280-32289 Safety plans  
44807 Duty of teachers concerning conduct of students  
44808 Exemption from liability when students are not on school property  
44808.5 Permission for students to leave school grounds; notice (high school)  
45450-45451 Crossing guards  
48900 Hazing  
49300-49307 School safety patrol  
49330-49335 Injurious objects  
49341 Hazardous materials in school science laboratories  
51202 Instruction in personal and public health and safety

GOVERNMENT CODE

810-996.6 California Tort Claims Act

HEALTH AND SAFETY CODE

115725-115735 Playground safety  
115775-115800 Wooden playground equipment  
115810-115816 Playground safety and recycling grants

PENAL CODE

245.6 Hazing

PUBLIC RESOURCES CODE

5411 Purchase of equipment usable by physically disabled persons

VEHICLE CODE

21100 Rules and regulations; crossing guards  
21212 Use of helmets  
42200 Fines and forfeitures, disposition by cities  
42201 Fines and forfeitures, disposition by counties

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5142**

**STUDENTS**

**SAFETY**

*Legal Reference (continued):*

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

570-576 School safety patrols

5531 Supervision of social activities

5552 Playground supervision

5570 When school shall be open and teachers present

14103 Bus driver; authority over pupils

COURT DECISIONS

*Wiener v. Southcoast Childcare Centers*, (2004) 32 Cal.4th 1138

*Kahn v. East Side Union High School District*, (2003) 31 Cal.4th 990

*Hoyem v. Manhattan Beach City School District*, (1978) 22 Cal. 3d 508

*Dailey v. Los Angeles Unified School District*, (1970) 2 Cal 3d 741

*Management Resources:*

AMERICAN SOCIETY FOR TESTING AND MATERIALS

F 1487-05, *Standard Consumer Safety Performance Specification for Playground Equipment for Public Use*, 2005

U.S. CONSUMER PRODUCT SAFETY COMMISSION PUBLICATIONS

*Handbook for Public Playground Safety*, Pub. No. 325, 1994, rev. 1997

WEB SITES

American Society for Testing and Materials: <http://www.astm.org>

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

California Department of Health Services: <http://www.dhs.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Environmental Protection Agency: <http://www.epa.gov>

U.S. Consumer Product Safety Commission: <http://www.cpsc.gov>

U.S. Department of Education, Safe Schools: <http://www.ed.gov/about/offices/list/osep/osep/gtss.html>

Policy Adopted: 02/18/92

Policy Revised: 09/16/03

Policy Revised: 01/11/11

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**SAFETY**

Each principal or designee shall establish school rules for the safe and appropriate use of school equipment and materials and for student conduct consistent with law, Board policy, and administrative regulation. Copies of the rules shall be distributed to parents/guardians and shall be readily available at the school at all times.

Release of Students

Students shall be released during the school day only to the custody of an adult if:

1. The adult is the student's custodial parent/guardian.
2. The adult has been authorized on the student's emergency card as someone to whom the student may be released when the custodial parent/guardian cannot be reached, and the principal or designee verifies the adult's identity.
3. The adult is an authorized law enforcement officer acting in accordance with law.
4. The adult is taking the student to emergency medical care at the request of the principal or designee.

Supervision of Students

Every teacher shall hold students accountable for their conduct on the way to and from school, on the playgrounds, and during recess.

The principal or designee shall require all individuals supervising students to remain alert in spotting dangerous conditions, promptly report any such conditions to the principal or designee, and file a written report on such conditions as appropriate.

In arranging for appropriate supervision on playgrounds, the principal or designee shall:

1. Where playground supervision is not otherwise provided, provide for certificated employees to supervise the conduct and safety, and direct the play, of students who are on school grounds before and after school and during recess and other intermissions.
2. Clearly identify supervision zones on the playground and require all playground supervisors to remain outside at a location from which they can observe their entire zone of supervision.

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**SAFETY**

Supervision of Students (continued)

3. Consider the size of the playground area, the number of areas that are not immediately visible, and the age of the students to determine the ratio of playground supervisors to students

The Superintendent or designee shall ensure that teachers, teacher aides, playground supervisors, yard aides, and volunteers who supervise students receive training in safety practices and in supervisory techniques that will help them to forestall problems and resolve conflicts. Such training shall be documented and kept on file.

Playground Safety

Any new playground or any replacement of equipment or modification of components inside an existing playground shall conform to standards set forth by the American Society for Testing and Materials and the guidelines set forth by the U.S. Consumer Product Safety Commission.

Any playground installed between January 1, 1994, and December 31, 1999, shall conform to these standards not later than 15 years after the date of installation.

Regulation Adopted: 02/18/92

Regulation Revised: 09/16/03

Regulation Revised: 01/11/11

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**IDENTIFICATION AND REPORTING OF MISSING CHILDREN**

In order to facilitate the location and identification of missing children, the Board of Trustees may offer a voluntary fingerprinting program for all entering kindergarten students and for all students newly enrolled in the District. The Superintendent or designee shall encourage student participation and ensure student privacy.

The Board of Trustees may contract with any public or private agency, including any appropriate civic or community organization, to perform the fingerprinting.

District personnel, including but not limited to teachers, administrators, school aides, school playground workers and school bus drivers, are encouraged to report missing children to a law enforcement agency in a timely manner in order to provide those children a necessary level of protection.

*Legal Reference:*

*EDUCATION CODE*

*32390 Voluntary program for fingerprinting students*

*38139 Posting of information about missing children*

*48980 Parental notification of district programs, rights and responsibilities*

*49068.5-49068.6 Missing children; transfers*

*49370 Legislative intent re: reporting of missing children*

*CODE OF REGULATIONS, TITLE 5*

*640-641 Student fingerprinting program*

*Management Resources:*

*WEB SITES*

*Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>*

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**IDENTIFICATION AND REPORTING OF MISSING CHILDREN**

Notices About Missing Children

Every school shall post in an appropriate area information provided by the Department of Justice on missing children. For elementary schools, such information shall be posted in an area restricted to adults.

Elementary school principals are urged to review missing children's pictures whenever a new student enrolls or transfers into the school.

If a school receives notice from a law enforcement agency that a child enrolled in that school has been reported missing, the principal or designee shall place a notice that the child has been reported missing on the front of the child's school record. If a school receives a record inquiry or request from any person or entity regarding a missing child about whom the school has been notified, the principal or designee shall immediately notify the law enforcement authorities who informed the school of the missing child's status.

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**INSURANCE**

The Board of Trustees believes that all students should have health and accident insurance protection to ensure that they receive needed health care services in the event of illness or injury.

The Superintendent or designee shall provide information to students and their parents/guardians about available insurance against injuries occurring during school-related activities, which may include printed matter furnished by the insurer or membership corporation. Parents/guardians shall not be required to enroll their children in insurance programs offered by the District.

*Legal Reference:*

*EDUCATION CODE*

*10900-10914.5 Community recreation activities*

*32220-32224 Insurance for athletic teams*

*33353.5 Interscholastic federation; insurance program; nontransaction of insurance*

*35331 Insurance for field trips and excursions*

*48980 Parental notifications*

*48985 Notices to parents in language other than English*

*49470-49474 District medical services and insurance*

*51760 Insurance, work experience programs*

*52530 Insurance for healing arts program students*

*INSURANCE CODE*

*10493 Benefit and relief association*

*CODE OF REGULATIONS, TITLE 22*

*51050-51190.5 Definitions of Medi-Cal providers and services*

*Management Resources:*

*WEB SITES*

*CSBA, Medi-Cal Services Program: [http://www.csba.org/ds/medi\\_cal.htm](http://www.csba.org/ds/medi_cal.htm)*

*California Department of Health Services, Medical Care Services: <http://www.dhs.ca.gov/mcs>*

*California Department of Insurance: <http://www.insurance.ca.gov/>*

*Centers for Medicare and Medicaid Services: <http://www.cms.hhs.gov/>*

*Healthy Families Program: <http://www.healthyfamilies.ca.gov/>*

*Medi-Cal: <http://www.medi-cal.ca.gov>*



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**DISCIPLINE**

The Board of Trustees desires to prepare students for responsible citizenship by fostering self-discipline and personal responsibility. The Board of Trustees believes that high expectations for student behavior, effective classroom management and parent involvement can minimize the need for discipline and increase student learning. Staff shall use preventative measures and positive conflict resolution techniques whenever possible.

Board policies and regulations shall delineate acceptable student conduct and provide the basis for sound disciplinary practices. Each school shall develop disciplinary rules to meet the school's individual needs.

When misconduct occurs, staff shall implement appropriate discipline and attempt to identify and address the causes of the student's behavior. Continually disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy and administrative regulation. At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline.

Staff shall enforce disciplinary rules fairly, consistently and without discrimination.

The Superintendent or designee shall provide professional development as necessary to assist staff in developing classroom management skills and implementing effective disciplinary techniques.

*Legal Reference:*

CIVIL CODE

1714.1 Parental liability for child's misconduct

EDUCATION CODE

32280-32288 School safety plans

35146 Closed sessions

35291 Rules

35291.5-35291.7 School-adopted discipline rules

37223 Weekend classes

44807.5 Restriction from recess

48900-48926 Suspension and expulsion

48980-48985 Notification of parents or guardians

49000-49001 Prohibition of corporal punishment

49330-49335 Injurious objects

CODE OF REGULATIONS, TITLE 5

307 Participation in school activities until departure of bus

353 Detention after school

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*Management Resources:*

CSBA PUBLICATIONS

*Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999*

CDE PROGRAM ADVISORIES

*1010.89 Physical Exercise as Corporal Punishment, CIL 89/9-3*

*1223.88 Corporal Punishment, CIL: 88/9-5*

WEB SITES

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

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

Policy Adopted: 09/19/00

Policy Revised: 01/11/11

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Site-Level Rules

In developing site-level disciplinary rules, the school shall solicit the participation, views and advice of one representative selected by each of the following groups:

1. Parents/guardians
2. Teachers
3. School administrators
4. School security personnel, if any
5. For junior high and high schools, students enrolled in the school

The rules shall be consistent with law, Board of Trustees policy and District regulations. The Board of Trustees may review, at an open meeting, the approved school discipline rules for consistency with Board policy and state law.

Each school shall review its site-level discipline rules at least every four years.

It shall be the duty of each employee of the school to enforce the school rules on student discipline.

Disciplinary strategies provided in Board policy, regulation, and law may be used in developing site-level rules. These strategies include but are not limited to:

1. Referral of the student for advice and counseling.
2. Discussion or conference with parents/guardians.
3. Recess restriction.
4. Detention during and after school hours.
5. Community service.
6. Reassignment to an alternative educational environment.

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Site-Level Rules (continued)

7. Removal from the class in accordance with Board policy, administrative regulation, and law.
8. Suspension and expulsion.

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student.

For purposes of this policy, corporal punishment does not include an employee's use of force that is reasonable and necessary to protect the employee, students, staff or other persons or to prevent damage to property or to obtain possession of weapons or other dangerous objects within the control of the student.

Recess Restriction

A teacher may restrict a student's recess time when he/she believes that this action is the most effective way to bring about improved behavior, subject to the following conditions:

1. The student shall be given adequate time to use the restroom and get a drink or eat lunch, as appropriate.
2. The student shall remain under a certificated employee's supervision during the period of restriction.
3. Teachers shall inform the principal of any recess restrictions they impose.

Detention After School

Students may be detained for disciplinary reasons up to one hour after the close of the maximum school day.

If a student will miss his/her school bus on account of being detained after school, or if the student is not transported by school bus, the principal or designee shall notify parents/guardians of the detention at least one day in advance so that alternative transportation arrangements may be made. The student shall not be detained unless the principal or designee notifies the parent/guardian.

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Detention After School (continued)

In cases where the school bus departs more than one hour after the end of the school day, students may be detained until the bus departs.

Students shall remain under the supervision of a certificated employee during the period of detention.

Community Service

As part of or instead of disciplinary action, the Board of Trustees, Superintendent, principal or principal's designee may, at his/her discretion, require a student to perform community service on school grounds, or with written permission of the student's parent/guardian off school grounds, during nonschool hours. Such service may include, but is not limited to, community or school outdoor beautification, campus betterment, and teacher, peer or youth assistance programs.

This community service option is not available for a student who has been suspended, pending expulsion, pursuant to Education Code 48915. However, if the recommended expulsion is not implemented or the expulsion itself is suspended, then a student may be required to perform community service for the resulting suspension pursuant to this section.

Notice to Parents/Guardians and Students

At the beginning of the school year, the Superintendent or designee shall notify parents/guardians, in writing, about the availability of District rules related to discipline.

The Superintendent or designee shall also provide written notice of the rules related to discipline to transfer students at the time of their enrollment in the District.

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**SUSPENSION AND EXPULSION/DUE PROCESS**

The Board of Trustees has established policies and standards of behavior in order to promote learning and protect the safety and well-being of all students. The Board of Trustees desires to provide District students access to educational opportunities in an orderly school environment that protects their safety and security, ensures their welfare and well-being, and promotes their learning and development. The Board of Trustees shall develop rules and regulations setting the standards of behavior expected of District students and the disciplinary processes and procedures for addressing violations of those standards, including suspension and/or expulsion.

The grounds for suspension and expulsion and the procedures for considering, recommending and/or implementing suspension and expulsion shall be those specified in law and/or administrative regulation.

District staff shall enforce the rules concerning suspension and expulsion of students fairly, consistently, and in accordance with the District's nondiscrimination policies.

The Board of Trustees supports a zero tolerance approach to serious offenses in accordance with state and federal law. This approach makes the removal of potentially dangerous students from the classroom a top priority and ensures the standardized treatment of all students. Staff shall immediately report to the Superintendent or designee any incidence of offenses specified in law, Board policy, and administrative regulation as cause for suspension or expulsion.

Except for single acts of a grave nature or offenses for which suspension or expulsion is required by law, suspension or expulsion shall be used only when the student involved has a history of misconduct and other means of correction have failed to bring about proper conduct, or the student's presence causes a continuing danger to himself/herself or others.

To correct the behavior of students who are subject to discipline, the Superintendent or designee, to the extent allowed by law, shall use alternative disciplinary measures that keep students in school during the school day.

Suspended or expelled students shall be denied the privilege of participation in all extracurricular activities during the period of suspension or expulsion.

**Student Due Process**

The Board of Trustees shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices, hearings, and appeals as specified in administrative regulation and/or law.

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**SUSPENSION AND EXPULSION/DUE PROCESS**

Removal from Class by a Teacher and Parental Attendance

When suspending a student from class for committing an obscene act, engaging in habitual profanity or vulgarity, disrupting school activities, or otherwise willfully defying valid staff authority, the teacher of the class may require any parent/guardian who lives with the student to attend a portion of the school day in the class from which the student is being suspended, to assist in resolving the classroom behavior problems. (Education Code 48900.1)

Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and his/her parents/guardians and to improve classroom behavior.

Any teacher requiring parental attendance pursuant to this policy shall apply the policy uniformly to all students within the classroom. (Education Code 48900.1)

Before requiring parental attendance, the teacher shall make reasonable efforts to have the parent/guardian visit the class voluntarily. The teacher also may inform the parent/guardian about available resources and parent education opportunities. Teachers should reserve the option of required parental attendance for cases in which they have determined that it is the best strategy to promote positive interaction between the student and the parent/guardian and to improve classroom behavior.

When a teacher requires parental attendance, the principal shall send a written notice to the parent/guardian stating that his/her attendance is pursuant to law.

A parent/guardian who has received a written notice shall attend class as specified in the notice. After completing the classroom visit and before leaving school premises, the parent/guardian also shall meet with the principal or designee.

When a parent/guardian does not respond to the request to attend school, the principal or designee shall contact him/her by telephone, mail, or other means that maintain the confidentiality of the student's records.

District regulations and school-site rules for student discipline shall include procedures for implementing parental attendance requirements. Parents/guardians shall be notified of this policy prior to its implementation. (Education Code 48900.1)

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**SUSPENSION AND EXPULSION/DUE PROCESS**

Supervised Suspension Classroom

To ensure the proper supervision and ongoing learning of students who are suspended for any of the reasons enumerated in Education Code 48900 and 48900.2, but who pose no imminent danger or threat to anyone at school and for whom expulsion proceedings have not been initiated, the Superintendent or designee shall establish a supervised classroom suspension program which meets the requirements of the law. The use of such alternatives does not preclude off-campus suspensions.

Decision Not to Enforce Expulsion Order

In cases where expulsion is mandatory pursuant to Education Code 48915(c), the enforcement of an expulsion order shall not be suspended by the Board of Trustees. In all other cases of expulsion, the order for expulsion may be suspended by the Board of Trustees, on case-by-case basis, pursuant to the requirements of law and administrative regulation.

*Legal Reference:*

EDUCATION CODE

212.5 Sexual harassment  
1981 Enrollment of students in community school  
17292.5 Program for expelled students  
32261 Interagency School Safety Demonstration Act of 1985  
35146 Closed sessions (re suspensions)  
35291 Rules (for government and discipline of schools)  
35291.5 Rules and procedures on school discipline  
48660-48667 Community day schools  
48900-48927 Suspension and expulsion  
48950 Speech and other communication  
49073-49079 Privacy of student records

CIVIL CODE

47 Privileged communication  
48.8 Defamation liability

CODE OF CIVIL PROCEDURE

1985-1997 Subpoenas; means of production

GOVERNMENT CODE

11455.20 Contempt  
54950-54963 Ralph M. Brown Act

HEALTH AND SAFETY CODE

11014.5 Drug paraphernalia  
11053-11058 Standards and schedules

LABOR CODE

230.7 Discharge or discrimination against employee for taking time off to appear in school on behalf of a child

PENAL CODE

31 Principal of a crime, defined  
240 Assault defined  
241.2 Assault fines  
242 Battery defined  
243.2 Battery on school property  
243.4 Sexual battery  
245 Assault with deadly weapon  
245.6 Hazing  
261 Rape defined



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*Legal Reference (continued):*

266c Unlawful sexual intercourse  
286 Sodomy defined  
288 Lewd or lascivious acts with child under age 14  
288a Oral copulation  
289 Penetration of genital or anal openings  
626.2 Entry upon campus after written notice of suspension or dismissal without permission  
626.9 Gun-Free School Zone Act of 1995  
626.10 Dirks, daggers, knives, razors or stun guns  
868.5 Supporting person; attendance during testimony of witness  
WELFARE AND INSTITUTIONS CODE  
729.6 Counseling  
UNITED STATES CODE, TITLE 18  
921 Definitions, firearm  
UNITED STATES CODE, TITLE 20  
7151 Gun free schools  
COURT DECISIONS  
*T.H. v. San Diego Unified School District* (2004) 122 Cal. App. 4th 1267  
*Woodbury v. Dempsey* (2003) 108 Cal. App. 4th 421  
*Board of Education of Sacramento City Unified School District v. Sacramento County Board of Education and Kenneth H.*, (2001) 85 Cal.App.4th 1321  
*Garcia v. Los Angeles Board of Education* (1991) 123 Cal.App.3d 807  
*Fremont Union High School District v. Santa Clara County Board* (1991) 235 Cal. App. 3d 1182  
*John A. v. San Bernardino School District* (1982) 33 Cal. 3d 301  
ATTORNEY GENERAL OPINIONS  
84 Ops.Cal.Atty.Gen 146 (2001)  
80 Ops.Cal.Atty.Gen. 91 (1997)  
80 Ops.Cal.Atty.Gen. 85 (1997)

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>  
California Attorney General's Office: <http://www.caag.state.ca.us>  
California Department of Education: <http://www.cde.ca.gov>  
U.S. Department of Education, Office of Safe and Drug-Free Schools: <http://www.ed.gov/about/offices/list/osdfs/index.html>

Policy Adopted: 06/06/95  
Policy Revised: 08/13/96  
Policy Revised: 05/06/97  
Policy Revised: 05/18/99  
Policy Revised: 06/07/05  
Policy Revised: 01/11/11  
Policy Revised: 02/05/13

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**SUSPENSION AND EXPULSION/DUE PROCESS**

Definitions

Suspension from school means removal of a student from ongoing instruction for adjustment purposes. However, suspension does not mean any of the following:

1. Reassignment to another education program or class at the same school where the student will receive continuing instruction for the length of day prescribed by the Board of Trustees for students of the same grade level.
2. Referral to a certificated employee designated by the principal to advise students.
3. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or designee as provided in Education Code 48910. Removal from a particular class shall not occur more than once every five school days.

Expulsion means removal of a student from the immediate supervision and control, or the general supervision, of school personnel.

Day means a calendar day unless otherwise specifically provided.

School day means a day upon which the schools of the District are in session or weekdays during the summer recess.

Student includes a student's parent/guardian or legal counsel.

Principal's designee means one or more administrators or, if there is not a second administrator at one school site, a certificated person specifically designated by the principal, in writing, to assist with disciplinary procedures. Only one such person may be designated at any time as the principal's primary designee and only one such person may be designated as secondary designee for the school year. The names of such persons shall be on file in the principal's office.

School property, for the purposes described in Education Code 48900, includes, but is not limited to, electronic files and databases.

Notice of Regulations

At the beginning of each school year, the principal of each school shall ensure that all students and parents/guardians are notified in writing of all school rules related to discipline, suspension, and expulsion.

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**SUSPENSION AND EXPULSION/DUE PROCESS**

Grounds for Suspension and Expulsion

A student may be subject to suspension or expulsion when it is determined that he/she:

1. Caused, attempted to cause, or threatened to cause physical injury to another person or willfully used force or violence upon the person of another, except in self-defense.

A student who aids or abets the infliction or attempted infliction of physical injury on another person, as defined in Penal Code 31, may be suspended, but not expelled. However, a student may be suspended or expelled pursuant to Education Code 48900(a) once he/she has been adjudged by a juvenile court to have committed, as an aider or abettor, a crime of physical violence in which the victim suffered great or serious bodily injury.

2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of any object of this type, the student had obtained written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
3. Unlawfully possessed, used, sold, or otherwise furnished, or was under the influence of, any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance as defined in Health and Safety Code 11053-11058, alcoholic beverage, or intoxicant of any kind, and then sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented same as controlled substance, 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. Stole 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, cigars, cigarettes, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. This restriction shall not prohibit a student from using or possessing his/her own prescription products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.

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**SUSPENSION AND EXPULSION/DUE PROCESS**

Grounds for Suspension and Expulsion (continued)

10. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell any drug paraphernalia, as defined in Health and Safety Code 11014.5.
11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, other school officials, or other school personnel engaged in the performance of their duties.
12. Knowingly received stolen school property or private property.
13. Possessed an imitation firearm.

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 Penal Code 261, 266c, 286, 288, 288a, or 289, or committed a sexual battery as defined in Penal Code 243.4.
15. Harassed, threatened, or intimidated a student who is a complaining witness or witness in a school disciplinary proceeding for the purpose of preventing that student from being a witness and/or retaliating against that student for being a witness.
16. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug Soma.
17. Engaged in, or attempted to engage in, hazing.

Hazing means a method of initiation or preinitiation into a student 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 student. Hazing does not include athletic events or school-sanctioned events.

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**SUSPENSION AND EXPULSION/DUE PROCESS**

Grounds for Suspension and Expulsion (continued)

18. Engaged in an act of bullying, including, but not limited to, bullying by means of an electronic act, directed toward a student or school personnel.

Bullying means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that have or can reasonably be predicted to have the effect of placing a reasonable student in fear of harm to himself/herself or his/her property; cause the student to experience a substantially detrimental effect on his/her physical or mental health; or cause the student to experience substantial interferences with his/her academic performance or ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying shall include any act of sexual harassment, hate violence, or harassment, threat, or intimidation as defined in Education Code 48900.2, 48900.3, or 48900.4 that has any of the effects described above on a reasonable student.

Electronic act means the transmission of a communication, including, but not limited to, a message, text, sound, image, or post on a social network Internet website, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager. A post on a social network Internet website shall include, but is not limited to, the posting or creation of a burn page or the creation of a credible impersonation or false profile for the purpose of causing a reasonable student any of the effects of bullying described above.

Reasonable student means a student, including, but not limited to, a student who has been identified as a student with a disability, who exercises average care, skill, and judgment in conduct for a person of his/her age, or for a person of his/her age with his/her disability.

19. Made terrorist threats against school officials and/or school property.

A terrorist threat includes any written or oral statement by a person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out.

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**SUSPENSION AND EXPULSION/DUE PROCESS**

Grounds for Suspension and Expulsion (continued)

A student in grades 4-8 is also subject to suspension or recommendation for expulsion when it is determined that he/she:

20. Committed sexual harassment as defined in Education Code 212.5.

Sexual harassment means that conduct, when considered from the perspective of a reasonable person of the same gender as the victim, is sufficiently severe or pervasive as to have a negative impact upon the victim's academic performance or to create an intimidating, hostile, or offensive educational environment.

21. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence as defined in Education Code 233.

Hate violence means any act punishable under Penal Code 422.6, 422.7, or 422.75. Such acts include injuring or intimidating another person, interfering with the exercise of a person's civil rights, or damaging a person's property because of the person's race, ethnicity, religion, nationality, disability, gender, gender identify, gender expression, or sexual orientation, a perception of the presence of any of those characteristics in the person, or the person's association with a person or group with one or more of those actual or perceived characteristics.

22. Intentionally engaged in harassment, threats, or intimidation against District personnel or students that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of school personnel or students by creating an intimidating or hostile educational environment.

A student may be suspended or expelled for any of the acts listed above if the act is related to school activity or school attendance occurring at any District school under the jurisdiction of the Superintendent or principal or within any other school district, including, but not limited to, the following circumstances:

1. While on school grounds.
2. While going to or coming from school.

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Grounds for Suspension and Expulsion (continued)

3. During the lunch period, whether on or off the school campus.
4. During, going to, or coming from a school-sponsored activity.

The Superintendent or principal may use his/her discretion to provide alternatives to suspension or expulsion for a student subject to discipline under this administrative regulation, including, but not limited to, counseling and an anger management program.

Alternatives to suspension or expulsion shall be used with students who are truant, tardy, or otherwise absent from assigned school activities.

Removal from Class by a Teacher/Parental Attendance

A teacher may remove any student from his/her class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above.

When removing a student from his/her class, the teacher shall immediately report this action to the principal or designee and send the student to the principal or designee for appropriate action. If that action requires the continuing presence of the student at school, he/she shall be appropriately supervised during the class periods from which he/she has been removed.

As soon as possible, the teacher shall ask the student's parent/guardian to attend a parent-teacher conference regarding the removal. A counselor or psychologist may attend the conference if it is practicable, and a school administrator shall attend if either the parent/guardian or teacher so requests.

A student removed from class shall not be returned to class during the period of removal without the approval of the teacher of the class and the principal.

A student removed from class shall not be placed in another regular class during the period of removal. However, if a student is assigned to more than one class per day, he/she may be placed in any other regular classes except those held at the same time as the class from which the student was removed.

The teacher of any class from which a student is removed may require the student to complete any assignments and tests missed during the removal.



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Removal from Class by a Teacher/Parental Attendance (continued)

Pursuant to Board policy, a teacher may require that the parent/guardian of a student whom the teacher has removed attend a portion of a school day in his/her child's classroom. When a teacher makes this request, the principal shall send the parent/guardian a written notice that the parent/guardian's attendance is requested pursuant to law.

This notice shall also:

1. Inform the parent/guardian when his/her presence is expected and by what means he/she may arrange an alternate date.
2. State that if the parent/guardian does not have a means of transportation to school, he/she may ride the school bus with the student.
3. Ask the parent/guardian to meet with the principal after the visit and before leaving school, as required by Education Code 48900.1.

Suspension by Superintendent, Principal, or Principal's Designee

The Superintendent, principal, or designee may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above. A student may be suspended only when the Superintendent or principal has determined that other means of correction have failed to bring about proper conduct in the student.

However, the Superintendent, principal, or designee may impose a suspension upon a first offense if he/she determines that the student violated items #1-5 in "Grounds for Suspension and Expulsion" above or if the student's presence causes a danger to persons or property or threatens to disrupt the instructional process.

The Superintendent, principal, or designee shall immediately suspend any student found at school or at a school activity to be:

1. Possessing, as verified by a District employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the item from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife, as defined in Education Code 48915(g), at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.



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Suspension by Superintendent, Principal, or Principal's Designee (continued)

4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possession of an explosive as defined in 18 USC 921.

The Superintendent, principal, or designee may suspend a student from school for not more than five consecutive school days unless the suspension is extended pending expulsion.

A student may be suspended from school for not more than 20 school days in any school year unless, for purposes of adjustment, the student enrolls in or is transferred to another regular school, an opportunity school, or continuation school or class, in which case suspension shall not exceed 30 days in any school year. However, this restriction on the number of days of suspension does not apply when the suspension is extended pending an expulsion.

The District may count suspensions that occur while a student is enrolled in another school district toward the maximum number of days for which the student may be suspended in any school year.

Suspensions shall be initiated according to the following procedures:

1. **Informal Conference:** Suspension shall be preceded by an informal conference conducted by the Superintendent, principal, or designee with the student and, whenever practicable, the teacher, supervisor, or school employee who referred the student to the principal. At the conference, the student shall be informed of the reason for the disciplinary action, presented with the evidence against him/her, and given the opportunity to present his/her version and evidence in support of his/her defense.

This conference may be omitted if the Superintendent, principal, or designee determines that an emergency situation exists. An emergency situation involves a clear and present danger to the lives, safety, or health of students or school personnel. If a student is suspended without this conference, both the parent/guardian and student shall be notified of the student's right to return to school for the purpose of the conference. The conference shall be held within two school days, unless the student waives his/her right to it or is physically unable to attend for any reason. In such case, the conference shall be held as soon as the student is physically able to return to school.

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Suspension by Superintendent, Principal, or Principal's Designee (continued)

2. Administrative Actions: All requests for student suspension are to be processed by the principal or designee of the school in which the student is enrolled at the time of the misbehavior. A school employee shall report the suspension, including the name of the student and the cause for the suspension, to the Superintendent or designee.
3. Notice to Parents/Guardians: At the time of the suspension, a school employee shall make a reasonable effort to contact the parent/guardian by telephone or in person. Whenever a student is suspended, the parent/guardian shall be notified in writing of the suspension.

This notice shall state the specific offense committed by the student.

In addition, the notice may state the date and time when the student may return to school. If school officials wish to ask the parent/guardian to confer regarding matters pertinent to the suspension, the notice may add that state law requires the parent/guardian to respond to such requests without delay.

4. Parent/Guardian Conference: Whenever a student is suspended, school officials may meet with the parent/guardian to discuss the causes and duration of the suspension, the school policy involved, and any other pertinent matter.

While the parent/guardian is required to respond without delay to a request for a conference about a student's behavior, no penalties may be imposed on the student for the failure of the parent/guardian to attend such a conference. The student may not be denied readmission solely because the parent/guardian failed to attend the conference.

5. Extension of Suspension: If the Board of Trustees is considering the expulsion of a suspended student from any school or the suspension of a student for the balance of the semester from continuation school, the Superintendent or designee may, in writing, extend the suspension until such time as the Board of Trustees has made a decision.

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Suspension by Superintendent, Principal, or Principal's Designee (continued)

Any extension of the original period of suspension shall be preceded by notice of such extension with an offer to hold a conference concerning the extension, giving the student an opportunity to be heard. This conference may be held in conjunction with a meeting requested by the student or parent/guardian to challenge the original suspension. Extension of the suspension may be made only if the Superintendent or designee determines, following a meeting in which the student and the student's parent/guardian were invited to participate, that the student's presence at the school or at an alternative school would endanger persons or property or threaten to disrupt the instructional process.

Suspension by the Board

The Board of Trustees may suspend a student for any of the acts listed in "Grounds for Suspension and Expulsion" above and within the limits specified in "Suspension by Superintendent, Principal, or Designee" above.

The Board of Trustees may suspend a student enrolled in a continuation school or class for a period not longer than the remainder of the semester if any of the acts listed in "Grounds for Suspension and Expulsion" occurred. The suspension shall meet the requirements of Education Code 48915.

When the Board of Trustees is considering a suspension, disciplinary action, or any other action (except expulsion) against any student, it shall hold closed sessions if a public hearing would lead to disclosure of information violating a student's right to privacy under Education Code 49073-49079.

The Board of Trustees shall provide the student and his/her parent/guardian with written notice of the closed session by registered or certified mail or personal service. Upon receiving this notice, the student or parent/guardian may request a public meeting, and this request shall be granted if made in writing within 48 hours after receipt of the Board of Trustees' notice. However, any discussion that conflicts with any other student's right to privacy still shall be held in closed session.

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**Supervised Suspension Classroom**

Students for whom an expulsion action has not been initiated and who pose no imminent danger or threat to the school, students, or staff may be assigned to a supervised suspension classroom in a separate classroom, building, or site for the entire period of suspension. The following conditions shall apply:

1. The supervised suspension classroom shall be staffed in accordance with law.
2. The student shall have access to appropriate counseling services.
3. The supervised suspension classroom shall promote completion of schoolwork and tests missed by the student during the suspension.
4. Each student shall be responsible for contacting his/her teacher(s) to receive assignments to be completed in the supervised suspension classroom. The teacher(s) shall provide all assignments and tests that the student will miss while suspended. If no such work is assigned, the person supervising the suspension classroom shall assign schoolwork.

At the time a student is assigned to a supervised suspension classroom, the principal or designee shall notify the student's parent/guardian in person or by telephone. When the assignment is for longer than one class period, this notification shall be made in writing.

**Authority to Expel**

A student may be expelled only by the Board of Trustees. The Board of Trustees shall expel, as required by law, any student found to have committed any offense listed below under "Mandatory Recommendation and Mandatory Expulsion."

For all other grounds listed above under "Grounds for Suspension and Expulsion," the Board shall order a student expelled upon the recommendation of the Superintendent, principal, hearing officer, administrative panel, or designee, only if the Board makes a finding of either or both of the following: (Education Code 48915(b) and (e))

1. That other means of correction are not feasible or have repeatedly failed to bring about proper conduct.
2. That due to the nature of the violation, the presence of the student causes a continuing danger to the physical safety of the student or others.

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**Mandatory Recommendation for Expulsion**

Unless the Superintendent, principal, or designee finds that expulsion is inappropriate due to particular circumstances, the Superintendent, principal, or designee shall recommend a student's expulsion for any of the following acts:

1. Causing serious physical injury to another person, except in self-defense.
2. Possession of any knife as defined in Education Code 48915(g), explosive, or other dangerous object of no reasonable use to the student.
3. Unlawful possession of any controlled substance, as listed in Health and Safety Code 11053-11058, except for the first offense for the possession of not more than one ounce of marijuana, other than concentrated cannabis.
4. Robbery or extortion.
5. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

**Mandatory Recommendation and Mandatory Expulsion**

The Superintendent, principal, or designee shall recommend that the Board of Trustees expel any student found at school or at a school activity to be:

1. Possessing, as verified by a District employee, selling, or otherwise furnishing a firearm, unless the student had obtained prior written permission to possess the firearm from a certificated school employee, with the principal or designee's concurrence.
2. Brandishing a knife as defined in Education Code 48915(g) at another person.
3. Unlawfully selling a controlled substance listed in Health and Safety Code 11053-11058.
4. Committing or attempting to commit a sexual assault or committing a sexual battery as defined in item #14 under "Grounds for Suspension and Expulsion" above.
5. Possessing an explosive as defined in 18 USC 921. Upon finding that the student committed any of the above acts, the Board of Trustees shall expel the student.

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Mandatory Recommendation and Mandatory Expulsion (continued)

Upon finding that the student committed any of the above acts, the Board of Trustees shall expel the student. (Education Code 48915)

Student's Right to Expulsion Hearing

The student is entitled to a hearing to determine whether the student should be expelled. The hearing shall be held within 30 school days after the principal or Superintendent or designee determines that one of the acts listed under "Grounds for Suspension and Expulsion" has occurred.

The student is entitled to at least one postponement of an expulsion hearing for a period of not more than 30 calendar days. The request for postponement shall be in writing. Any subsequent postponement may be granted at the Board of Trustees' discretion.

If the Board of Trustees finds it impractical during the regular school year to comply with these time requirements for conducting an expulsion hearing, the Superintendent or designee may, for good cause, extend the time period by an additional five school days. Reasons for the extension shall be included as a part of the record when the expulsion hearing is held.

If the Board of Trustees finds it impractical to comply with the time requirements of the expulsion hearing due to a summer recess of Board meetings of more than two weeks, the days during the recess shall not be counted as school days. The days not counted during the recess may not exceed 20 school days, as defined in Education Code 48925. Unless the student requests in writing that the expulsion hearing be postponed, the hearing shall be held not later than 20 calendar days prior to the first day of the next school year.

Once the hearing starts, all matters shall be pursued with reasonable diligence and concluded without unnecessary delay.

Rights of Complaining Witness

An expulsion hearing involving allegations of sexual assault or sexual battery may be postponed for one school day in order to accommodate the special physical, mental, or emotional needs of a student who is the complaining witness.

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Rights of Complaining Witness (continued)

Whenever the Superintendent or designee recommends an expulsion hearing that addresses allegations of sexual assault or sexual battery, he/she shall give the complaining witness a copy of the District's suspension and expulsion policy and regulation and shall advise the witness of his/her right to:

1. Receive five days' notice of his/her scheduled testimony at the hearing.
2. Have up to two adult support persons of his/her choosing present in the hearing at the time he/she testifies.
3. Have a closed hearing during the time he/she testifies.

Whenever any allegation of sexual assault or sexual battery is made, the Superintendent or designee shall immediately advise complaining witnesses and accused students to refrain from personal or telephone contact with each other during the time when an expulsion process is pending.

Written Notice of the Expulsion Hearing

Written notice of the expulsion hearing shall be forwarded to the student and the student's parent/guardian at least 10 calendar days before the date of the hearing. The notice shall include:

1. The date and place of the hearing.
2. A statement of the specific facts, charges, and offense upon which the proposed expulsion is based.
3. A copy of District disciplinary rules which relate to the alleged violation.
4. Notification of the student's or parent/guardian's obligation, pursuant to Education Code 48915.1, to provide information about the student's status in the District to any other district in which the student seeks enrollment. This obligation applies when a student is expelled for acts other than those described in Education Code 48915(a) or (c).
5. The opportunity for the student or the student's parent/guardian to appear in person or be represented by legal counsel or by a nonattorney advisor.



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Written Notice of the Expulsion Hearing (continued)

Legal counsel means an attorney or lawyer who is admitted to the practice of law in California and is an active member of the State Bar of California.

Nonattorney advisor means an individual who is not an attorney or lawyer, but who is familiar with the facts of the case and has been selected by the student or student's parent/guardian to provide assistance at the hearing.

6. The right to inspect and obtain copies of all documents to be used at the hearing.
7. The opportunity to confront and question all witnesses who testify at the hearing.
8. The opportunity to question all evidence presented and to present oral and documentary evidence on the student's behalf, including witnesses.

Conduct of Expulsion Hearing

1. Closed Session: Notwithstanding the provisions of Government Code 54953 and Education Code 35145, the Board of Trustees shall conduct a hearing to consider the expulsion of the student in a session closed to the public unless the student requests in writing at least five days prior to the hearing that the hearing be a public meeting. If such request is made, the meeting shall be public unless another student's privacy rights would be violated.

Whether the expulsion hearing is held in closed or public session, the Board of Trustees may meet in closed session to deliberate and determine whether or not the student should be expelled. If the Board of Trustees admits any other person to this closed session, the parent/guardian, the student, and the counsel of the student shall also be allowed to attend the closed session.

If a hearing that involves a charge of sexual assault or sexual battery is to be conducted in public, a complaining witness shall have the right to have his/her testimony heard in closed session when testifying in public would threaten serious psychological harm to the witness and when there are no alternative procedures to avoid the threatened harm, including, but not limited to, videotaped deposition or contemporaneous examination in another place communicated to the hearing room by closed-circuit television.



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**Conduct of Expulsion Hearing (continued)**

2. Record of Hearing: A record of the hearing shall be made and may be maintained by any means, including electronic recording, as long as a reasonably accurate and complete written transcription of the proceedings can be made.
3. Subpoenas: Before commencing a student expulsion hearing, the Board of Trustees may issue subpoenas, at the request of either the student or the Superintendent or designee, for the personal appearance at the hearing of any person who actually witnessed the action that gave rise to the recommendation for expulsion. After the hearing has commenced, the Board of Trustees or the hearing officer or administrative panel may issue such subpoenas at the request of the student or the County Superintendent of Schools or designee. All subpoenas shall be issued in accordance with the Code of Civil Procedure 1985-1985.2 and enforced in accordance with Government Code 11455.20. (Education Code 48918(i))

Any objection raised by the student or the Superintendent or designee to the issuance of subpoenas may be considered by the Board of Trustees in closed session, or in open session if so requested by the student, before the meeting. The Board of Trustees' decision in response to such an objection shall be final and binding.

If the Board of Trustees determines, or if the hearing officer or administrative panel finds and submits to the Board of Trustees, that a witness would be subject to unreasonable risk of harm by testifying at the hearing, a subpoena shall not be issued to compel the personal attendance of that witness at the hearing. However, that witness may be compelled to testify by means of a sworn declaration as described in item #4 below.

4. Presentation of Evidence: Technical rules of evidence shall not apply to the expulsion hearing, but relevant evidence may be admitted and used as proof only if it is the kind of evidence on which reasonable persons can rely in the conduct of serious affairs. The decision of the Board of Trustees to expel shall be supported by substantial evidence that the student committed any of the acts pursuant to Education Code 48900 and listed in "Grounds for Suspension and Expulsion" above. (Education Code 48918(h))

Findings of fact shall be based solely on the evidence at the hearing. While no finding shall be based solely on hearsay, sworn declarations may be admitted as testimony from witnesses whose disclosure of their identity or testimony at the hearing may subject them to an unreasonable risk of physical or psychological harm.

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Conduct of Expulsion Hearing (continued)

In cases where a search of a student's person or property has occurred, evidence describing the reasonableness of the search shall be included in the hearing record.

5. Testimony by Complaining Witnesses: The following procedures shall be observed when hearings involve allegations of sexual assault or sexual battery by a student:
  - a. Any complaining witness shall be given five days' notice before being called to testify.
  - b. Any complaining witness shall be entitled to have up to two adult support persons, including, but not limited to, a parent/guardian or legal counsel, present during his/her testimony.
  - c. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential.
  - d. The person presiding over the hearing may remove a support person whom he/she finds is disrupting the hearing.
  - e. If one or both support persons are also witnesses, the hearing shall be conducted in accordance with Penal Code 868.5.
  - f. Evidence of specific instances of prior sexual conduct of a complaining witness shall be presumed inadmissible and shall not be heard unless the person conducting the hearing determines that extraordinary circumstances require the evidence to be heard. Before such a determination is made, the complaining witness shall be given notice and an opportunity to oppose the introduction of this evidence. In the hearing on the admissibility of this evidence, the complaining witness shall be entitled to be represented by a parent/guardian, legal counsel, or other support person. Reputation or opinion evidence regarding the sexual behavior of a complaining witness shall not be admissible for any purpose.
  - g. In order to facilitate a free and accurate statement of the experiences of the complaining witness and to prevent discouragement of complaints, the District shall provide a nonthreatening environment.

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Conduct of Expulsion Hearing (continued)

- 1) The District shall provide a room separate from the hearing room for the use of the complaining witness before and during breaks in testimony.
- 2) At the discretion of the person conducting the hearing, the complaining witness shall be allowed reasonable periods of relief from examination and cross-examination during which he/she may leave the hearing room.
- 3) The person conducting the hearing may:
  - a) Arrange the seating within the hearing room so as to facilitate a less intimidating environment for the complaining witness.
  - b) Limit the time for taking the testimony of a complaining witness to the hours he/she is normally in school, if there is no good cause to take the testimony during other hours.
  - c) Permit one of the support persons to accompany the complaining witness to the witness stand.
6. Decision Within 40 School Days: If the Board of Trustees does not meet on a weekly basis, its decision on whether to expel a student shall be made within 40 school days after the student is removed from his/her school of attendance, unless the student requests in writing that the decision be postponed.

Alternative Expulsion Hearing: Hearing Officer or Administrative Panel

Instead of conducting an expulsion hearing itself, the Board of Trustees may contract with the county hearing officer or with the Office of Administrative Hearings of the State of California for a hearing officer. Alternatively, the Board of Trustees may appoint an impartial administrative panel composed of three or more certificated personnel, none of whom shall be members of the Board of Trustees or on the staff of the school in which the student is enrolled.

A hearing conducted by the hearing officer or administrative panel shall conform to the same procedures applicable to a hearing conducted by the Board of Trustees as specified above in "Conduct of Expulsion Hearing," including the requirement to issue its decision within 40 school days of the student's removal from school, unless the student requests that the decision is postponed. (Education Code 48918(a) and (d))

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Alternative Expulsion Hearing: Hearing Officer or Administrative Panel (continued)

The hearing officer or administrative panel shall, within three school days after the hearing, determine whether to recommend expulsion of the student to the Board of Trustees. If expulsion is not recommended, the expulsion proceeding shall be terminated and the student shall be immediately reinstated. The Superintendent or designee shall place the student in a classroom instructional program, any other instructional program, a rehabilitation program, or any combination of these programs after consulting with District staff, including the student's teachers, and with the student's parent/guardian. The decision to not recommend expulsion shall be final.

If expulsion is recommended, findings of fact in support of the recommendation shall be prepared and submitted to the Board of Trustees. All findings of fact and recommendations shall be based solely on the evidence presented at the hearing. The Board of Trustees may accept the recommendation based either upon a review of the findings of fact and recommendations submitted or upon the results of any supplementary hearing the Board of Trustees may order.

In accordance with Board policy, the hearing officer or administrative panel may recommend that the Board of Trustees suspend the enforcement of the expulsion for a period of one year.

Final Action by the Board of Trustees

Whether the expulsion hearing is conducted in closed or public session by the Board of Trustees, a hearing officer, or an administrative panel, the final action to expel shall be taken by the Board of Trustees at a public meeting.

If the Board of Trustees conducts the hearing and reaches a decision not to expel, this decision shall be final and the student shall be reinstated immediately.

Upon ordering an expulsion, the Board of Trustees shall set a date when the student shall be reviewed for readmission to a school within the District. For a student expelled for an act listed under "Mandatory Recommendation and Mandatory Expulsion" above, this date shall be one year from the date the expulsion occurred, except that the Board of Trustees may set an earlier date on a case-by-case basis. For a student expelled for other acts, this date shall be no later than the last day of the semester following the semester in which the expulsion occurred. If an expulsion is ordered during the summer session or the intersession period of a year-round program, the Board of Trustees shall set a date when the student shall be reviewed for readmission not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred.

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Final Action by the Board of Trustees (continued)

At the time of the expulsion order, the Board of Trustees shall recommend a plan for the student's rehabilitation, which may include:

1. Periodic review, as well as assessment at the time of review, for readmission.
2. Recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.

With parent/guardian consent, students who have been expelled for reasons relating to controlled substances or alcohol may be required to enroll in a county-sponsored drug rehabilitation program before returning to school.

Written Notice to Expel

The Superintendent or designee shall send written notice of the decision to expel to the student or parent/guardian. This notice shall include the following:

1. The specific offense committed by the student for any of the causes for suspension or expulsion listed above in "Grounds for Suspension and Expulsion." (Education Code 48900.8)
2. The fact that a description of readmission procedures will be made available to the student and his/her parent/guardian.
3. Notice of the right to appeal the expulsion to the County Board of Education.
4. Notice of the alternative educational placement to be provided to the student during the time of expulsion.
5. Notice of the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of the student's status with the expelling district, pursuant to Education Code 48915.1.

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**Decision Not to Enforce Expulsion Order**

In accordance with Board of Trustees policy, when deciding whether to suspend the enforcement of an expulsion, the Board of Trustees shall take into account the following criteria:

1. The student's pattern of behavior.
2. The seriousness of the misconduct.
3. The student's attitude toward the misconduct and his/her willingness to follow a rehabilitation program.

The suspension of the enforcement of an expulsion shall be governed by the following:

1. The Board of Trustees may, as a condition of the suspension of enforcement, assign the student to a school, class, or program appropriate for the student's rehabilitation. This rehabilitation program may provide for the involvement of the student's parent/guardian in the student's education. However, a parent/guardian's refusal to participate in the rehabilitation program shall not be considered in the Board of Trustees' determination as to whether the student has satisfactorily completed the rehabilitation program.
2. During the period when enforcement of the expulsion order is suspended, the student shall be on probationary status.
3. The suspension of the enforcement of an expulsion order may be revoked by the Board of Trustees if the student commits any of the acts listed under "Grounds for Suspension and Expulsion" above or violates any of the District's rules and regulations governing student conduct.
4. When the suspension of the enforcement of an expulsion order is revoked, a student may be expelled under the terms of the original expulsion order.
5. Upon satisfactory completion of the rehabilitation assignment, the Board of Trustees shall reinstate the student in a District school. Upon reinstatement, the Board of Trustees may order the expunging of any or all records of the expulsion proceedings.



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6. The Superintendent or designee shall send written notice of any decision to suspend the enforcement of an expulsion order during a period of probation to the student or parent/guardian. The notice shall also inform the parent/guardian of the right to appeal the expulsion to the County Board of Education, the alternative educational placement to be provided to the student during the period of expulsion, and the student's or parent/guardian's obligation to inform any new district in which the student seeks to enroll of his/her status with the expelling district, pursuant to Education Code 48915.1(b) (Education Code 48918(j)).
7. Suspension of the enforcement of an expulsion order shall not affect the time period and requirements for the filing of an appeal of the expulsion order with the County Board of Education.

**Right to Appeal**

The student or parent/guardian is entitled to file an appeal of the Board of Trustees' decision with the County Board of Education. The appeal must be filed within 30 days of the Board of Trustees' decision to expel, even if the expulsion action is suspended and the student is placed on probation.

The student shall submit a written request for a copy of the written transcripts and supporting documents from the District simultaneously with the filing of the notice of appeal with the County Board of Education. The District shall provide the student with these documents within 10 school days following the student's written request.

**Notifications to Law Enforcement Authorities**

Prior to the suspension or expulsion of any student, the principal or designee shall notify appropriate city or county law enforcement authorities of any student acts of assault which may have violated Penal Code 245.

The principal or designee also shall notify appropriate city or county law enforcement authorities of any student acts which may involve the possession or sale of narcotics or of a controlled substance. In addition, law enforcement authorities shall be notified regarding any acts by students regarding the possession, sale, or furnishment of firearms, explosives, or other dangerous weapons in violation of Education Code 48915(c)(1) or (5) or Penal Code 626.9 and 626.10. (Education Code 48902)

**ADMINISTRATIVE REGULATION**

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**STUDENTS**

**SUSPENSION AND EXPULSION/DUE PROCESS**

Notifications to Law Enforcement Authorities (continued)

Within one school day after a student's suspension or expulsion, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any student acts which may violate Education Code 48900(c) or (d), relating to the possession, use, offering, or sale of controlled substances, alcohol, or intoxicants of any kind.

Post-Expulsion Placements

The Board of Trustees shall refer expelled students to a program of study that is:

1. Appropriately prepared to accommodate students who exhibit discipline problems.
2. Not provided at a comprehensive middle, junior, or senior high school or at any elementary school, unless the program is offered at a community day school established at such a site.
3. Not housed at the school site attended by the student at the time of suspension.

When the placement described above is not available, and when the County Superintendent so certifies, students expelled for acts described in items #6-13 and #20-22 under "Grounds for Suspension and Expulsion" above may be instead referred to a program of study that is provided at another comprehensive middle, junior, or senior high school, or at an elementary school.

The program for a student expelled from any of grades K-6 shall not be combined or merged with programs offered to students in any of grades 7-8.

Readmission After Expulsion

Readmission procedures shall be as follows:

1. On the date set by the Board of Trustees when it ordered the expulsion, the District shall consider readmission of the student.
2. The Superintendent or designee shall hold a conference with the parent/guardian and the student. At the conference the student's rehabilitation plan shall be reviewed and the Superintendent or designee shall verify that the provisions of this plan have been met. School regulations shall be reviewed and the student and parent/guardian shall be asked to indicate in writing their willingness to comply with these regulations.



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**SUSPENSION AND EXPULSION/DUE PROCESS**

Readmission After Expulsion (continued)

3. The Superintendent or designee shall transmit to the Board of Trustees his/her recommendation regarding readmission. The Board of Trustees shall consider this recommendation in closed session if information would be disclosed in violation of Education Code 49073-49079. If a written request for open session is received from the parent/guardian or adult student, it shall be honored.
4. If the readmission is granted, the Superintendent or designee shall notify the student and parent/guardian, by registered mail, of the Board of Trustees' decision regarding readmission.
5. The Board may deny readmission only if it finds that the student has not satisfied the conditions of the rehabilitation plan or that the student continues to pose a danger to campus safety or to other District students or employees.
6. If the Board of Trustees denies the readmission of a student, the Board of Trustees shall determine either to continue the student's placement in the alternative educational program initially selected or to place the student in another program that serves expelled students, including placement in a county community school.
7. The Board of Trustees shall provide written notice to the expelled student and parent/guardian describing the reasons for denying readmittance into the regular program. This notice shall indicate the Board of Trustees' determination of the educational program which the Board of Trustees has chosen. The student shall enroll in that program unless the parent/guardian chooses to enroll the student in another school district.

Maintenance of Records

The Board of Trustees shall maintain a record of each suspension and expulsion, including the specific cause of the expulsion. The expulsion record shall be maintained in the student's mandatory interim record and sent to any school in which the student subsequently enrolls upon receipt of a written request by the admitting school.

The Superintendent or designee shall, within five working days, honor any other district's request for information about an expulsion from this District.

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**STUDENTS**

**SUSPENSION AND EXPULSION/DUE PROCESS**

Outcome Data

The Superintendent or designee shall maintain the following data:

1. The number of students recommended for expulsion.
2. The specific grounds for each recommended expulsion.
3. Whether the student was subsequently expelled.
4. Whether the expulsion order was suspended.
5. The type of referral made after the expulsion.
6. The disposition of the student after the end of the expulsion period.

A student identified as an individual with disabilities pursuant to the Individuals with Disabilities Education Act (IDEA) is subject to the same grounds for suspension and expulsion which apply to students without disabilities.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been officially identified as a student with disabilities pursuant to IDEA and who has engaged in behavior that violated the District's code of student conduct may assert any of the protections under IDEA only if the District had knowledge that the student is disabled before the behavior that precipitated the disciplinary action occurred.

The District shall be deemed to have knowledge that the student has a disability if one of the following conditions exists:

1. The parent/guardian has expressed concern to District supervisory or administrative personnel in writing, or to a teacher of the student, that the student is in need of special education or related services.
2. The parent/guardian has requested an evaluation of the student for special education pursuant to 34 CFR 300.300-300.311.
3. The teacher of the student or other District personnel has expressed specific concerns directly to the District's director of special education or to other supervisory District personnel about a pattern of behavior demonstrated by the student.

**ADMINISTRATIVE REGULATION**

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**STUDENTS**

**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)**

The District would be deemed to not have knowledge that a student is disabled if the parent/guardian has not allowed the student to be evaluated for special education services or has refused services. In addition, the District would be deemed to not have knowledge if the District conducted an evaluation pursuant to 34 CFR 300.300-300.311 and determined that the student was not an individual with a disability. When the District is deemed to not have knowledge of the disability, the student shall be disciplined in accordance with procedures established for students without disabilities who engage in comparable behavior.

If a request is made for an evaluation of a student during the time period in which the student is subject to disciplinary measures pursuant to 34 CFR 300.530, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities.

**Suspension**

The Superintendent or designee may suspend a student with a disability for up to 10 consecutive school days for a single incident of misconduct, and for up to 20 school days in a school year, as long as the suspension(s) does not constitute a change in placement pursuant to 34 CFR 300.536.

The principal or designee shall monitor the number of days, including portions of days, in which a student with a valid individualized education program (IEP) has been suspended during the school year.

The District shall determine, on a case-by-case basis, whether a pattern of removals of a student from his/her current educational placement for disciplinary reasons constitutes a change of placement. A change of placement shall be deemed to have occurred under any of the following circumstances:

1. The removal is for more than 10 consecutive school days.
2. The student has been subjected to a series of removals that constitute a pattern because of all of the following:
  - a. The series of removals total more than 10 school days in a school year.
  - b. The student's behavior is substantially similar to his/her behavior in previous incidents that resulted in the series of removals.

**ADMINISTRATIVE REGULATION**

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**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)**

(continued)

- c. Additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another, indicate a change of placement.

If the removal has been determined to be a change of placement as specified in items #1-2 above, the student's IEP team shall determine the appropriate educational services.

Services During Suspension

Any student suspended for more than 10 school days in the same school year shall continue to receive services during the term of the suspension. School personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed as provided in 34 CFR 300.101(a), so as to enable the student to continue to participate in the general education curriculum in another setting and to progress toward meeting the goals as set out in his/her IEP.

If a student with disabilities is excluded from school bus transportation, the student shall be provided with an alternative form of transportation at no cost to the student or his/her parent/guardian, provided that transportation is specified in his/her IEP.

Interim Alternative Educational Placement Due to Dangerous Behavior

The District may unilaterally place a student with a disability in an appropriate interim alternative educational setting for up to 45 school days, without regard 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, or at a school-related function:

1. Carries or possesses a weapon, as defined in 18 USC 930.
2. Knowingly possesses or uses illegal drugs.
3. Sells or solicits the sale of a controlled substance as identified in 21 USC 812(c), Schedules I-V.
4. Inflicts serious bodily injury upon another person as defined in 18 USC 1365.

The student's interim alternative educational setting shall be determined by his/her IEP team.

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**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)**

Interim Alternative Educational Placement Due to Dangerous Behavior (continued)

On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.

A student who has been removed from his/her current placement because of dangerous behavior shall receive services to the extent necessary to allow him/her to participate in the general education curriculum and to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Manifestation Determination

The following procedural safeguards shall apply when a student is suspended for 10 school days, when a series of removals of a student constitutes a pattern, or when a change of placement of a student is contemplated due to a violation of the District's code of conduct:

1. Notice: On the date the decision to take disciplinary action is made, the parents/guardians of the student shall be notified of the decision and provided the procedural safeguards notice pursuant to 34 CFR 300.504.
2. Manifestation Determination Review: Immediately if possible, but in no case later than 10 school days after the date the decision to take disciplinary action is made, a manifestation determination review shall be made of the relationship between the student's disability and the behavior subject to the disciplinary action.

At the manifestation determination review, the District, the student's parent/guardian, and relevant members of the IEP team (as determined by the District and parent/guardian) shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents/guardians, to determine whether the conduct in question was either of the following:

- a. Caused by or had a direct and substantial relationship to the student's disability.
- b. A direct result of the District's failure to implement the student's IEP, in which case the District shall take immediate steps to remedy those deficiencies.

**ADMINISTRATIVE REGULATION**

**AR 5144.1**

**STUDENTS**

**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)**

Manifestation Determination (continued)

If the manifestation review team determines that a condition in either #a or #b above was met, the conduct shall then be determined to be a manifestation of the student's disability.

3. Determination that Behavior is a Manifestation of the Student's Disability: When the conduct has been determined to be a manifestation of the student's disability, the IEP team shall conduct a functional behavioral assessment, unless a functional behavioral assessment had been conducted before the occurrence of the behavior that resulted in the change of placement, and shall implement a behavioral intervention plan for the student. If a behavior intervention plan has already been developed, the IEP team shall review the behavioral intervention plan and modify it as necessary to address the behavior.

The student shall be returned to the placement from which he/she was removed, unless the parent/guardian and District agree to a change of placement as part of the modification of the behavioral intervention plan.

4. Determination that Behavior is Not a Manifestation of the Student's Disability: If the manifestation determination review team determines that the student's behavior was not a manifestation of his/her disability, the student may be disciplined in accordance with the procedures for students without disabilities.

The student shall receive services to the extent necessary to participate in the general education curriculum in another setting and to allow him/her to progress toward meeting the goals set out in his/her IEP. As appropriate, the student shall also receive a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

Due Process Appeals

If the parent/guardian disagrees with any District decision regarding placement under 34 CFR 300.530 (suspension and removal for dangerous circumstances) or 34 CFR 300.531 (interim alternative placement), or the manifestation determination under 34 CFR 300.530(e), he/she may appeal the decision by requesting a hearing. The District may request a hearing if the District believes that maintaining the student's current placement is substantially likely to result in injury to the student or others. In order to request a hearing, the requesting party shall file a complaint pursuant to 34 CFR 300.507 and 300.508(a) and (b).



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**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)**

Due Process Appeals (continued)

Whenever a hearing is requested as specified above, the parent/guardian or the District shall have an opportunity for an expedited due process hearing consistent with requirements specified in 34 CFR 300.507, 300.508 (a)-(c), and 300.510-300.514.

If the student's parent/guardian or the District has initiated a due process hearing under 34 CFR 300.532 as detailed above, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent/guardian and District agree otherwise.

Readmission

Readmission procedures for students with disabilities shall be the same as those used for all students. Upon readmission, an IEP team meeting shall be convened.

Suspension of Expulsion

The Board of Trustees' criteria for suspending the enforcement of an expulsion order shall be applied to students with disabilities in the same manner as they are applied to all other students.

Notification to Law Enforcement Authorities

Prior to the suspension or expulsion of any student with a disability, the principal or designee shall notify appropriate city or county law enforcement authorities of any act of assault with a deadly weapon which may have violated Penal Code 245.

The principal or designee also shall notify appropriate city or county law enforcement authorities of acts by any student with a disability which may involve the possession or sale of narcotics or of a controlled substance or possession of weapons or firearms in violation of Penal Code 626.9 and 626.10.

Within one school day after a suspension or expulsion of a student with disabilities, the principal or designee shall notify appropriate city or county law enforcement authorities, by telephone or other appropriate means, of any act by the student which may violate Education Code 48900(c) or (d), relating to the possession, use, offering or sale of controlled substances, alcohol or intoxicants of any kind.

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**STUDENTS**

**SUSPENSION AND EXPULSION/DUE PROCESS (STUDENTS WITH DISABILITIES)**

**Report to County Superintendent of Schools**

The Superintendent or designee shall report to the County Superintendent when any special education student has been expelled or suspended for more than 10 school days. The report shall include the student's name, last known address, and the reason for the action.

*Legal Reference:*

*EDUCATION CODE*

35146 Closed sessions (re suspensions)  
35291 Rules (of governing board)  
48203 Reports of severance of attendance of disabled students  
48900-48925 Suspension and expulsion  
56000 Special education; legislative findings and declarations  
56320 Educational needs; requirements  
56321 Development or revision of individualized education program  
56329 Independent educational assessment  
56340-56347 Individual education program teams  
56505 State hearing

*PENAL CODE*

245 Assault with deadly weapon  
626.2 Entry upon campus after written notice of suspension or dismissal without permission  
626.9 Gun-Free School Zone Act  
626.10 Dirks, daggers, knives, razors or stun guns  
*UNITED STATES CODE, TITLE 18*

*930 Weapons*

1365 Serious bodily injury  
*UNITED STATES CODE, TITLE 20*

1412 State eligibility  
1415 Procedural safeguards  
*UNITED STATES CODE, TITLE 21*

812(c) Controlled substances  
*UNITED STATES CODE, TITLE 29*

*706 Definitions*

794 Rehabilitation Act of 1973, Section 504  
*CODE OF FEDERAL REGULATIONS, TITLE 34*

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.818 Assistance to states for the education of students with disabilities, especially:

300.530-300.537 Discipline procedures

*COURT DECISIONS*

*Schaffer v. Weast (2005) 125 S. Ct. 528*

*Parents of Student W. v. Puyallup School District, (1994 9th Cir.) 31 F.3d 1489*

*M.P. v. Governing Board of Grossmont Union High School District, (1994) 858 F.Supp. 1044*

*Honig v. Doe, (1988) 484 U.S. 305*

*Management Resources:*

*FEDERAL REGISTER*

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

*WEB SITES*

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

U.S. Department of Education, Office of Special Education Programs: <http://www.ed.gov/about/offices/list/osers/osep/index.html>



OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5144.1**

**STUDENTS**

**SUSPENSION AND EXPULSION/DUE PROCESS**

Regulation Adopted: 05/06/97-AR 5144.1 (Suspension and Expulsion/Due Process)  
Regulation Revised: 05/18/99-AR 5144.1 (Suspension and Expulsion/Due Process)  
Regulation Revised: 09/19/00-AR 5144.1 (Suspension and Expulsion/Due Process)  
Regulation Revised: 05/07/02-AR 5144.1 (Suspension and Expulsion/Due Process)  
Regulation Revised: 06/17/03-AR 5144.1 (Suspension and Expulsion/Due Process)  
Regulation Revised: 06/07/05-AR 5144.1 (Suspension and Expulsion/Due Process)  
Regulation Adopted: 01/11/11-AR 5144.2 (Suspension and Expulsion/Due Process  
Students with Disabilities)  
Regulation Renumbered: 01/11/11-AR 5144.2 included in AR 5144.1  
Regulation Revised: 01/11/11  
Regulation Revised: 02/05/13

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5145.11**

**STUDENTS**

**QUESTIONING AND APPREHENSION**

Questioning on School Grounds

The school shall keep a record of any interviews of students by law officers on school premises. Such records shall include the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when he/she arrived and left, the fact that the principal or designee was or was not present during the interview, the reason for the questioning and/or release, and any other pertinent information.

Apprehension

Police officers, officers of the juvenile court, and other authorized law enforcement officials have an authority to enter a school to take a student into custody or to make an arrest of a student.

If a minor student is removed from school into the custody of a peace officer, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse.

The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

If the student is suspected of being a victim of child abuse, the Superintendent or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer, and the officer then has the responsibility of immediately notifying the parent/guardian.

The Superintendent or designee shall immediately be notified of the student's removal. This initial verbal notice will be followed by a written report by the principal or designee and shall include the date and time of arrest, the identity, badge number and official capacity of the officer and the reason for release.

Regulation Adopted: 02/18/92  
Regulation Revised: 09/07/04  
Regulation Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5145.11**

**STUDENTS**

**QUESTIONING AND APPREHENSION**

Law enforcement officers have the authority to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

Except in cases of child abuse or neglect, the principal or designee shall notify the student's parent/guardian when a law enforcement officer requests an interview on school premises.

At the law officer's discretion and with the student's approval, the principal or designee must be present during the interview.

If the law officer finds it necessary to remove the student from school, the principal or designee shall first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately attempt to inform the student's parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.

**Subpoenas**

Although subpoenas may legally be served at school, the Board of Trustees believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

*Legal Reference:*

EDUCATION CODE

44807 Duty concerning conduct of pupils

48264 Arrest of truants

48265 Delivery of truant

48902 Notice to law authorities

48906 Release of minor pupil to peace officers; notice to parent, guardian or relative

48909 Narcotics and other hallucinogenic drugs (re arrest)

PENAL CODE

830-832.8 re peace officers

833-851.85 re arrests

1328 Service of subpoena

CODE OF REGULATIONS, TITLE 5

303 Duty to remain at school

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.11**

**STUDENTS**

**QUESTIONING AND APPREHENSION**

*Legal Reference (continued):*

COURT DECISIONS

*People v. Burton (1971) 6 Cal. 3d 375*

*In re Donaldson (1969) 269 Cal. App. 2d 509*

*Baines v. Brady (1953) 122 Cal. App. 2d 957, 960*

*In the matter of Paul P., 85 Daily Journal D.A.R. 2594*

ATTORNEY GENERAL OPINIONS

*32 Ops. Cal. Atty. Gen. 46 (1958)*

*34 Ops. Cal. Atty. Gen. 93 (1959)*

*54 Ops. Cal. Atty. Gen. 96 (1971)*

Policy Adopted: 02/18/92

Policy Revised: 09/07/04

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5145.12**

**STUDENTS**

**SEARCH AND SEIZURE**

The Board of Trustees is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or District property under their control and may seize illegal, unsafe, or otherwise prohibited items.

The Board of Trustees urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the District's policy and administrative regulation and other legal issues, as appropriate.

**Individual Searches**

School officials may search any individual student, his/her property, or District property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the District or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. Such searched property may include, but is not limited to, lockers, desks, purses, backpacks, student vehicles parked on District property, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or District property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. Searches of individual students shall be conducted in the presence of at least two District employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

OCEAN VIEW SCHOOL DISTRICT  
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**BOARD POLICY**

**BP 5145.12**

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**SEARCH AND SEIZURE**

*Legal Reference:*

EDUCATION CODE

32280-32289 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

48900-48927 Suspension and expulsion

49050-49051 Searches by school employees

49330-49334 Injurious objects

PENAL CODE

626.9 Firearms

626.10 Dirks, daggers, knives or razor

CALIFORNIA CONSTITUTION

Article I, Section 28(c) Right to Safe Schools

COURT DECISIONS

Redding v. Safford Unified School District, (9th Cir. 2008) 531 F.3d 1071

B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

Jennings v. Joshua Independent School District, (5th Cir. 1989) 877 F.2d 313

O'Connor v. Ortega, (1987) 480 U.S. 709

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

Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470

Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2001)

75 Ops.Cal.Atty.Gen. 155 (1992)

*Management Resources:*

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEB SITES

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

California Attorney General's Office: <http://caag.state.ca.us>

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

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

Policy Adopted: 02/18/92

Policy Revised: 09/04/01

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
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**ADMINISTRATIVE REGULATION**

**AR 5145.12**

**STUDENTS**

**SEARCH AND SEIZURE**

Notifications

At the beginning of each school year and upon enrollment, the Superintendent or designee shall inform students and parents/guardians about the District's policies and procedures for searches, including notice regarding the possibility of random searches of students, their belongings, and District properties under a student's control, including lockers, desks or backpacks.

**BOARD POLICY**

**BP 5145.13**

**STUDENTS**

**RESPONSE TO IMMIGRATION ENFORCEMENT**

The Board of Trustees is committed to the success of all students and believes that every school site should be a safe and welcoming place for all students and their families, irrespective of their citizenship or immigration status.

District staff shall not solicit or collect information or documents regarding the citizenship or immigration status of students or their family members or provide assistance with immigration enforcement at District schools, except as may be required by state and federal law. (Education Code 234.7)

No student shall be denied equal rights and opportunities nor be subjected to unlawful discrimination, harassment, intimidation, or bullying in the District's programs and activities on the basis of his/her immigration status. (Education Code 200, 220, 234.1)

The Superintendent or designee shall notify parents/guardians regarding their children's right to a free public education regardless of immigration status or religious beliefs and their rights related to immigration enforcement. (Education Code 234.7)

Consistent with requirements of the California Office of the Attorney General, the Superintendent or designee shall develop procedures for addressing any requests by a law enforcement officer for access to District records, school sites, or students for the purpose of immigration enforcement.

Teachers, school administrators, and other school staff shall receive training regarding immigration issues, including information on responding to a request from an immigration officer to visit a school site or to have access to a student.

The Superintendent or designee shall report to the Board of Trustees, in a timely manner, any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws. Such notification shall be provided in a manner that ensures the confidentiality and privacy of any potentially identifying information. (Education Code 234.7)



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.13**

**STUDENTS**

**RESPONSE TO IMMIGRATION ENFORCEMENT**

*Legal Reference:*

*EDUCATION CODE*

200 Educational equity  
220 Prohibition of discrimination  
234.1 Safe Place to Learn Act  
234.7 Student protections relating to immigration and citizenship status  
48204.4 Evidence of residency for school enrollment  
48980 Parental notifications  
48985 Notices to parents in language other than English

*GOVERNMENT CODE*

8310.3 California Religious Freedom Act

*PENAL CODE*

422.55 Definition of hate crime  
627.1-627.6 Access to school premises, outsiders

*UNITED STATES CODE, TITLE 20*

1232g Family Educational Rights and Privacy Act

*COURT DECISIONS*

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

*Management Resources:*

*CSBA PUBLICATIONS*

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

*CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS*

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

*WEB SITES*

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

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

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

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

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

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

U.S. Immigration and Customs Enforcement: <http://www.ice.gov>

U.S. Immigration and Customs Enforcement, Online Detainee Locator System: <http://locator.ice.gov/odls>

Policy Adopted: 01/22/19

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5145.13**

**STUDENTS**

**RESPONSE TO IMMIGRATION ENFORCEMENT**

Unless authorized by the Family Educational Rights and Privacy Act pursuant to 20 USC 1232g, student information shall not be disclosed to immigration law enforcement authorities without parental consent, a court order, or judicial subpoena. The Superintendent or designee shall annually notify parents/guardians that the District will not release student information to third parties for immigration enforcement purposes, unless the parent/guardian consents or as required to do so by a court order or judicial subpoena.

Upon receiving any verbal or written request for information related to a student's or family's immigration or citizenship status, District staff shall:

1. Notify the Superintendent or designee about the information request
2. Provide students and families with appropriate notice and a description of the immigration officer's request
3. Document any request for information by immigration authorities
4. Provide students and parents/guardians with any documents provided by the immigration enforcement officer, unless such disclosure is prohibited by a subpoena served on the District or in cases involving investigations of child abuse, neglect, or dependency

Resources and data collected by the District shall not be used, directly or by others, to compile a list, registry, or database of individuals based on national origin, immigration status, religion, or other category of individual characteristics protected against unlawful discrimination.

**Responding to Requests for Access to Students or School Grounds**

District staff shall receive parent/guardian consent before a student is interviewed or searched by any officer seeking to enforce civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge or a valid, effective court order. A student's parent/guardian shall be immediately notified if a law enforcement officer requests or gains access to the student for immigration enforcement purposes, unless the judicial warrant of subpoena restricts disclosure to the parent/guardian.

All visitors and outsiders, including immigration enforcement officers, shall register with the principal or designee upon entering school grounds during school hours. Each visitor or outsider shall provide the principal or designee with his/her name, address, occupation, age if less than 21, purpose in entering school grounds, proof of identity, and any other information required by law.

District staff shall report the presence of any immigration enforcement officers to appropriate administrators.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5145.13**

**STUDENTS**

**RESPONSE TO IMMIGRATION ENFORCEMENT**

Responding to Requests for Access to Students or School Grounds (continued)

As early as possible, District staff shall notify the Superintendent or designee of any request by an immigration enforcement officer for access to the school or a student or for review of school documents, including service of lawful subpoenas, petitions, complaints, warrants, or other such documents.

In addition, District staff shall take the following actions in response to an officer present on the school campus specifically for immigration enforcement purposes:

1. Advise the officer that before school personnel can respond to the officer's request, they must first receive notification and direction from the Superintendent or designee, except under exigent circumstances that necessitate immediate action
2. Request to see the officer's credentials, including his/her name and badge number, and the phone number of the officer's supervisor, and note or make a copy of all such information
3. Ask the officer for his/her reason for being on school grounds and document the response
4. Request that the officer produce any documentation that authorizes his/her school access
5. Make a copy of all documents produced by the officer and retain one copy for school records
6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, comply with the officer's orders and immediately contact the Superintendent or designee
7. If the officer does not declare that exigent circumstances exist, respond, according to the requirements of the officer's documentation, as follows:
  - a. If the officer has an Immigrations and Customs Enforcement (ICE) administrative warrant, District staff shall inform the agent that they cannot consent to any request without first consulting with the District's legal counsel or other designated District official.
  - b. If the officer has a federal judicial warrant, such as a search and seizure warrant or an arrest warrant signed by a federal judge or magistrate, District staff shall promptly comply with the warrant. If feasible, District staff shall consult with the District's legal counsel or designated administrator before providing the officer with access to the person or materials specified in the warrant.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5145.13**

**STUDENTS**

**RESPONSE TO IMMIGRATION ENFORCEMENT**

Responding to Requests for Access to Students or School Grounds (continued)

- c. If the officer has a subpoena for production of documents or other evidence, District staff shall inform the District's legal counsel or other designated official of the subpoena and await further instructions as to how to proceed.
8. Do not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, District staff shall document the officer's actions while on campus.
9. After the encounter with the officer, promptly make written notes of all interactions with the officer, including:
  - a. A list or copy of the officer's credentials and contact information
  - b. The identity of all school personnel who communicated with the officer
  - c. Details of the officer's request
  - d. Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant or subpoena, and whether the warrant or subpoena was signed by a judge
  - e. District staff's response to the officer's request
  - f. Any further action taken by the officer
  - g. A photo or copy of any documents presented by the officer
10. Provide a copy of these notes and associated documents collected from the officer to the District's legal counsel or other designated District official.

The District's legal counsel or other designated official shall submit a timely report to the Board of Trustees regarding the officer's requests and actions and the District's responses.

The Superintendent or designee shall also email the Bureau of Children's Justice in the California Department of Justice ([BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov)) regarding any attempt by a law enforcement officer to access a school site or a student for immigration enforcement purposes.

The Superintendent or designee shall encourage students and their families to update their emergency contact information as needed throughout the school year and to provide alternative contacts, including an identified trusted adult guardian, in case a student's parent/guardian is detained or is otherwise unavailable. The Superintendent or designee shall notify students' families that information provided on the emergency cards will only be used in response to specific emergency situations and not for any other purpose.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5145.13**

**STUDENTS**

**RESPONSE TO IMMIGRATION ENFORCEMENT**

Responding to the Detention or Deportation of Student's Family Member

In the event that a student's parent/guardian is detained or deported by federal immigration authorities, the Superintendent or designee shall release the student to the person(s) designated in the student's emergency contact information or to any individual who presents a caregiver's authorization affidavit on behalf of the student. The Superintendent or designee shall only contact Child Protective Services if District personnel are unable to arrange for the timely care of the student by the person(s) designated in the emergency contact information maintained by the school or identified on a caregiver's authorization affidavit.

The Superintendent or designee shall notify a student whose parent/guardian was detained or deported that the student continues to meet the residency requirements for attendance in a district school, provided that the parent/guardian was a resident of California and the student lived in California immediately before he/she moved out of state as a result of the parent/guardian's departure.

Regulation Adopted: 01/22/19

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.2**

**STUDENTS**

**FREEDOM OF SPEECH/EXPRESSION**

The Board of Trustees believes that free inquiry and exchange of ideas are essential parts of a democratic education. The Board of Trustees respects students' rights to express ideas and opinions, take stands on issues, and support causes, even when such speech is controversial or unpopular.

**On-Campus Expression**

Students shall have the right to exercise freedom of speech and of the press including, but not limited to, the use of bulletin boards; the distribution of printed materials or petitions; the wearing of buttons, badges, and other insignia; and the right of expression in official publications.

Student expression on District or school Internet web sites and online media shall generally be afforded the same protections as in print media.

Students' freedom of expression shall be limited only as allowed by Education Code 48907, 48950, and other applicable state and federal laws.

Students are prohibited from making any expressions or distributing or posting any materials that are obscene, libelous, or slanderous. Students also are prohibited from making any expressions that so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of school rules, or substantial disruption of the school's orderly operation.

The use of "fighting words" or epithets is prohibited in those instances where the speech is abusive and insulting, rather than a communication of ideas, and the speech is used in an abusive manner in a situation that presents an actual danger that it will cause a breach of the peace.

School officials shall not engage in prior restraint of material prepared for official school publications except insofar as the content of the material violates the law.

The Superintendent or designee shall not discipline any student solely on the basis of speech or other communication that would be constitutionally protected when engaged in outside of school, but may impose discipline for harassment, threats, or intimidation unless constitutionally protected.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.2**

**STUDENTS**

**FREEDOM OF SPEECH/EXPRESSION**

**Off-campus expression**

A student shall be subject to discipline for off-campus expression, including expression on off-campus Internet web sites, when such expression poses a threat to the safety of other students, staff, or school property, or substantially disrupts the educational program. The Superintendent or designee shall document the impact the expression had or could be expected to have on the school program.

*Legal Reference:*

EDUCATION CODE

48907 Exercise of free expression; rules and regulations

48950 Speech and other communication

51520 Prohibited solicitations on school premises

UNITED STATES CODE, TITLE 20

4071-4074 Equal Access Act

CALIFORNIA CONSTITUTION

Article 1, Section 2 Freedom of speech and expression

U.S. CONSTITUTION

Amendment 1 Freedom of speech and expression

COURT DECISIONS

Smith v. Novato Unified School District, (2007) 150 Cal.App.4th 1439

Lavine v. Blaine School District, (2001) 257 F.3d 981

Emmett v. Kirkland School District No. 415, (2000) 92 F.Supp. 2d 1088

J.S. v. Bethlehem Area School District, (2000) 757 A.2d 412 (Pa. Commw. 2000)

Beussink v. Woodland R-IV School District, (1998) 30 F.Supp. 2d 1175

Muller v. Jefferson Lighthouse School, (1996) 98 F.3d 1530

Lovell v. Poway Unified School District, (1996) 90 F.3d 367

Hazelwood School District v. Kuhlmeier, (1988) 108 S. Ct. 562

Leeb v. DeLong, (1988) 198 Cal.App.3d 47

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

Bright v. Los Angeles Unified School District, (1976) 18 Cal. 3d 350

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

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

Limitations on Student Expression in School-Sponsored Publications, March 4, 1988

WEB SITES

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

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

Policy Adopted: 02/18/92

Policy Revised: 05/07/02

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5145.2**

**STUDENTS**

**FREEDOM OF SPEECH/EXPRESSION**

School-Sponsored Publications

Students shall have the right to exercise freedom of speech and of the press in official school publications, except for expression that is obscene, libelous, slanderous, or so incites students as to create a clear and present danger of the commission of unlawful acts on school premises, the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.

Official school publications includes material produced by students in journalism, newspaper, yearbook, or writing classes and distributed to the student body either for a fee or free.

Each principal shall develop a school publications code outlining the responsibility of student journalists, editors, and publication advisors.

All student submissions shall be held to professional standards of English and journalism.

If the principal considers material submitted for publication to violate Education Code 48907, he/she shall notify the student, without undue delay, and give specific reasons why the submitted material may not be published. Absent extraordinary circumstances, such notice should be given in sufficient time to allow the student time to either modify the material or to seek review of the principal's determination from the Superintendent or designee. Prior to any restriction of student speech, school officials shall consider any feasible alternative options to restricting the speech.

To the extent that the principal or designee believes that the school and District should be disassociated from a particular idea or opinion, the principal may require student articles to include disclaimers.

Distribution of Printed Materials and Petitions by Students

Printed materials or petitions may be distributed only:

1. Before or after school or during lunch time
2. In locations that do not obstruct the normal flow of traffic within the school or at entrances

No student shall use coercion to induce any other student or person to accept printed matter or to sign a petition. No funds shall be collected for any material distributed.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5145.2**

**STUDENTS**

**FREEDOM OF SPEECH/EXPRESSION**

Clothing, Buttons, and Badges

Buttons, badges, armbands, and clothing bearing slogans or sayings may be worn unless their message falls into the categories prohibited by law or Board policy. No employee shall interfere with this practice on the grounds that the message may be controversial or unpopular with students or faculty.

Regulation Adopted: 02/18/92  
Regulation Revised: 05/07/02  
Regulation Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.3**

**STUDENTS**

**NONDISCRIMINATION/HARASSMENT**

The Board of Trustees desires to provide a safe school environment that allows all students equal access and opportunities in the District's academic and other educational support programs, services, and activities. The Board of Trustees prohibits, at any District school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based upon the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

The Board of Trustees also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the District's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

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

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation, shall be subject to appropriate discipline, up to and including, counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including, dismissal.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.3**

**STUDENTS**

**NONDISCRIMINATION/HARASSMENT**

The Board of Trustees hereby designates the following position as Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the District's nondiscrimination policies:

Human Resources  
17200 Pinehurst Lane  
Huntington Beach, California 92647  
(714) 847-2551

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying, should immediately contact the Coordinator for Nondiscrimination, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint. Where the Coordinator finds that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying, shall immediately report the incident to the Coordinator for Nondiscrimination or principal, whether or not the victim files a complaint. In addition, the employee shall immediately intervene when safe to do so.

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment. Where the Coordinator finds that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

The Coordinator shall also advise the victim of any other remedies that may be available. The Coordinator shall file a report with the Superintendent or designee and refer the matter to law enforcement where required.

The Superintendent or designee shall ensure that the student handbook clearly describes the District's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The District's policy shall also be posted on the District website or any other location that is easily accessible to students.

When required, pursuant to Education Code 48985, complaint forms shall be translated in the student's primary language.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.3**

**STUDENTS**

**NONDISCRIMINATION/HARASSMENT**

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:  
221.5 Prohibited sex discrimination  
221.7 School-sponsored athletic programs; prohibited sex discrimination  
48900.3 Suspension or expulsion for act of hate violence  
48900.4 Suspension or expulsion for threats or harassment  
48904 Liability of parent/guardian for willful student misconduct  
48907 Student exercise of free expression  
48950 Freedom of speech  
49020-49023 Athletic programs  
51006-51007 Equitable access to technological education programs  
51500 Prohibited instruction or activity  
51501 Prohibited means of instruction  
60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

CODE OF REGULATIONS, TITLE 5

4621 District policies and procedures  
4622 Notice requirements  
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

PENAL CODE

422.55 Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 42

2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended  
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.8 Designation of responsible employee for Title IX  
106.9 Notification of nondiscrimination on basis of sex

COURT DECISIONS

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

*Management Resources:*

OFFICE OF CIVIL RIGHTS PUBLICATIONS

*Notice of Non-Discrimination, January, 1999*

*Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 FR 47, March, 1994*

WEB SITES

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

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

Policy Adopted: 05/16/95  
Policy Revised: 09/19/00  
Policy Revised: 01/11/11  
Policy Revised: 12/13/12

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.6**

**STUDENTS**

**PARENTAL NOTIFICATIONS**

The Board of Trustees recognizes that notifications are essential to effective communication between the school and the home. The Superintendent or designee shall send students and parents/guardians all notifications required by law, including notifications about their legal rights, and any other notifications he/she believes will promote parental understanding and involvement.

The Superintendent or designee shall ensure that notifications which must be sent at the beginning of each academic year include a request that the parent/guardian sign the notice and return it to the school.

Notifications to parents/guardians shall be written both in English and in the family's primary language when so required by law. Whenever an employee learns that a student's parent/guardian is for any reason unable to understand the district's printed notifications, the principal or designee shall work with the parent/guardian to establish other appropriate means of communication.

*Legal Reference:*

EDUCATION CODE

221.5 Prohibited sex discrimination  
231.5 Sexual harassment policy  
262.3 Appeals; information re: availability of civil remedies  
310 Structured English Immersion Program  
17288 Students: school buildings  
17612 Notification of pesticide use  
32221.5 Insurance for athletic team members  
32255-32255.6 Right to refuse harmful or destructive use of animals  
32390 Fingerprint program; contracts; funding; consent of parent/guardian  
35178.4 Notice of accreditation status  
35183 School dress codes; uniforms  
35186 Complaints concerning deficiencies in instructional materials and facilities  
35256 School accountability report card  
35291 Rules  
37616 Consultation  
39831.5 School bus rider rules and information  
44808.5 Permission to leave school grounds  
46010.1 Notice re: excuse to obtain confidential medical services  
46014 Regulations regarding absences for religious purposes  
46600-46611 Interdistrict attendance agreements especially:  
46601 Failure to approve interdistrict attendance  
48000 Minimum age of admission  
48070.5 Promotion or retention of students  
48205 Absence for personal reasons  
48206.3 Students with temporary disabilities; individual instruction; definitions  
48207 Students with temporary disabilities in hospitals outside of school district  
48208 Students with temporary disabilities in qualifying hospitals  
48216 Immunization  
48260.5 Notice to parent re truancy  
48263 Referral to SARF or probation department  
48432.5 Involuntary transfers of students  
48904 Liability of parent/guardian for willful student misconduct  
48904.3 Withholding grades, diplomas, or transcripts

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.6**

**STUDENTS**

**PARENTAL NOTIFICATIONS**

*Legal Reference (continued):*

- 48906 Notification of release of student to peace officer
- 48911 Notification in case of suspension
- 48912 Closed sessions; consideration of suspension
- 48915.1 Expelled individuals: enrollment in another district
- 48916 Readmission procedures
- 48918 Rules governing expulsion procedures
- 48980 Required notification at beginning of term
- 48980.3 Notification of pesticide use
- 48981 Time and means of notification
- 48982 Signature; return to school; effect of signature
- 48983 Contents of notice
- 48984 Activities prohibited unless notice given
- 48985 Notices to parents in language other than English
- 48987 Child abuse information
- 49063 Notification of parents of their rights
- 49067 Regulations regarding student's achievement
- 49068 Transfer of permanent enrollment and scholarship record
- 49069 Absolute right to access
- 49070 Challenging content of records
- 49073 Release of directory information
- 49076 Access to student records
- 49077 Access to information concerning a student in compliance with court order
- 49091.14 Prospectus
- 49332 Notifications of retention of object by school personnel; release
- 49403 Cooperation in control of communicable disease and immunization
- 49423 Administration of prescribed medication for student
- 49451 Physical examinations: parent's refusal to consent
- 49452.5 Screening for scoliosis
- 49452.8 Oral health assessment
- 49456 Report to parent
- 49480 Continuing medication regimen for nonepisodic conditions
- 49510-49520 Duffy-Moscone Family Nutrition Education and Services Act of 1970
- 51229 Course of study for grades 7-12
- 51513 Personal beliefs
- 51938 Right of parent/guardian re: notice HIV/AIDS and sexual health instruction
- 52164.1 Census-taking methods; determination of primary language; assessment of language skills 52164.3 Notice of reassessment of language skills
- 52173 Consultation with parents or guardians; notice to parents or guardians; withdrawal of student
- 52244 Advanced Placement Program
- 5444.2 Migrant education programs; parent involvement
- 56301 Child-find system; policies re: written notification rights
- 56321 Special education: proposed assessment plan
- 56329 Written notice of right to findings; independent assessment
- 56341.1 Individualized education program for student
- 56341.5 Individualized education program team meetings
- 56343.5 IEP meetings
- 56346 Parental notice and consent to special education program
- 58501 Alternative schools: notice required prior to establishment
- 60641 Standardized Testing and Reporting Program
- 60850 High school exit examination
- 60852.4 High school exit examination waiver for disabled student
- 66204 Certification of high school courses as meeting university admission criteria
- HEALTH AND SAFETY CODE**
- 1596.857 Right to enter child care facility
- 120365 Immunizations
- 120370 Immunizations
- 120375 Immunizations
- 120440 Sharing immunization information
- 124100 School districts and private schools; information to parents

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.6**

**STUDENTS**

**PARENTAL NOTIFICATIONS**

*Legal Reference (continued):*

PENAL CODE

627.5 Hearing request following denial or revocation of registration

WELFARE AND INSTITUTIONS CODE

18976.5 Parental notice; right of refusal to participate

CODE OF REGULATIONS, TITLE 5

863 Standardized Testing and Reporting Program

3052 Behavioral intervention

3831 General standards (Gifted and Talented Program)

4622 Notice requirements and recipients

4631 Responsibilities of the local agency

11303 Reclassification of English language learners

11309 Parental exception waivers

11523 Notice of proficiency examinations

18066 Policies and procedures absences for child care

UNITED STATES CODE, TITLE 20

1232g Family Educational and Privacy Rights Act

1415 Procedural safeguards

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

6311 State plans

6312 Local education agency plans

6316 Academic assessment and local education agency school improvement

6318 Parental involvement

7908 Armed forces recruiter access to students

UNITED STATES CODE, TITLE 42

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

CODE OF FEDERAL REGULATIONS, TITLE 34

99.7 Student records, annual notification

99.34 Student records, disclosure to other educational agencies

104.36 Procedural safeguards

106.9 Dissemination of policy, nondiscrimination on basis of sex

300.322 Parent participation

300.502 Independent educational evaluation

300.503 Prior written notice

300.504 Procedural safeguards notice

300.508 Due process complaint

300.530 Discipline procedures

CODE OF FEDERAL REGULATIONS, TITLE 40

763.93 Management plans

Policy Adopted: 05/16/95

Policy Revised: 05/07/02

Policy Revised: 09/16/03

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**E 5145.6**

**STUDENTS**

**PARENTAL NOTIFICATIONS**

I. Annually

When to Notify: Beginning of each school year

Education Code 17612, 48980.3

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Use of pesticide product, active ingredients, Internet address to access information

When to Notify: Beginning of each school year

Education Code 32255-32255.6, 48980

Board Policy/Administrative Regulation #: See BP 5145.8, See AR 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Annually by February 1

Education Code 35256

Board Policy/Administrative Regulation #: See BP 0510

Subject: School Accountability Report Card provided

When to Notify: Beginning of each school year

Education Code 35291, 48980

Board Policy/Administrative Regulation #: See BP 5144, See AR 5144.1

Subject: District and site discipline rules

When to Notify: Beginning of each school year if Board has adopted resolution allowing such absence

Education Code 46014, 48980

Board Policy/Administrative Regulation #: See BP 5113, See AR 5113

Subject: Absence for religious purposes

When to Notify: Beginning of each school year

Education Code 48205, 48980

Board Policy/Administrative Regulation #: See BP 5113, See AR 5113

Subject: Absence for justifiable personal reasons

When to Notify: Beginning of each school year

Education Code 48205, 48980

Board Policy/Administrative Regulation #: See AR 6154

Subject: Grade/credit cannot be reduced due to excused absence if work or test has been completed



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**PARENTAL NOTIFICATIONS**

**I. Annually (continued)**

When to Notify: Beginning of each school year  
Education Code 48206.3, 48207, 48208, 48980  
Board Policy/Administrative Regulation #: See AR 6183  
Subject: Availability of home/hospital instruction for students with temporary disabilities

When to Notify: Beginning of each school year  
Education Code 48216, 48980  
Board Policy/Administrative Regulation #: See BP 5141.31, See AR 5141.31  
Subject: Immunizations

When to Notify: Beginning of each school year  
Education Code 48980  
Board Policy/Administrative Regulation #: See AR 5111.1, See AR 5116.1 See AR 5117  
Subject: All statutory attendance options and available local attendance options, available local attendance option, options for meeting residency

When to Notify: Beginning of each school year  
Education Code 48980, 231.5  
Board Policy/Administrative Regulation #: See AR 5145.7  
Subject: Sexual harassment policy as related to students

When to Notify: Beginning of each school year  
Education Code 48980, 52244  
Board Policy/Administrative Regulation #: See AR 6141.5  
Subject: Availability of state funds to cover costs of advanced placement exam fees

When to Notify: Beginning of each school year  
Education Code 48980  
Board Policy/Administrative Regulation #: See BP 6111  
Subject: Schedule of minimum days

When to Notify: Beginning of each school year  
Education Code 49063, 49068, 49069, 20 USC 1232g, 34 CFR 99.7  
Board Policy/Administrative Regulation #: See BP 5125, See AR 5125  
Subject: Student records; Inspect and review, access, types, location, persons responsible location of log, access criteria, cost of copies, amendment requests, criteria to determine school official legitimate educational interest

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**PARENTAL NOTIFICATIONS**

**I. Annually (continued)**

When to Notify: Beginning of each school year

Education Code 49063, 49070

Board Policy/Administrative Regulation #: See AR 5125, See AR 5125.3

Subject: Challenge, review and expunging of records

When to Notify: Beginning of each school year

Education Code 49063, 49073

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Release of directory information

When to Notify: Beginning of each school year

Education Code 49063, 49091.14

Board Policy/Administrative Regulation #: See AR 5020, See AR 5125

Subject: Availability of course prospectus

When to Notify: Beginning of each school year

Education Code 49423, 49480, 48980

Board Policy/Administrative Regulation #: See AR 5141.21

Subject: Administration of prescribed medication

When to Notify: Beginning of each school year

Education Code 49451, 48980

Board Policy/Administrative Regulation #: See BP 5141.3

Subject: Refusal to consent to physical examination

When to Notify: Beginning of each school year

Education Code 49472, 48980

Board Policy/Administrative Regulation #: See BP 5143

Subject: Availability of insurance

When to Notify: Beginning of each school year

Education Code 49510-49520, 48980

Board Policy/Administrative Regulation #: See BP 3553

Subject: Free and reduced price meals

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**PARENTAL NOTIFICATIONS**

I. Annually (continued)

When to Notify: Annually

Education Code 56301

Board Policy/Administrative Regulation #: See BP 6164.4

Subject: Rights of all parents related to special education identification, referral, assessment, instructional planning, implementation and review, and procedures for initiating a referral for assessment

When to Notify: Beginning of each school year

Education Code 58501

Board Policy/Administrative Regulation #: See BP 6181

Subject: Alternative schools

When to Notify: Beginning of each school year

20 USC 1681-1688, 42 USC 2000d-2000d-7, 34 CFR 106.9

Board Policy/Administrative Regulation #: See BP 0410

Subject: Nondiscrimination on basis of sex, disability, ethnicity or lack of English skills

When to Notify: Beginning of each school year

20 USC 1232h

Board Policy/Administrative Regulation #: See AR 5022

Subject: Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing

When to Notify: For districts receiving Title I funds, beginning of each school year

20 USC 6311

Board Policy/Administrative Regulation #: See AR 4112.24, See AR 4222

Subject: Right to request information re: professional qualification of their child's teacher and paraprofessional

When to Notify: Annually

5 CCR 4622

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Uniform complaint procedures and available appeals and civil law remedies; identity of coordinators

**BOARD POLICY**

**E 5145.6**

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**PARENTAL NOTIFICATIONS**

**I. Annually (continued)**

When to Notify: Annually to parent, teacher and employee organizations; in absence of organizations, to individuals

40 CFR 763.93

Board Policy/Administrative Regulation #: See AR 3514

Subject: Availability of complete, updated management plan for asbestos-containing material in school buildings

**II. At Specific Times During the Student's Academic Career**

When to Notify: At least once before counseling in grades 7 through 8

Education Code 221.5, 48980

Board Policy/Administrative Regulation #: See BP 6164.2

Subject: Course selection and career counseling

When to Notify: At beginning of school year if student had been placed in structured English immersion program

Education Code 310, 5 CCR 11309

Board Policy/Administrative Regulation #: See AR 6174

Subject: Placement of child in program and opportunity to apply for parental exception waiver

When to Notify: Before presenting a course using live or dead animals or animal parts

Education Code 32255-32255.6

Board Policy/Administrative Regulation #: See BP 5145.8

Subject: Right to refrain from harmful or destructive use of animals

When to Notify: Upon registration, if K-6 students have not previously been transported

Education Code 39831.5

Board Policy/Administrative Regulation #: See AR 3543

Subject: School bus safety rules and information, list of stops, rules of conduct, red in a school bus light danger zones, walking to and from stops

When to Notify: Beginning of each school year in grades 7-8

Education Code 46010.1

Board Policy/Administrative Regulation #: See BP 5113

Subject: Absence for confidential medical services

**BOARD POLICY**

**E 5145.6**

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**PARENTAL NOTIFICATIONS**

**II. At Specific Times During the Student's Academic Career (continued)**

When to Notify: Upon admission to school

Education Code 48216, 49403, Health and Safety Code 120365, 120370, 120375

Board Policy/Administrative Regulation #: See AR 5141.31

Subject: Immunizations

When to Notify: Before early entry to kindergarten, if offered

Education Code 48000

Board Policy/Administrative Regulation #: See AR 5111

Subject: Effects, advantages and disadvantages of early entry

When to Notify: When in kindergarten or 1st grade if not previously law, enrolled in public school

Education Code 49452.8

Board Policy/Administrative Regulation #: See AR 5141.32

Subject: Requirement for oral health assessment, explanation of importance of teeth, health agency contact, privacy rights

When to Notify: Beginning of each school year for students in grades 7-8

Education Code 51938, 48980

Board Policy/Administrative Regulation #: See AR 6142.1

Subject: Explanation of sex and HIV/AIDS instruction, right to view A/V materials, who teaching, request specific Education Code sections, right to excuse

When to Notify: Upon assessment and reassessment of English proficiency and enrollment in program of education for English language learners

Education Code 52164.1, 52164.3, 52173, 5 CCR 11303

Board Policy/Administrative Regulation #: See AR 6174

Subject: Program of education for English language learners

When to Notify: Within 20 working days of receiving results of standardized achievement tests

Education Code 60641, 5 CCR 863

Board Policy/Administrative Regulation #: See AR 6162.51

Subject: Results of tests; test purpose, individual score and intended use

When to Notify: When child is enrolled in kindergarten

Health and Safety Code 124085, 124100

Board Policy/Administrative Regulation #: See BP 5141.32

Subject: Health screening examination

**BOARD POLICY**

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**STUDENTS**

**PARENTAL NOTIFICATIONS**

II. At Specific Times During the Student's Academic Career (continued)

When to Notify: Prior student participation in gifted and talented program  
5 CCR 3831

Board Policy/Administrative Regulation #: See AR 6172

Subject: Gifted and talented student program

When to Notify: Within 30 calendar days of receipt of results  
5 CCR 11511.5

Board Policy/Administrative Regulation #: See AR 6174

Subject: CELDT test results

When to Notify: For districts receiving Title I funds, not later than 30 days after beginning of school year, to parents of English learners

20 USC 6312

Board Policy/Administrative Regulation #: See AR 6174

Subject: Reasons for placement, level of proficiency, instructional methods, how program meets child's strengths and teaches English, exit requirements, right to choose another program

III. When Special Circumstances Occur

When to Notify: Upon receipt of a complaint alleging discrimination

Education Code 262.3

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Civil law remedies available to complaints

When to Notify: At least 72 hours before use of pesticide product not included in annual list

Education Code 17612

Board Policy/Administrative Regulation #: See AR 3514.2

Subject: Intended use of pesticide product

When to Notify: If school has lost its WASC accreditation status

Education Code 35178.4

Board Policy/Administrative Regulation #: See BP 6190

Subject: Loss of status, potential consequences

When to Notify: At least six months before implementing a schoolwide uniform policy

Education Code 35183

Board Policy/Administrative Regulation #: See AR 5132

Subject: Dress code policy requiring schoolwide uniform

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**PARENTAL NOTIFICATIONS**

**III. When Special Circumstances Occur (continued)**

When to Notify: Before implementing a continuous school program

Education Code 37616

Board Policy/Administrative Regulation #: See BP 6117

Subject: Continuous school program

When to Notify: When interdistrict transfer is requested and not approved or denied within 30 days

Education Code 46601

Board Policy/Administrative Regulation #: See AR 5117

Subject: Appeal process

When to Notify: When student identified as being at risk of retention

Education Code 48070.5

Board Policy/Administrative Regulation #: See AR 5123

Subject: Student at risk of retention

When to Notify: When a student is classified a truant

Education Code 48260.5

Board Policy/Administrative Regulation #: See AR 5113

Subject: Parental obligation

When to Notify: When a truant is referred to a SARB or probation department

Education Code 48263

Board Policy/Administrative Regulation #: See AR 5113

Subject: Name and address of SARB or probation department and reason for referral

When to Notify: Prior to involuntary transfer to continuation school

Education Code 48432.5

Board Policy/Administrative Regulation #: See AR 6184

Subject: Right to require a meeting prior to involuntary transfer to continuation school

When to Notify: Prior to withholding grades, diplomas, or transcripts

Education Code 48904

Board Policy/Administrative Regulation #: See AR 5125.2

Subject: Damaged school property

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**E 5145.6**

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**PARENTAL NOTIFICATIONS**

**III. When Special Circumstances Occur (continued)**

When to Notify: When withholding grades, diplomas or transcripts from transferring student  
Education Code 48904.3

Board Policy/Administrative Regulation #: See AR 5125.2

Subject: Next school will continue withholding grades, diplomas or transcripts

When to Notify: When student is released to peace officer  
Education Code 48906

Board Policy/Administrative Regulation #: See BP 5145.11

Subject: Release of student to peace officer

When to Notify: At time of suspension  
Education Code 48911

Board Policy/Administrative Regulation #: See BP 5144.1, See AR 5144.1

Subject: Notice of suspension

When to Notify: When original period of suspension is extended  
Education Code 48911

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Extension of suspension

When to Notify: Before holding a closed session re: suspension  
Education Code 48912

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Intent to hold a closed session re: suspension

When to Notify: When student expelled from another district for certain acts seeks admission  
Education Code 48915.1, 48918

Board Policy/Administrative Regulation #: See AR 5119

Subject: Hearing re: possible danger presented by expelled student

When to Notify: When readmission is denied  
Education Code 48916

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Reasons for denial; determination of assigned program



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**E 5145.6**

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**PARENTAL NOTIFICATIONS**

**III. When Special Circumstances Occur (continued)**

When to Notify: When expulsion occurs

Education Code 48916

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Description of readmission procedures

When to Notify: 10 calendar days before expulsion hearing

Education Code 48918

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Notice of expulsion hearing

When to Notify: When expulsion or suspension of expulsion occurs

Education Code 48918

Board Policy/Administrative Regulation #: See AR 5144.1

Subject: Decision to expel; right to appeal to county board; obligation to inform new district of status

When to Notify: One month before the scheduled minimum day

Education Code 48980

Board Policy/Administrative Regulation #: See BP 6111

Subject: When minimum days are scheduled after the beginning of the school year

When to Notify: When parents request guidelines for filing complaint of child abuse at a school site

Education Code 48987

Board Policy/Administrative Regulation #: See BP 1312.1

Subject: Guidelines for filing complaint of child abuse at a school site with local child protective agencies

When to Notify: When student in danger of failing a course

Education Code 49067

Board Policy/Administrative Regulation #: See AR 5121

Subject: Student in danger of failing a course

When to Notify: When student transfers from another district or private school

Education Code 49068

Board Policy/Administrative Regulation #: See AR 5125

Subject: Right to receive copy of student's record and to challenge its content

OCEAN VIEW SCHOOL DISTRICT  
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**PARENTAL NOTIFICATIONS**

**III. When Special Circumstances Occur (continued)**

When to Notify: Within 24 hours of release of information to a judge or probation officer  
Education Code 49076

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of student record information to a judge or probation officer for conducting a truancy mediation program or for presenting evidence at a truancy petition

When to Notify: Before release of information pursuant to court order or subpoena  
Education Code 49077

Board Policy/Administrative Regulation #: See AR 5125

Subject: Release of information pursuant to court order or subpoena

When to Notify: When injurious object is taken from student  
Education Code 49332

Board Policy/Administrative Regulation #: See AR 5131.7

Subject: Weapons and dangerous objects

When to Notify: When screening results in suspicion that student has scoliosis  
Education Code 49452.5

Board Policy/Administrative Regulation #: See BP 5141.3

Subject: Scoliosis screening

When to Notify: When test results in discovery of visual or hearing defects  
Education Code 49456

Board Policy/Administrative Regulation #: See BP 5141.3

Subject: Vision or hearing test

When to Notify: Before any test questioning personal beliefs  
Education Code 51513

Board Policy/Administrative Regulation #: See AR 5022

Subject: Permission for test questioning personal beliefs

When to Notify: Within 14 days of instruction if arrangement made for guest speaker after beginning of school year

Education Code 51938

Board Policy/Administrative Regulation #: BP 6142.1

Subject: Instruction in HIV/AIDS or sexual health education by guest speaker or outside consultant

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**PARENTAL NOTIFICATIONS**

**III. When Special Circumstances Occur (continued)**

When to Notify: When migrant education program is established  
Education Code 54444.2

Board Policy/Administrative Regulation #: See BP 6175, See AR 6175

Subject: Parent advisory council membership composition

When to Notify: When child participates in licensed child care and development program  
Health and Safety Code 1596.857

Board Policy/Administrative Regulation #: See AR 5148

Subject: Parent right to enter facility

When to Notify: When sharing student immunization information with an immunization system  
Health and Safety Code 120440

Board Policy/Administrative Regulation #: See AR 5125

Subject: Types of information to be shared, name and address of agency; acceptable use of they information; right to examine; right to refuse to share

When to Notify: When hearing is requested by person asked to leave school premises  
Penal Code 627.5

Board Policy/Administrative Regulation #: See AR 3515.2

Subject: Notice of hearing

When to Notify: When providing written decision in response to a complaint re: discrimination, special education, or noncompliance with laws regulating educational program  
5 CCR 4631

Board Policy/Administrative Regulation #: See AR 1312.3

Subject: Appeal rights and procedures

When to Notify: When child participates in licensed child care and development program  
5 CCR 18066

Board Policy/Administrative Regulation #: See AR 5148

Subject: Policies re: unexcused absences

When to Notify: For districts receiving Title I funds, when a child has been taught for four or more consecutive weeks by a teacher who is not "highly qualified"  
20 USC 6311

Board Policy/Administrative Regulation #: See AR 4112.24

Subject: Timely notice to parent of child's assignment

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**PARENTAL NOTIFICATIONS**

When to Notify: When school identified for program improvement or corrective action, within 30 days of failure to make annual yearly progress

20 USC 6312

Board Policy/Administrative Regulation #: See AR 0520.2

Subject: Notice of failure to parents of ELL students

When to Notify: When school identified for program improvement or corrective action

20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.2, See AR 5116.1

Subject Explanation of identification, reasons, how problem will be addressed, how parents can become involved, transfer option, availability of supplemental services

When to Notify: For districts with schools that have been identified for program improvement or corrective action, annually

20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.2

Subject: Availability of supplemental educational services, identity of providers, description of services, qualifications, effectiveness of providers

When to Notify: When district identified for program improvement

20 USC 6316

Board Policy/Administrative Regulation #: See AR 0520.3

Subject: Explanation of status, reasons for identification, how parents can participate in upgrading district

When to Notify: For schools receiving Title I funds, upon development of parent involvement policy

20 USC 6318

Board Policy/Administrative Regulation #: See AR 6171

Subject: Notice of policy

When to Notify: For districts with secondary students receiving Title I funds

20 USC 7908

Board Policy/Administrative Regulation #: See AR 5125.1

Subject: Notice that parents may request that district not release name, address, phone number of child to military recruiters without prior written consent

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**PARENTAL NOTIFICATIONS**

III. When Special Circumstances Occur (continued)

When to Notify: Prior to conducting initial evaluation

Education Code 56301, 56329 34 CFR 300.52

Board Policy/Administrative Regulation #: See AR 5125

Subject: Proposed evaluation plan, related parental rights, prior written notice

When to Notify: Within 15 days of referral for assessment, for special education programs

Education Code 56321

Board Policy/Administrative Regulation #: See AR 6164.4

Subject: Proposed assessment plan and related parental rights

IV. Special Education Notices

When to Notify: Prior to conducting initial evaluation

Education Code 56329, 34 CFR 300.502

Board Policy/Administrative Regulation #: See AR 6164.4

Subject: Proposed evaluation plan, related parental rights, prior written notice

When to Notify: 24 hours before IEP when district intending to record

Education Code 56341.1

Board Policy/Administrative Regulation #: See AR 6159

Subject: Intention to tape record IEP meeting

When to Notify: Early enough to ensure opportunity for parent to attend IEP meeting

Education Code 56341.5 34 CFR 300.322

Board Policy/Administrative Regulation #: See AR 6159

Subject: Time, purpose, location, who in attendance, participation of others with special knowledge, transition statements if appropriate

When to Notify: When parent orally requests review of IEP

Education Code 56343.5

Board Policy/Administrative Regulation #: See AR 6159

Subject: Need for written request

When to Notify: For student receiving exit exam waiver, prior to receipt of diploma

Education Code 60852.4

Board Policy/Administrative Regulation #: See AR 6162.52

Subject: Right to FAPE

**BOARD POLICY**

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**PARENTAL NOTIFICATIONS**

**IV. Special Education Notices (continued)**

When to Notify: Before functional behavioral assessment begins  
5 CCR 3052

Board Policy/Administrative Regulation #: See AR 6159.4

Subject: Notification and consent

When to Notify: Before modification of behavioral intervention plan  
5 CCR 3052

Board Policy/Administrative Regulation #: See AR 6159.4

Subject: Need for modification, right to question modification

When to Notify: Within one school day of emergency intervention or serious property damage  
5 CCR 3052

Board Policy/Administrative Regulation #: See AR 6159.4

Subject: Emergency intervention

When to Notify: Whenever there is a proposal or refusal to initiate or change the identification, evaluation or placement, or FAPE

20 USC 1415(c), 34 CFR 300.503

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Prior written notice

When to Notify: Initial referral for evaluation

20 USC 1415(d) 34 CFR 300.503

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Prior written notice and procedural safeguards notice

When to Notify: Registration of complaint

20 USC 1415(d) 34 CFR 300.504

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Procedural safeguards notice

When to Notify: Disciplinary action taken for dangerous behavior

20 USC 1415(k) 34 CFR 300.530

Board Policy/Administrative Regulation #: See AR 5144.2

Subject: Decision and procedural safeguards notice

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**PARENTAL NOTIFICATIONS**

IV. Special Education Notices (continued)

When to Notify: Suspension or change of placement for more than 10 days

20 USC 1415(k) 34 CFR 300.530

Board Policy/Administrative Regulation #: See AR 5144.2

Subject: Decision and procedural safeguards notice

When to Notify: Upon requesting a due process hearing

20 USC 1415(k), 34 CFR 300.508

Board Policy/Administrative Regulation #: See AR 6159.1

Subject: Child's name, address, school, description of problem, proposed resolution

V. Classroom Notices

When to Notify: In each classroom in each school

Education Code 35186

Board Policy/Administrative Regulation #: See AR 1312.4, See E 1312.4

Subject: Complaint rights re: sufficiency instructional materials, teacher vacancy and misassignment, maintenance of facilities.

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**BOARD POLICY**

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**STUDENTS**

**SEXUAL HARASSMENT**

The Board of Trustees is committed to maintaining an educational environment that is free from harassment and unlawful discrimination. The Board of Trustees prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school-related activities. The Board of Trustees also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in District complaint processes.

Instruction/Information

The Superintendent or designee shall ensure that all District students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence.
2. A clear message that students do not have to endure sexual harassment.
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained.
4. Information about the District's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made.
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable.

Complaint Process

Any student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school-sponsored or school-related activity (e.g., a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.



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**SEXUAL HARASSMENT**

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-8, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Confidentiality and Record-Keeping

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

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the District to monitor, address, and prevent repetitive harassing behavior in the schools.

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

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

*Flores v. Morgan Hill Unified School District*, (2003, 9th Cir.) 324 F.3d 1130

*Reese v. Jefferson School District*, (2001, 9th Cir.) 208 F.3d 736

*Davis v. Monroe County Board of Education*, (1999) 526 U.S. 629

*Gebser v. Lago Vista Independent School District*, (1998) 524 U.S. 274

*Oona by Kate S. v. McCaffrey*, (1998, 9th Cir.) 143 F.3d 473

*Doe v. Petaluma City School District*, (1995, 9th Cir.) 54 F.3d 1447

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**SEXUAL HARASSMENT**

*Management Resources:*

CSBA PUBLICATIONS

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

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

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*Dear Colleague Letter: Sexual Violence, April 4, 2011*

*Sexual Harassment: It's Not Academic, September 2008*

*Revised Sexual Harassment Guidance, January 2001*

WEB SITES

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

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

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

Policy Adopted: 09/21/93  
Policy Revised: 09/02/97  
Policy Revised: 09/19/00  
Policy Revised: 01/11/11  
Policy Revised: 12/13/12

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5145.7**

**STUDENTS**

**SEXUAL HARASSMENT**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Examples of types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body or overly personal conversation, causing the individual to be uncomfortable.
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class.
7. Massaging, grabbing, fondling, stroking, or brushing the body in an inappropriate manner.
8. Touching an individual's body or clothes in a sexual way.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 5145.7

STUDENTS

SEXUAL HARASSMENT

9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex.
10. Displaying sexually suggestive objects.
11. Sexual assault, sexual battery, or sexual coercion.

School-Level Complaint Process/Grievance Procedure

Complaints of sexual harassment, or any behavior prohibited by the District's Nondiscrimination/Harassment policy – BP 5145.3, shall be handled in accordance with the following procedure:

1. Notice and Receipt of Complaint: Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the District Coordinator for Nondiscrimination/Principal. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Coordinator/Principal, whether or not the victim files a complaint.

In any case of sexual harassment involving the Coordinator/Principal to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

2. Initiation of Investigation: The Coordinator/Principal shall initiate an impartial investigation of an allegation of sexual harassment within five school days of receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. The District shall be considered to have "notice" of the need for an investigation upon receipt of information from a student who believes he/she has been subjected to harassment, the student's parent/guardian, an employee who received a complaint from a student, or any employee or student who witnessed the behavior.

If the Coordinator/Principal receives an anonymous complaint or media report about alleged sexual harassment, he/she shall consider the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment in determining whether it is reasonable to pursue an investigation.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 5145.7

STUDENTS

SEXUAL HARASSMENT

School-Level Complaint Process/Grievance Procedure (continued)

3. Initial Interview with Student: When a student or parent/guardian has complained or provided information about sexual harassment, the Coordinator/Principal shall describe the District's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing. If the student requests confidentiality, he/she shall be informed that such a request may limit the district's ability to investigate.
4. Investigation Process: The Coordinator/Principal shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action.

The Coordinator/Principal shall interview individuals who are relevant to the investigation, including, but not limited to, the student who is complaining, the person accused of harassment, anyone who witnessed the reported harassment, and anyone mentioned as having relevant information. The Coordinator/Principal may take other steps such as reviewing any records, notes, or statements related to the harassment or visiting the location where the harassment is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Coordinator/Principal also may discuss the complaint with the Superintendent or designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and District legal counsel or the District's risk manager.

5. Interim Measures: The Coordinator/Principal shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.
6. Optional Mediation: In cases of student-to-student harassment, when the student who complained and the alleged harasser so agree, the Coordinator/Principal may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5145.7**

**STUDENTS**

**SEXUAL HARASSMENT**

School-Level Complaint Process/Grievance Procedure (continued)

7. Factors in Reaching a Determination: In reaching a decision about the complaint, the Coordinator/Principal may take into account:
- a. Statements made by the persons identified above.
  - b. The details and consistency of each person's account.
  - c. Evidence of how the complaining student reacted to the incident.
  - d. Evidence of any past instances of harassment by the alleged harasser.
  - e. Evidence of any past harassment complaints that were found to be untrue.

To judge the severity of the harassment, the Coordinator/Principal may take into consideration:

- a. How the misconduct affected one or more students' education.
  - b. The type, frequency, and duration of the misconduct.
  - c. The identity, age, and sex of the harasser and the student who complained, and the relationship between them.
  - d. The number of persons engaged in the harassing conduct and at whom the harassment was directed.
  - e. The size of the school, location of the incidents, and the context in which they occurred.
  - f. Other incidents at the school involving different students.
8. Written Report on Findings and Follow-Up: No more than 30 days after receiving the complaint, the Coordinator/Principal shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator/Principal shall notify the student who complained and explain the reasons for the extension.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

ADMINISTRATIVE REGULATION

AR 5145.7

STUDENTS

SEXUAL HARASSMENT

School-Level Complaint Process/Grievance Procedure (continued)

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If sexual harassment occurred, the report shall also include any corrective actions that have or will be taken to address the harassment and prevent any retaliation or further harassment. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Coordinator/Principal shall ensure that the harassed student and his/her parent/guardian are informed of the procedures for reporting any subsequent problems. The Coordinator/Principal shall also make follow-up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce the District's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond.
3. Disseminating and/or summarizing the district's policy and regulation regarding sexual harassment.
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community.
5. Taking appropriate disciplinary action.

In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5145.7**

**STUDENTS**

**SEXUAL HARASSMENT**

Notifications

A copy of the District's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year.
2. Be displayed in a prominent location in the main administrative building or other area where notices of District rules, regulations, procedures, and standards of conduct are posted, including District/school websites.
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session.
4. Appear in any school or District publication that sets forth the school's or District's comprehensive rules, regulations, procedures, and standards of conduct.
5. Be included in the student handbook.
6. Be provided to employees and employee organizations.

Regulation Adopted: 09/21/93  
Regulation Revised: 09/02/97  
Regulation Revised: 01/11/11  
Regulation Revised: 12/13/12



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.8**

**STUDENTS**

**REFUSAL TO HARM OR DESTROY ANIMALS**

The Board of Trustees supports the right of students to refrain from participating in instruction which involves dissecting or otherwise harming or destroying animals when they have a moral objection to such activities.

After notifying the teacher of his/her objection pursuant to law and administrative regulations, the student shall be excused from the project and shall be provided an appropriate alternative project in its place. The Board of Trustees encourages staff, whenever possible, to provide an alternative project that teaches the same knowledge and skills as the original project. In any case, staff shall ensure the effective use of students' time by providing instructional activities relevant to the course of study.

*Legal Reference:*

EDUCATION CODE

*32255-32255.6 Student's right to refrain from harmful/destructive use of animals*

*48980 Parental notification at beginning of term*

*48981-48984 Method and content of notification; signature required*

Policy Adopted: 02/18/92

Policy Revised: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5145.8**

**STUDENTS**

**REFUSAL TO HARM OR DESTROY ANIMALS**

At the beginning of each academic year, the District shall notify parents/guardians, in writing, of students' right to refrain from instruction involving harm or destruction of animals.

In addition, each teacher of a course that uses live or dead animals or animal parts shall inform students of their right to refrain from the harmful or destructive use of animals.

Students who wish to refrain from such instruction shall notify the teacher and shall provide a note from their parent/guardian substantiating the objection.

A teacher's determination of whether a student may pursue an alternative project or be excused from the project shall not be arbitrary or capricious.

If the teacher believes an adequate alternative project is possible, he/she may work with the student to develop and agree upon an alternative project which would provide the knowledge, information or experience required by the course of study. Alternative projects include but are not limited to the use of video tapes, models, films, books and computers. The alternative project shall involve time and effort comparable to that required by the original project.

Students who participate in an alternative project shall pass all course examinations in order to receive course credit. Students may request an alternative test, however, if a regular examination requires the harmful or destructive use of animals.

This right shall apply to all K-8 courses, except classes and activities conducted as part of agricultural education that provides instruction on the care, management and evaluation of domestic animals.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.9**

**STUDENTS**

**HATE CRIMES**

The Board of Trustees affirms the right of every student to be protected from hate crimes. It is the intent of the Board of Trustees to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, national origin, gender, sexual orientation, physical/mental attributes, religious beliefs or practices shall not be tolerated.

Any student who feels that he/she is a victim of a hate crime shall immediately contact the principal or designee. If the student believes that the situation has not been remedied by the principal or designee, he/she may file a complaint in accordance with District complaint procedures.

Staff who receive notice of a hate crime or personally observe such behavior shall notify the principal, Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate crimes shall be subject to discipline in accordance with Board policy and administrative regulation.

In addition, the District shall provide counseling and appropriate sensitivity training and diversity education for students exhibiting hate crimes. The District shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate crimes.

The Superintendent or designee shall ensure that staffs receive appropriate training to recognize hate crimes and methods for handling such behavior in appropriate ways.

The District shall provide age-appropriate instruction to help promote understanding of and respect for human rights.

At the beginning of each school year, students and staff shall receive a copy of the District's policy on hate crimes.

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.3 Suspension for hate violence

PENAL CODE

186.21 Street terrorism; legislative findings and declarations

422.55-422.86 Hate crimes

11410-11414 Terrorism

13023 Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability

13519.6 Hate crimes, training courses and guidelines

UNITED STATES CODE, TITLE 18

245 Federally protected activities

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5145.9**

**STUDENTS**

**HATE CRIMES**

*Management Resources:*

CSBA PUBLICATIONS

*Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1995*

ALAMEDA OFFICE OF EDUCATION & CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Hate-Motivated Behavior in Schools: Response Strategies for School Boards, Administrators, Law Enforcement and Communities, 1997*

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

*Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999*

WEB SITES

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

California Association of Human Relations Organizations: <http://www.cahro.org>

United States Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR/index.html>

Policy Adopted: 09/19/00

Policy Revised: 01/11/11

## **BOARD POLICY**

**BP 5146**

### **STUDENTS**

#### **MARRIED/PREGNANT/PARENTING STUDENTS**

The Board of Trustees recognizes that early marriage, pregnancy, or parenting and related responsibilities may disrupt a student's education and increase the chance of a student dropping out of school. The Board, therefore, desires to support married, pregnant, and parenting students to continue their education, attain strong academic and parenting skills, and promote the healthy development of their children.

The District shall not discriminate against any student on the basis of the student's marital status, pregnancy, childbirth, false pregnancy, termination of pregnancy, or related recovery. (Education Code 230)

For school-related purposes, a student under the age of 18 years who enters into a valid marriage shall have all the rights and privileges of students who are 18 years old, even if the marriage has been dissolved.

#### **Education and Support Services for Pregnant and Parenting Students**

Pregnant and parenting students shall retain the right to participate in any comprehensive school or educational alternative program. The classroom setting shall be the preferred instructional strategy unless an alternative is necessary to meet the needs of the student and/or his/her child.

Any education program or activity that is offered separately to pregnant students, including any class or extracurricular activity, shall be equal to that offered to other District students. A student's participation in such programs shall be voluntary.

#### **Absences**

Pregnant or parenting students may be excused for absences related to confidential medical appointments in accordance with BP/AR 5113 – Absences and Excuses.

The Superintendent or designee shall grant a student a leave of absence due to pregnancy, childbirth, false pregnancy, termination of pregnancy, and related recovery for as long as it is deemed medically necessary by a physician. At the conclusion of the leave, the student shall be reinstated to the status held when the leave began.

A parenting student may request exemption from attendance because of personal services that must be rendered to a dependent.

## **BOARD POLICY**

**BP 5146**

### **STUDENTS**

#### **MARRIED/PREGNANT/PARENTING STUDENTS**

##### **Reasonable Accommodations**

When necessary, the District shall provide reasonable accommodations to pregnant and parenting students to enable them to access the educational program.

A pregnant student shall have access to any services available to other students with temporary disabilities or medical conditions.

The school shall provide reasonable accommodations to any lactating student to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. A student shall not incur an academic penalty for using any of these reasonable accommodations, and shall be provided the opportunity to make up any work missed due to such use. Reasonable accommodations include, but are not limited to:

1. Access to a private and secure room, other than a restroom, to express breast milk or breastfeed an infant child
2. Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk
3. Access to a power source for a breast pump or any other equipment used to express breast milk
4. Access to a place to store expressed breast milk safely
5. A reasonable amount of time to accommodate the student's need to express breast milk or breastfeed an infant child

##### **Complaints**

Any complaint of discrimination on the basis of pregnancy or marital or parental status shall be addressed through the District's uniform complaint procedures in accordance with BP/AR 1312.3 – Uniform Complaint Procedures.

Any complaint alleging District noncompliance with the requirements to provide reasonable accommodations for lactating students also may be filed in accordance with the District's procedures in AR 1312.3–Uniform Complaint Procedures. A complainant who is not satisfied with the District's decision may appeal the decision to the California Department of Education (CDE). If the District or the CDE finds merit in an appeal, the District shall provide a remedy to the affected student. (Education Code 222)

**BOARD POLICY**

**BP 5146**

**STUDENTS**

**MARRIED/PREGNANT/PARENTING STUDENTS**

**Program Evaluation**

As needed, the Superintendent or designee shall report to the Board regarding the effectiveness of District strategies to support married, pregnant, and parenting students, which may include data on participation rates in District programs and services, academic achievement, school attendance, graduation rate, and/or student feedback on District programs and services.

*Legal Reference:*

**EDUCATION CODE**

222 Reasonable accommodations; lactating students

230 Sex Discrimination

48205 Excused absences

48220 Compulsory education requirement

48410 Persons exempted from continuation classes

49553 Nutrition supplements for pregnant/lactating students

51220.5 Parenting skills and education

51745 Independent study

52610.5 Enrollment of pregnant and parenting students in adult education

**CIVIL CODE**

51 Unruh Civil Rights Act

**FAMILY CODE**

7002 Description of emancipated minor

**HEALTH AND SAFETY CODE**

104460 Tobacco prevention services for pregnant and parents students

**CODE OF FEDERAL REGULATIONS, TITLE 34**

106.40 Marital or parental status

*Management Resources:*

**WEB SITES**

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

California Women's Law Center: <http://www.cwlc.org/resources>

U.S. Department of Agriculture, Women, Infants, and Children Program: <http://www.fns.usda.gov/wic>

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

Policy Adopted: 02/18/92

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OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**ADMINISTRATIVE REGULATION**

**AR 5146**

**STUDENTS**

**MARRIED/PREGNANT/PARENTING STUDENTS**

The Superintendent or designee may grant a student a leave of absence due to pregnancy, childbirth or abortion for as long as it is deemed medically necessary per required written note by physician. At the conclusion of the leave, the student shall be reinstated to the status she held when the leave began.

A pregnant or parenting student also may request exemption from attendance because of a physical or mental condition or because of personal services that must be rendered to a dependent.



OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5147**

**STUDENTS**

**DROPOUT PREVENTION**

The Board of Trustees recognizes that regular school attendance is critical to student learning and achievement. The Board of Trustees desires to provide a learning environment that engages students, helps them become self-motivated, encourages regular attendance, and enables them to meet district standards and to graduate.

The Superintendent or designee shall develop strategies to identify and serve students at all grade levels who are at risk of dropping out of school. Students may be identified on the basis of indicators such as frequent absenteeism, truancy, or tardiness; below-grade-level achievement; or personal, social, health, or economic concerns that may make a student more likely to drop out of school.

*Legal Reference:*

*EDUCATION CODE*

*35160 Authority of governing board*

*41505-41508 Pupil Retention Block Grant*

*48400-48403 Compulsory continuation education*

*48430-48438 Continuation education*

*48660-48667 Community day schools*

*51745-51749.3 Independent study*

*52300-52334 Regional Occupational Centers*

*52890 Qualifications and duties of outreach consultants*

*54690-54697 Partnership academies*

*64000-64001 Single plan for student achievement*

*REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS*

*52014 Inclusion of activities in plan*

*52015 Components of plan*

*52900-52904 Alternative education and work centers for school dropouts*

*54660-54669 Elementary and Secondary School Dropout Prevention Act*

*54720-54735 School-based pupil motivation and maintenance program*

*58550-58562 Educational clinics*

*UNITED STATES CODE, TITLE 20*

*6301-6322 Title I programs*

*Management Resources:*

*WEB SITES*

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

*California Dropout Prevention Network: <http://www.edualliance.org/cdpn>*

*National Dropout Prevention Center: <http://www.dropoutprevention.org>*

Policy Adopted: 01/11/11

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5148**

**STUDENTS**

**CHILD CARE AND DEVELOPMENT**

The Board of Trustees desires to provide child care and development services which meet the developmental needs of children, provide an opportunity for parenting students to receive assistance while continuing their education, and offer a convenient child care alternative for parents/guardians in the community.

The Superintendent or designee shall work cooperatively with the local child care, public and private agencies, parents/guardians, and other community members to assess child care needs in the community, establish program priorities, obtain ongoing feedback on program quality, and inform parents/guardians about child care options.

The Board of Trustees shall approve a written philosophical statement, goals, and objectives for the District's child care and development program that reflect the cultural and linguistic characteristics of the families to be served and address the program components specified in 5 CCR 18272-18281 and administrative regulation.

Admissions policies and procedures shall include criteria designating those children whose needs can be met by the center's program and services, the ages of children who will be accepted, program activities, any supplementary services provided, any field trip provisions, any transportation arrangements, food service provisions, and a medical assessment requirement.

Child care and development services may be offered immediately before and after normal school hours.

These services shall be available to school-age children in grades K-5

The Superintendent or designee shall ensure that subsidized child care is provided to eligible families to the extent that state and/or federal funding is available and shall establish enrollment priorities in accordance with Education Code 8263 and 5 CCR 18106.

In addition to priorities for subsidized services, priority for admissions shall be given to District students and children of District employees.

The Superintendent or designee shall ensure that individuals working in child care and development programs have the necessary qualifications and have satisfied all legal requirements.

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5148**

**STUDENTS**

**CHILD CARE AND DEVELOPMENT**

The Superintendent or designee shall develop and implement an annual plan for evaluation of the district's child care services which conforms to state requirements. Based on the results of the evaluation, the program shall be modified as necessary to address any areas identified as needing improvement.

*Legal Reference:*

EDUCATION CODE

8200-8499.10 Child Care and Development Services Act, including:  
8200-8209 General provisions for child care and development services  
8210-8216 Resource and referral program  
8220-8226 Alternative payment program  
8230-8233 Migrant child care and development program  
8235-8239 California state preschool program  
8240-8244 General child care programs  
8250-8252 Programs for children with special needs  
8263 Eligibility and priorities for subsidized child development services  
8360-8370 Personnel qualifications  
8400-8409 Contracts  
8460-8480 School-age community child care services  
8482-8484.6 After-school education and safety program  
8484.7-8484.8 21st Century community learning centers  
8485-8488 Child supervision programs  
8493-8498 Facilities  
8499-8499.7 Local planning councils  
17609-17610 Integrated pest management, applicability to child care facilities  
49540-49546 Child care food program  
49570 National School Lunch program  
54740-54749.5 Cal-SAFE program for pregnant/parenting students and their children  
56244 Staff development funding

HEALTH AND SAFETY CODE

1596.70-1596.895 California Child Day Care Act  
1596.90-1597.21 Day care centers  
120325-120380 Immunization requirements

CODE OF REGULATIONS, TITLE 5

18000-18434 Child care and development programs, especially:  
18012-18122 General requirements  
18180-18192 Federal and state migrant programs  
18200-18207 School-age community child care services program  
18210-18213 Severely handicapped program  
18220-18231 Alternative payment program  
18240-18248 Resource and referral program  
18270-18281 Program quality, accountability  
18290-18292 Staffing ratios  
18295 Waiver of qualifications for site supervisor  
18300-18308 Appeals and dispute resolution

CODE OF REGULATIONS, TITLE 22

101151-101239.2 General requirements, licensed child care centers, including:  
101151-101163 Licensing and application procedures  
101212-101231 Continuing requirements  
101237-101239.2 Facilities and equipment

UNITED STATES CODE, TITLE 42

1751-1769 School lunch programs  
9831-9852 Head Start programs  
9858-9858q Child care and development block grant

CODE OF FEDERAL REGULATIONS, TITLE 7

210.1-210.31 National School Lunch program

OCEAN VIEW SCHOOL DISTRICT  
Huntington Beach, California

**BOARD POLICY**

**BP 5148**

**STUDENTS**

**CHILD CARE AND DEVELOPMENT**

*Legal Reference (continued):*

CODE OF FEDERAL REGULATIONS, TITLE 45

98.2-98.93 Child care and development fund

COURT DECISIONS

CBS Inc. v. The Superior Court of Los Angeles County, State Department of Social Services, (2001) 91 Cal.App.4th 892

*Management Resources:*

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Infant/Toddler Learning and Development Program Guidelines, 2006

Program Quality Standards and Standards Based on Exemplary Practice for Center-Based Programs and Family Child Care Home Networks, October 2004

CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS

01-06 The Desired Results for Children and Families System, May 31, 2001

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

Child Development Permit Professional Growth Manual, July 2008

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Good Start, Grow Smart, April 2002

America's Families, September 2000

WEB SITES

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

California Association for the Education of Young Children: <http://www.caeyc.org>

California Department of Education, Child Development: <http://www.cde.ca.gov/sp/cd>

California Department of Social Services: <http://www.cdss.ca.gov>

California Head Start Association: <http://caheadstart.org>

California School-Age Consortium: <http://calsac.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

National Association for the Education of Young Children: <http://www.naeyc.org>

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

Policy Adopted: 02/18/92

Policy Revised: 09/19/00

Policy Revised: 01/11/11

**ADMINISTRATIVE REGULATION**

**AR 5148**

**STUDENTS**

**CHILD CARE AND DEVELOPMENT**

Licensing

All District child care and development services shall be licensed by the California Department of Social Services, unless exempted pursuant to Health and Safety Code 1596.792 or 22 CCR 101158.

The license shall be posted in a prominent, publicly accessible location in the facility.

Licensed child care centers shall be subject to the requirements of Health and Safety Code 1596.70-1597.21 and 22 CCR 101151-101239.2.

Program Components

The District's child care and development program shall include the following components:

1. A developmental profile recording each child's physical, cognitive, social, and emotional development which shall be used to plan and conduct age- and developmentally appropriate activities.

Program staff shall complete the "Desired Results Developmental Profile," available from the California Department of Education (CDE), for each child who is enrolled in the program for at least 10 hours per week and for any child with disabilities regardless of the number of hours enrolled. The profile shall be completed within 60 days of enrollment and at least once every six months thereafter for children of all ages.

2. An educational program which complies with 5 CCR 18273, including the provision of services that are developmentally, linguistically, and culturally appropriate and inclusive of children with special needs.
3. A staff development program which complies with 5 CCR 18274.
4. Parent/guardian involvement and education which comply with 5 CCR 18275 and involve parents/guardians through an orientation, at least two individual conferences per year, meetings with program staff, an advisory committee, participation in daily activities, and information regarding their child's progress.
5. A health and social services component which complies with 5 CCR 18276 and includes referrals to appropriate community agencies as needed.
6. A community involvement component which complies with 5 CCR 18277.

**ADMINISTRATIVE REGULATION**

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**CHILD CARE AND DEVELOPMENT**

Program Components (continued)

7. A nutrition component which ensures that children in the program have nutritious meals and snacks that meet federal guidelines for child care programs or the National School Lunch program.
8. An annual plan for program evaluation which conforms with the state's "Desired Results for Children and Families" system and includes, but is not limited to, a self-evaluation, parent survey, and environment rating scale using forms provided by the CDE.

Staffing Ratios

The District's child care and development program shall maintain at least the minimum adult-child and teacher-child ratios specified in 5 CCR 18290-18292 based on the ages of the children served.

Enrollment

The District's child care and development services shall accord equal treatment and access to services in accordance with law.

The Superintendent or designee shall refer to the county's centralized eligibility list to identify children in need of services.

Children shall be eligible for subsidized child care and development services when both of the following conditions are met:

1. The family meets one or more of the following criteria:
  - a. Is a current aid recipient.
  - b. Is income eligible.
  - c. Is homeless.
  - d. Has children who have been identified as being abused, neglected, or exploited or at risk of being abused, neglected, or exploited.

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**STUDENTS**

**CHILD CARE AND DEVELOPMENT**

**Enrollment** (continued)

2. The family demonstrates need for the services due to any of the following circumstances:
  - a. The child is identified by a legal, medical, or social services agency or emergency shelter as a recipient of protective services; as being neglected, abused, or exploited; or as at risk of being neglected, abused, or exploited.
  - b. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are employed or seeking employment; are seeking permanent family housing; or are incapacitated.

First priority for enrollment shall be given to neglected or abused children who are recipients of child protective services, or children who are at risk of being neglected or abused, upon written referral from a legal, medical, or social services agency. If unable to enroll a child in this category, the district shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located.

Second priority for enrollment shall be given equally to eligible families, regardless of the number of parents/guardians in the home, who are income eligible. Families with the lowest gross monthly income in relation to family size shall be admitted first. If two or more families are in the same priority in relation to income, the family that has a child with disabilities shall be admitted first or, if there is no child with disabilities, the family that has been on the waiting list for the longest time shall be admitted first.

When all such eligible children are enrolled, the District may enroll children from families who do not qualify for subsidized services but who meet the age requirements of the program, giving priority to district students and children of district employees. The Superintendent or designee shall establish a waiting list of such children in the event that applications exceed program capacity.

The District's decision to approve or deny services shall be communicated to the family through a written notice mailed or delivered within 30 days from the date the application is signed by the parent/guardian. If services are approved, the notice shall contain the basis of eligibility, daily/hourly fee, if applicable, duration of the eligibility, names of children approved to receive services, and the hours of service approved for each day. If services are denied, the notice shall contain the basis of denial and instructions on how the parents/guardians may request a hearing in accordance with the procedures specified in 5 CCR 18120 and 18121 if they do not agree with the District's decision.



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**CHILD CARE AND DEVELOPMENT**

Fees

No fees shall be assessed for families whose children are participating in programs prohibited by law from assessing fees.

The Superintendent or designee may charge fees for services according to the fee schedule established by the Superintendent of Public Instruction, the actual cost of services, or the maximum daily/hourly rate specified in the contract, whichever is least.

Families receiving services on the basis of having a child at risk of abuse, neglect, or exploitation may be exempt from these fees for up to three months. Families receiving services on the basis of having a child receiving child protective services, or having a certification by a county child welfare agency that child care services continue to be necessary, may be exempt from these fees for up to 12 months. The cumulative period of exemption from these fees for these families shall not exceed 12 months.

Fees shall be collected prior to providing services and shall be considered delinquent after seven days from the date that fees are due. Parents/guardians shall be notified in the event that fees are delinquent. If a reasonable plan for payment of the delinquent fees has not been provided by the parents/guardians, services shall be terminated if all delinquent fees are not paid within two weeks of such notification. Parents/guardians shall receive a copy of the District's regulations regarding fee collection at the time of initial enrollment into the program.

The Superintendent or designee shall establish a process which includes parents/guardians in determining whether and how much to charge parents/guardians for field trip expenses. This process also shall be used to determine whether to require parents/guardians to provide diapers.

Health Examination

A physical examination and evaluation, including age-appropriate immunization, shall be required prior to or within six weeks of enrollment, unless the parent/guardian submits a letter stating that such examination is contrary to his/her religious beliefs.

Attendance

Sign-in and sign-out sheets shall be used daily for all children for attendance accounting purposes. Attendance records shall include verification of excused absences, including the child's name, date(s) of absence, specific reason for absence and signature of parent/guardian or District representative.



**ADMINISTRATIVE REGULATION**

**AR 5148**

**STUDENTS**

**CHILD CARE AND DEVELOPMENT**

Attendance (continued)

Absences shall be excused for the following reasons:

1. Illness or quarantine of the child or of the parent/guardian.
2. Family emergency.

A family emergency shall be considered to exist when unforeseen circumstances cause the need for immediate action, such as may occur in the event of a natural disaster or when a member of the child's immediate family dies, has an accident, or is required to appear in court.

3. Time spent with a parent/guardian or other relative as required by a court of law.
4. Time spent with a parent/guardian or other relative which is clearly in the best interest of the child.

An absence shall be considered to be in the best interest of the child when the time is spent with the child's parent/guardian or other relative for reasons deemed justifiable by the program coordinator or site supervisor.

Except for children who are recipients of protective services or at risk of abuse or neglect, excused absences in the best interest of the child shall be limited to 10 days during the contract period.

Any absence due to a reason other than the above, or without the required verification, shall be considered an unexcused absence. After three unexcused absences during the year, the program coordinator or site supervisor shall notify the parents/guardians. Children who continue to have excessive unexcused absences may be removed from the program at the discretion of the program coordinator in order to accommodate other families on the waiting list for admission.

Parents/guardians shall be notified of the policies and procedures related to excused and unexcused absences for child care and development services.

Rights of Parents/Guardians

At the time a child is accepted into a licensed child care and development center, the child's parent/guardian or authorized representative shall be notified of his/her rights as specified in 22 CCR 101218.1, including, but not limited to, the right to enter and inspect the child care facility

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**CHILD CARE AND DEVELOPMENT**

Rights of Parents/Guardians (continued)

and the right to be informed, upon request, of the name and type of association to the center of any adult who has been granted a criminal record exemption.

The written notice of parent/guardian rights also shall be permanently posted within the facility in a location accessible to parents/guardians. Notwithstanding these rights, access to the facility may be denied to an adult whose behavior presents a risk to children present in the facility or to noncustodial parents/guardians when so requested by the responsible parent/guardian.

Records

The Superintendent or designee shall establish and maintain a basic data file for each family receiving child care and development services containing the data specified in 5 CCR 18081.

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**BOARD POLICY**

**BP 5148.2**

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**BEFORE/AFTER SCHOOL PROGRAMS**

The Board of Trustees desires to provide before-school and/or after-school enrichment programs that support the regular education program and provide safe, constructive alternatives for students. In order to increase academic achievement of participating students, the content of such programs shall be aligned with the District's vision and goals for student learning, its curriculum, and District and state academic standards and shall be integrated with other learning support activities.

A fee may be charged to participating families based on the actual cost of services. The fee may be waived or subsidized based on economic disadvantage or other critical needs in accordance with Education Code 8263 and 8350.

The Board of Trustees and the Superintendent or designee shall monitor student participation rates and shall identify measures that shall be used to determine program effectiveness, such as outcome-based data on academic performance, attendance, and positive behavioral changes.

*Legal Reference:*

*EDUCATION CODE*

8263 Eligibility and priorities for subsidized child development services  
8350-8359.1 Programs for CalWORKS recipients  
8420-8428 21st Century After-School Program for Teens  
8460-8480 School-age community child care services  
8482-8484.6 After School Education and Safety Program  
8484.7-8484.9 21st Century Community Learning Centers  
17264 New construction; accommodation of before- and after-school programs  
35021.3 After-school physical recreation instructors  
45125 Criminal record check  
49430-49436 Nutrition standards  
49553 Free or reduced-price meals  
69530-69547.9 Cal Grant program  
*UNITED STATES CODE, TITLE 20*  
6314 Title I schoolwide programs  
6319 Program improvement  
7171-7176 21st Century community learning centers

*Management Resources:*

*CSBA ADVISORIES*

*Proposition 49: New Funding for Before and After School Programs, July 2006*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*21st Century High School After School Safety and Enrichment for Teens (ASSETS) Program Evaluation Guidebook 2005-06, July 2006*

*COUNCIL OF CHIEF STATE SCHOOL OFFICERS (CCSSO) PUBLICATIONS*

*Using NCLB Funds to Support Extended Learning Time: Opportunities for Afterschool Programs, August 2005*

*NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS*

*Building and Sustaining After-School Programs: Successful Practices in School Board Leadership, 2005*

*U.S. DEPARTMENT OF EDUCATION NON-REGULATORY GUIDANCE*

*21st Century Community Learning Centers, February 2003*

*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*

*After-School Programs: Keeping Children Safe and Smart, June 2000*

*WEB SITES*

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

*Academy for Educational Development, Promising Practices in Afterschool: <http://www.afterschool.org/>*

*California Department of Education, After School Partnerships Office: <http://www.cde.ca.gov/ls/ba>*

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**BEFORE/AFTER SCHOOL PROGRAMS**

*Management Resources (continued):*

*California School-Age Consortium: <http://calsac.org/>*

*Children Now: <http://www.childrennow.org/>*

*Council of Chief State School Officers: <http://www.ccsso.org/>*

*National School Boards Association, Extended-Day Learning Opportunities Program: <http://www.nsba.org/edlo>*

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**BOARD POLICY**

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**STUDENTS**

**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

The Board of Trustees recognizes that high-quality preschool experiences for children ages 3-4 years help them develop knowledge, skills, and attributes necessary to be successful in school and provide for a smooth transition into the elementary education program. Such programs should provide developmentally appropriate activities in a safe, well-supervised, cognitively rich environment.

Collaboration with Community Programs

The Superintendent or designee shall collaborate with other agencies, organizations, the county office of education, and private preschool providers to assess the availability of preschool programs in the community and the extent to which the community's preschool needs are being met. The Board of Trustees encourages the development of a community-wide plan to increase children's access to high-quality preschool programs.

Information about preschool options in the community shall be provided to parents/guardians upon request.

The Superintendent or designee may establish partnerships with feeder preschools to facilitate articulation of the preschool curriculum with the District's elementary education program.

District Preschool Programs

When the Board of Trustees determines that it is feasible, the District may provide preschool services in facilities at or near District schools.

The Board of Trustees shall set priorities for establishing or expanding services as resources become available. In so doing, the Board of Trustees shall give consideration to the benefits of providing early education programs for at-risk children and/or children residing in the attendance areas of the lowest performing District schools.

On a case-by-case basis, the Board of Trustees shall determine whether the District shall directly administer preschool programs or contract with public or private providers to offer such programs.

Facilities for preschool classrooms shall be addressed in the District's comprehensive facilities plan, including an assessment as to whether adequate and appropriate space exists on school sites. As necessary, the Superintendent or designee shall provide information to the Board of Trustees regarding facilities financing options for preschool classrooms and/or facilities available through partnering organizations.

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**BP 5148.3**

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

District Preschool Programs (continued)

To enable children of working parents/guardians to participate in the District's preschool program, the Superintendent or designee shall recommend strategies to provide a full-day program and/or to link to other full-day child care programs in the district or community to the extent possible.

Because parents/guardians are essential partners in supporting the development of their children, the Superintendent or designee shall involve them in program planning. Program staff shall encourage volunteerism in the program and shall communicate frequently with parents/guardians of enrolled children regarding their child's progress.

The District's program shall be aligned with preschool learning foundations published by the California Department of Education which identify the knowledge, skills, and competencies that children typically attain as they complete their first or second year of preschool. Program components shall address social-emotional, physical, and cognitive development in key areas that are necessary for kindergarten readiness.

The District's preschool program shall provide appropriate services to support the needs of English learners and children with disabilities.

To maximize the ability of children to succeed in the preschool program, program staff shall support children's health through proper nutrition and physical activity and shall provide or make referrals to health and social services.

The Superintendent or designee shall ensure that administrators, teachers, and paraprofessionals in District preschool programs possess the appropriate permit(s) issued by the Commission on Teacher Credentialing, meet any additional qualifications established by the Board of Trustees, and participate in professional development opportunities designed to continually enhance their knowledge and skills.

The Superintendent or designee shall develop and implement an annual plan of evaluation which conforms to state requirements.

The Superintendent or designee shall regularly report to the Board of Trustees regarding enrollments in District preschool programs and the effectiveness of the programs in preparing preschoolers for transition into the elementary education program.

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

*Legal Reference:*

*EDUCATION CODE*

8200-8499.10 *Child Care and Development Services Act, especially:*  
8200-8209 *General provisions for child care and development services*  
8230-8233 *Migrant child care and development program*  
8235-8239 *California state preschool program*  
8250-8252 *Programs for children with special needs*  
8263 *Eligibility and priorities for subsidized child development services*  
8300-8303 *Early Learning Quality Improvement System Advisory Committee*  
8360-8370 *Personnel qualifications*  
8400-8409 *Contracts*  
8493-8498 *Facilities*  
8499.3-8499.7 *Local child care and development planning councils*  
54740-54749 *Cal-SAFE program for pregnant/parenting students and their children*

*HEALTH AND SAFETY CODE*

1596.70-1596.895 *California Child Day Care Act*  
1596.90-1597.21 *Day care centers*  
120325-120380 *Immunization requirements*

*CODE OF REGULATIONS, TITLE 5*

18000-18434 *Child care and development programs*  
80105-80125 *Permits authorizing service in child development programs*

*UNITED STATES CODE, TITLE 20*

6311-6322 *Title I, relative to preschool*  
6319 *Qualifications for teachers and paraprofessionals*  
6371-6376 *Early Reading First*  
6381-6381k *Even Start family literacy programs*  
6391-6399 *Education of migratory children*

*UNITED STATES CODE, TITLE 42*

9831-9852 *Head Start programs*  
9858-9858q *Child Care and Development Block Grant*  
*CODE OF FEDERAL REGULATIONS, TITLE 22*  
101151-101239.2 *General requirements, licensed child care centers, including:*  
101151-101163 *Licensing and application procedures*  
101212-101231 *Continuing requirements*  
101237-101239.2 *Facilities and equipment*

*CODE OF FEDERAL REGULATIONS, TITLE 45*

1301-1310 *Head Start*

*Management Resources:*

*CSBA PUBLICATIONS*

*Expanding Access to High-Quality Preschool Programs: A Resource and Policy Guide for School Leaders, 2005*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*California Preschool Learning Foundations, Vol. 1, 2008*

*Preschool English Learners: Principles and Practices to Promote Language, Literacy, and Learning, 2007*

*Prekindergarten Learning Development Guidelines, 2000*

*First Class: A Guide for Early Primary Education, 1999*

*CALIFORNIA DEPARTMENT OF EDUCATION MANAGEMENT BULLETINS*

08-13 *California State Preschool Program, November 2008*

01-06 *The Desired Results for Children and Families System, May 31, 2001*

*U.S. DEPARTMENT OF EDUCATION PUBLICATIONS*

*Good Start, Grow Smart, April 2002*

*WEB SITES*

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

California Association for the Education of Young Children: <http://www.caeyc.org/>

California Children and Families Commission: <http://www.ccfc.ca.gov/>

California County Superintendents Educational Services Association: <http://www.ccsesa.org/>

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

California Head Start Association: <http://caheadstart.org/>

California Preschool Instructional Network: <http://www.cpin.us/>

Child Development Policy Institute: <http://www.cdpi.net/>

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

*Management Resources (continued):*

*Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org/>*

*First 5 Association of California: <http://www.f5ac.org/>*

*National Institute for Early Education Research: <http://nieer.org/>*

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

*Preschool California: <http://www.preschoolcalifornia.org/>*

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



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**ADMINISTRATIVE REGULATION**

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**STUDENTS**

**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

When approved by the California Department of Education under the California State Preschool Program (CSPP), the District may operate one or more part-day and/or full-day preschool programs in accordance with law and the terms of the state contract.

Eligibility and Enrollment Priorities for Full-Day and Part-Day Programs

Children eligible for the District's full-day or part-day CSPP program include those who will have their third or fourth birthday on or before December 2 of the fiscal year in which they are enrolled in the program.

The Superintendent or designee shall refer to the county's centralized eligibility list to identify children in need of services.

Children shall be eligible for subsidized services if their family meets one or more of the criteria specified in Education Code 8263 and 8263.1.

For a child to be eligible for the District's full-day program, his/her family shall, in addition to meeting the above criteria, demonstrate need for the services due to any of the following circumstances:

1. The child is identified by a legal, medical, or social services agency or emergency shelter as a recipient of protective services; as being neglected, abused, or exploited; or as at risk of being neglected, abused, or exploited.
2. The parents/guardians are engaged in vocational training leading directly to a recognized trade, paraprofession, or profession; are employed or seeking employment; seeking permanent family housing; or are incapacitated.

First priority for enrollment in any CSPP program shall go to neglected or abused children age 3-4 years who are recipients of child protective services or who are at risk of being neglected, abused, or exploited, upon written referral from a legal, medical, or social service agency. If unable to enroll a child in this category, the District shall refer the child's parent/guardian to local resource and referral services so that services for the child can be located.

After all such children are enrolled, the district shall give priority to eligible children age 4 years prior to enrolling eligible children age 3 years.

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**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

Additional Requirements for Part-Day Program

The District's part-day CSPP program shall operate a minimum of three hours per day but less than four hours per day, excluding time for home-to-school transportation, and for a minimum of 175 days per year unless otherwise specified in the program's contract.

After all eligible children have been enrolled, the program may fill up to 10 percent of its enrollment, calculated throughout the entire contract, with children whose family income is no more than 15 percent above the income eligibility threshold.

The District may certify eligibility and enrollment up to 120 calendar days prior to the first day of the beginning of the preschool year. After establishing eligibility at the time of initial enrollment, a child shall remain eligible for the part-day program for the remainder of the program year.

Fees shall not be assessed for families whose children are enrolled in the part-day program.

Additional Requirements for Prekindergarten and Family Literacy Programs

Prekindergarten and family literacy programs offered by the District prior to July 1, 2009, shall continue to provide classes in the attendance area of elementary schools in deciles 1-3 on the 2005 base Academic Performance Index.

Such programs shall operate a minimum of 175 days for part-day services and 246 days for full-day, full-year services unless otherwise specified in the contract.

Prekindergarten and family literacy programs shall provide:

1. Age and developmentally appropriate activities that are designed to facilitate children's transition to kindergarten.
2. Opportunities for parents/guardians to work with their children on interactive literacy activities as defined in Education Code 8238.
3. Coordination of parenting education for parents/guardians of participating children to support their children's development of literacy skills.
4. Referrals to providers of adult education and English as a second language as necessary to improve parents/guardians' academic skills.

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**STUDENTS**

**PRESCHOOL/EARLY CHILDHOOD EDUCATION**

Additional Requirements for Prekindergarten and Family Literacy Programs (continued)

5. Staff development of participating teachers in accordance with Education Code 8238.3.

The District may select a family literacy and education coordinator to coordinate the provision of literacy services to families in the District and community, create an organizational partnership between the program(s) and adult education programs in the district or community, and promote parent/guardian involvement in participating classrooms.

Ocean View Preparatory Preschool Program – Fee-Based

The District's fee-based preschool program (OVPP) is designed for children ages 3-5 years. Students are provided with age and developmentally appropriate learning activities based on the *California Preschool Learning Foundations*. OVPP is licensed by the State of California Health and Welfare Agency, Department of Social Services and is located on the Pleasant View School campus, under the supervision of OVSD Superintendent and governed by the Board of Trustees.

Students develop school readiness skills (intellectual, social-emotional language, physical, and creative) to prepare them to enter Kindergarten ready to access the curriculum. A variety of programs are available, including full day and half day, as well as extended day that accommodates early morning and later afternoon care.

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**BOARD POLICY**

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**STUDENTS**

**AT-RISK STUDENTS**

The Board of Trustees recognizes that personal, social, health, and economic circumstances of children and families sometimes place students at risk of school failure. The Board of Trustees believes, however, that each student can succeed in meeting District academic standards with appropriate educational programs and support services.

District assessments and ongoing classroom evaluations shall be used to identify students performing below grade-level or at risk of failing to meet District standards. The Superintendent or designee shall develop strategies to address the needs of at-risk students, which may include but are not limited to instructional strategies responsive to the needs of individual students, provision of supplemental instruction outside the regular school day, provision of effective support services, parent involvement, and/or enrollment in an alternative program.

The Superintendent or designee shall ensure that employees are trained to support students and are prepared to implement intervention strategies as needed or to make appropriate referrals.

The Superintendent or designee shall establish a student assistance program to help coordinate the District's learning support programs including education, prevention, early identification, intervention, referral, and support services, into an integrated delivery system.

The District's program for at-risk students shall emphasize coordination between site, District, and community-based programs in order to ensure effective implementation and shared accountability.

*Legal Reference:*

*EDUCATION CODE*

8800-8807 Healthy Start support services for children  
11500-11506 Programs to encourage parent involvement  
35160 Authority of governing boards  
35183 Gang-related apparel  
41505-41508 Pupil Retention Block Grant  
41510-41514 School Safety Consolidated Competitive Grant  
44049 Report of alcohol or controlled substance abuse  
48260-48273 Truancy  
48400-48454 Continuation education  
48660-48666 Community day schools  
49400-49409 Student health  
49450-49457 Physical examinations of students  
49600-49604 Educational counseling  
51266-51266.5 Gang and substance abuse prevention curriculum  
51268 Collaboration re drug, alcohol and tobacco prevention  
51745-51749.3 Independent study programs  
52200-52212 Gifted and Talented Pupil Program  
52800-52887 School-Based Program Coordination Act  
54400-54425 Programs for disadvantaged children  
54440-54445 Migrant children  
54740-54749.5 California School Age Families  
56000-56001 Special education programs

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**AT-RISK STUDENTS**

*Legal Reference (continued):*

56302 Identification and assessment of needs for individuals with disabilities  
REPEALED EDUCATION CODE FOR CATEGORICAL PROGRAMS  
52014 Inclusion of activities in plan  
52015 Components of plan  
54685-54686.2 Early Intervention for School Success Program  
HEALTH AND SAFETY CODE  
11802 Joint school-community alcohol abuse primary education and prevention program  
120325-120380 Immunizations  
121475-121520 Tuberculosis tests for students  
124025-124110 Child health and disability prevention program  
PENAL CODE  
11164-11174.3 Child abuse and neglect reporting  
WELFARE AND INSTITUTIONS CODE  
4343-4360 Primary intervention programs - mental health  
4370-4390 School-based early mental health intervention and prevention  
18975-18979 Child abuse prevention training  
18986.40-18986.46 Interagency children's services programs  
CODE OF REGULATIONS, TITLE 5  
11900-11935 Healthy Start program  
UNITED STATES CODE, TITLE 20  
6301-6578 Title I programs

*Management Resources:*

*WEB SITES*

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