

TAMALPAIS UNION HIGH SCHOOL DISTRICT

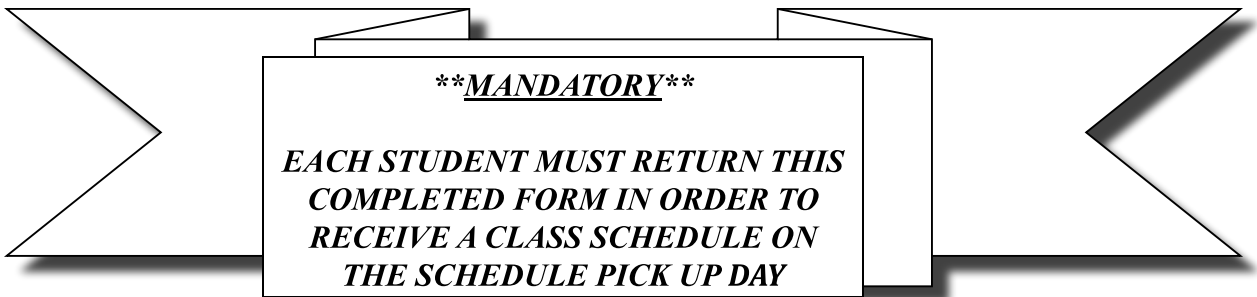


TUHSD

PARENTAL ANNUAL NOTICE

**P.O. Box 605
Larkspur, CA 94977
Phone: (415) 945-1000
www.tamdistrict.org**

Revised June 2024



Dear Parent/Guardian:
United States and California Law and, specifically, California Education Code §48980 require that, at the beginning of the first semester or quarter of the regular school term, the Governing Board of each school district must notify parents/guardians of their rights and responsibilities under certain provisions of the Education Code.
Education Code §48982 requires parents/guardians to sign and acknowledge that they are aware of their rights and responsibilities. Please sign the Parent Notification and return it with your student(s) when they pick up the schedule of classes. Your signature only acknowledges that you have received information about your rights. (It does not indicate your consent or refusal to participate in any particular program.)

As one of Tamalpais Union High School District's cost savings measures, the full text of the *Parental Annual Notice* is now available online at <https://www.tamdistrict.org/students/annual-notices>, and the *Parent/Student Handbook*, which has additional information including student discipline, is also now online at your school's website. Hard copies of the *Parental Annual Notice* and the *Parent/Student Handbook* are available in the Principal's Office at your school.

**Tamalpais Union High School District
PARENT NOTIFICATION OF DISTRICT POLICIES**

Please review and sign below to acknowledge that you have been informed of your rights in the *Parental Annual Notice*. **Return this page to your student's school when your student picks up their schedule of classes.** A separate notice must be signed by the parents for each student enrolled in the Tamalpais Union High School District. The signed notice will be kept on file.

Student Name: _____

School Name: _____

School Year: _____ Grade: _____

Student's Date of Birth: _____

Student Signature: _____ Date: _____

I acknowledge receipt of the Parental Annual Notice.

Signature of Parent/Guardian: _____ Date: _____



PARENT NOTIFICATION OF DISTRICT POLICIES

Policies and regulations are frequently updated. There have been changes to the policies listed in this notice during the past year, so please read it carefully. Please continue to check our policies on our website for the most up to date versions of the policies listed in this document.

<https://www.tamdistrict.org/board-of-trustees/policies-regulations>

Please visit the Tamalpais Union High School District website to access the most current version of the Parental Annual Notice. Periodic updates will be made to this document.

<https://www.tamdistrict.org/students/annual-notices>

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ABSENCE FOR CONFIDENTIAL MEDICAL SERVICES

In accordance with Education Code 46010.1, school authorities may excuse any student in grades 7 through 12 from school to obtain confidential medical services without the consent of the student's parent/guardian. Confidential appointments are appointments to receive services that a minor can obtain on their own consent under state and federal law. These services may include: medical care related to mental health treatment or counseling, family planning services, contraception, pregnancy, STI testing and treatment, HIV/AIDs testing and treatment, substance abuse services, residential shelter services and sexual assault treatment. 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. For further information, please see Board Policy 5113 – Absences and Excuses and Administrative Regulation 5113 – Absences and Excuses.

ABSENCE FOR RELIGIOUS PURPOSES

A student's absence shall be excused for participation in religious exercises or to receive moral and religious instruction in accordance with district policy. In such instances: a. 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. For further information, please see Board Policy 5113 – Absences and Excuses.

ACADEMIC GRADE CHANGE APPEALS PROCESS

Under Education Code section 49066, parents have a right to request a change of a pupil's **semester grade**, only, on the following grounds:

- Mistake
- Fraud
- Bad faith
- Incompetency in assigning the grade

When grades are earned for any course of instruction taught in the public schools, the grade earned by each pupil shall be the grade determined by the teacher of the course. In the absence of any of the grounds listed above, the grade shall be final. Please see TUHSD [Board Administrative Regulation 5125.3](#), *Challenge to a Student Record for more information*.

Any request for a grade change must first be made in writing to the classroom teacher who assigned the grade. A parent/guardian must make the request to the teacher within thirty (30) school days (“school days” are defined as days when the relevant pupil is or should be in school, excluding summer school, school recesses, and holidays) of the date the grade report was mailed. This request must reference the teacher’s grading criteria and shall specifically allege how the teacher’s grading of the pupil reflects mistake, fraud, bad faith, or incompetency in assigning the final grade. The parent/guardian may present any relevant information, oral or written, in support of the request. If the issue does not get resolved with the teacher, the parent/guardian may submit a written request to the principal or their designee. If the decision made by the principal or designee is unsatisfactory to the parent/guardian, they may appeal to the Superintendent or designee in writing and include all materials that have been relevant to date. If the decision remains unsatisfactory, the parent/guardian may appeal the decision to the Board of Trustee, whose decision shall be final.

At each step, the parent/guardian has the right to present information in support of the request. If you would like additional information, please ask your principal's assistant for a **Grade Change Appeal Form** and a copy of the **Procedure for Contesting a Final Grade**.

ACADEMIC HONESTY

Tamalpais Union High School District is committed to encouraging students to experience the joy of accomplishment in school and in their personal lives, to discover their full potential, to value an atmosphere of trust and respect, to assume responsibility for their own ethical behavior, and to foster ethical behavior in others.

In pursuit of this ideal, we acknowledge that:

- Academic honesty is a shared responsibility among students, parents and school staff;
- The many students who do not cheat are adversely affected by the few who do;
- High school students are under more pressure than ever to achieve high grades;
- Teachers must create conditions which encourage ethical behavior; and,
- Students need to experience rewards for good ethics and consequences for poor decisions.

Academic Dishonesty may include, but is not limited to, the following:

- Claiming credit for work that is not one's own (copying homework, copying test answers, etc.);
- Allowing others to claim credit for the work (allowing others to view your homework or assignments, etc.);
- Using notes or other unauthorized material, or being involved in unauthorized communication during a test or other assessment;
- Using Artificial Intelligence (Technologies that aim to reproduce or exceed abilities in computational systems that would require human-like thinking to perform a wide range of tasks, from simple to sophisticated.)
- Being involved in unauthorized communication during a test or other assessment;
- Plagiarism: Copying published works on the ideas of others without proper source attribution, including down-loading of computer files, either directly or with only minor editing;
- Unauthorized submission of work for one class that has already been accepted for credit in another class or school;
- Accessing or providing unauthorized material prior to assessment, including revealing test information;
- Submitting work substantially done by someone else (parent, tutor, sibling, etc.);
- Unauthorized use of translation program in World Languages; and,
- Forgery

Consequences: Additional information is located on each school's website or in the site Handbook Addendum.

ACCESS TO PROGRAMS AND FACILITIES BASED ON GENDER IDENTITY

Pursuant to state law, students may access sex-segregated programs and facilities, including locker room and restroom facilities, consistent with their gender identity. Any student may request the use of private or unisex restroom facilities for increased privacy. The District endeavors to protect the privacy of all students.

ACCIDENT / INJURY INSURANCE

The District does not provide insurance to cover student accidents or injuries while the student is at school, going to or from school, or while attending school-sponsored activities. Insurance for students may be purchased by parents/guardians through a separate program at your school. Some students may qualify to enroll in no-cost or low-cost local, state, or federally sponsored health insurance programs. Information about these programs may be obtained by calling 1-800-880-5305. (Education Code 49472)

ADMINISTRATION OF PRESCRIBED MEDICATION

The parent or legal guardian of any student taking medication on a regular basis must inform the school

nurse or designated employee of the medication being taken, the current dosage, and the name and contact information of the supervising physician. With the consent of the parent or legal guardian, the school nurse may communicate with the physician and may counsel with the school personnel regarding the possible effects of the medication on the student. Any student who is required to take, during the regular school day, medication prescribed by a physician or surgeon, may be assisted by the school nurse or other designated school personnel or may carry and self-administer auto-injectable epinephrine or inhaled asthma medication if the school district receives a written statement of instructions from the physician detailing the method, amount and time schedules by which such medication is to be taken. The written statement of instructions shall be provided at least annually and more frequently if the medication, dosage, frequency of administration, or reason for administration changes. A student may be subject to disciplinary action pursuant to Section 48900 if they use auto-injectable epinephrine or inhaled asthma medication in a manner other than as prescribed. (Education Code 49423.)

ANTI-SEIZURE MEDICATION

Parents of a student with epilepsy who has been prescribed an emergency anti-seizure medication may request that their student's school have one or more of its employees receive voluntary training in the administration of the medication in the event that the student suffers a seizure when a nurse is not available. Upon receipt of the parent's request, the school district must notify the parent that their child may qualify for an individualized education program or a Section 504 plan.

ADVANCED PLACEMENT EXAM FEES

Any economically-disadvantaged student, as defined in Education Code 52241, who is enrolled in an Advanced Placement course may apply to cover the costs of Advanced Placement examination fees minus five dollars which shall be paid by the student. For more information, please contact the school site principal or counseling department. (Education Code 52242.)

ALTERNATIVE SCHOOLS

California State law authorizes all school districts to provide for alternative schools. Section 58500 of the Education Code defines alternative school as a school or separate class group within a school that is operated in a manner designed to:

- a) Maximize the opportunity for students to develop the positive values of self-reliance, initiative, kindness, spontaneity, resourcefulness, courage, creativity, responsibility, and joy.
- b) Recognize that the best learning takes place when the students learn because of their desire to learn.
- c) Maintain a learning situation maximizing student self-motivation and encouraging the student in their own time to follow their own interests. These interests may be conceived by him or her totally and independently or may result in whole or in part from a presentation by his teachers of choices of learning projects.
- d) Maximize the opportunity for teachers, parents/guardians, and student to develop cooperatively the learning process and its subject matter. This opportunity shall be a continuous, permanent process.
- e) Maximize the opportunity for the student, teachers, and parents/guardians to react continuously to the changing world, including but not limited to the community in which the school is located.

In the event any parent/guardian, pupil or teacher is interested in further information concerning alternative schools, the county superintendent of schools, the administrative office of the District, and the principal's office have copies of the law available for your information. This law particularly authorizes interested persons to request the Board of Trustees of the district to establish alternative school programs in each district.

Further, a copy of the notice shall be distributed to each teacher of the district before March 1 of each year and copies shall be posted in at least two places normally visible to pupils, teacher, and visiting parents/guardians in each attendance unit for the entire month of March in each year.

The Tamalpais Union High School District maintains two alternative high schools – San Andreas High School (Continuation) and Tamiscal High School (Independent Study). Enrollment is open to any student within the District. Parents or guardians interested in these programs should contact their school counselor directly for more information.

ASBESTOS MANAGEMENT

You may request to review the complete updated management plan for asbestos containing material in each school building. (40 CFR §763.93) In 1987 the Asbestos Hazard Emergency Response Act (AHERA) was signed into law. Since the enactment of the AHERA, all schools nationwide are required to take comprehensive action relative to asbestos in their buildings. These actions include inspections by Environmental Protection Agency (EPA) accredited inspectors, the assessment of conditions and potential exposure of asbestos materials and the posting of warning labels.

The Tamalpais Union High School District has taken an aggressive step toward the protection of human health in the implementation of its AHERA compliance program. The program, designed by University Associates, Ltd. and put into action by the District, exceeds the requirements of the AHERA and sets an example to be followed by school districts nationwide.

If you are interested in reviewing the management plan for your high school, please contact the Assistant Principal during the school year. The Assistant Principal will be happy to meet with you to discuss any questions you might have after reviewing the plan.

BULLYING PREVENTION

Board Policy Students (BP 5131.2)

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

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

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

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

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

Bullying Prevention

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

bullying.

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

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

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

1. Discuss the diversity of the student body and school community, including their varying Immigration experiences;
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
3. Identify the signs of bullying or harassing behavior;
4. Take immediate corrective action when bullying is observed;
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

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

Intervention

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

(cf. 5145.3 - Nondiscrimination/Harassment)

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

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

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

Reporting and Filing of Complaints

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

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

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed. When a report of bullying is submitted, the principal or a district compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

Investigation and Resolution of Complaints

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with the law and the district's uniform complaint procedures specified in AR 1312.3. If, during the investigation, it is determined that a complaint is about nondiscriminatory bullying, the principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Discipline

Any student who engages in bullying on school premises, or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity, school attendance, or the targeted student's educational performance, shall be subject to corrective action. Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with district policies and regulations.

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

CANCER PREVENTION ACT- Human Papillomavirus (HPV) Immunization

Effective January 1, 2024, Assembly Bill (AB) 659, known as the Cancer Prevention Act, added Education Code section 48980.4, which requires the Annual Notice to include a statement about the State's public policy advising students to follow current immunization guidelines regarding full immunization against human papillomavirus (HPV) before admission or advancement to eighth grade.

CALIFORNIA COLLEGE GUIDANCE INITIATIVE DATA SHARING

California College Guidance Initiative Data Sharing (Education Code section 60900.5(d).)

The California College Guidance Initiative (CCGI) works with California school districts to make applying for college and student financial aid a more streamlined experience for students. The CCGI currently receives enrollment data for all public school students in grades 6-12 from the California Department of Education (CDE). For more information about the CCGI, visit their website at <https://www.californiacolleges.edu/#/>.

CAREER TECHNICAL EDUCATION

Career Technical Education (CTE) is a program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers. For more information, please see the California Career Technical Education website. Students or parents/guardians can contact the Counseling Department at their high school to help them choose courses that will meet college admission requirements and/or enroll in career technical education courses. Additional information regarding career technical education can be found at <http://www.cde.ca.gov/ci/ct/>.

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 their student's records any information concerning the child which they allege to be any of the following: (Education Code 49070)

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

CHRONIC ABSENTEEISM

Under the California Education Code 48263.6, Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 percent or more of the schooldays in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with Sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

The Board of Education believes that excessive student absenteeism and tardiness, whether caused by excused or unexcused absences, may be an early warning sign of poor academic achievement and may put students at risk of dropping out of school. The Board desires to ensure that all students attend school in accordance with the state's compulsory education law and take full advantage of educational opportunities provided by the district.

(cf. 5113 - Absences and Excuses)

TUHSD Board policy 5113.1 states:

The Board of Trustees recognizes the value of early intervention in the effort to reduce school absences. When a student has accumulated nine (9) absences, excused and/or unexcused, in any one period, the administration shall communicate with the student and their parent/guardian to determine the reason(s) for the excessive absences, ensure the student and parent/guardian are aware of the adverse consequences of poor attendance, and jointly develop a plan for improving the student's school attendance.

The student may be referred to the site Coordination of Services Team (COST) to assist in evaluating the student's needs and identifying strategies and programs that may assist them.

A student who is struggling academically may be offered tutoring or other supplemental instruction, extended learning opportunities, and/or alternative educational options as appropriate.

Strategies for Addressing Truancy

The parent/guardian of a student classified as a truant shall be notified of the following: (Education Code 48260.5)

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

(cf. 6181 - Alternative Schools)

(cf. 6184 - Continuation Education)

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, or their designee under Education Code 48264 if found away from home and absent from school without a valid excuse.

g. The student may be subject to suspension, restriction or delay of driving privileges 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.

(cf. 5145.6 - Parental Notifications)

Upon a student's 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. (Education Code 48264.5)

COLLEGE ADMISSION REQUIREMENTS FOR UC/CSU

The following sequence of high school courses is required by the Academic Senate of the University of California (UC) and California State University (CSU) as appropriate for fulfilling the minimum eligibility requirements for admission to the UC/CSU system. It also illustrates the minimum level of academic preparation students ought to achieve in high school to undertake university level work.

The "a-g" requirements can be summarized as follows:

- a. **History / Social Science** – Two years, including one year of world history, cultures or historical geography, and one year of U.S. history or one-half year of U.S. history and one-half year of civics or American government
- b. **English** – Four years of college preparatory English that include frequent writing, from brainstorming to final papers, as well as reading of classic and modern literature.
- c. **Mathematics** – Three years of college preparatory mathematics that include the topics covered in elementary and advanced algebra and two- and three-dimensional geometry. (UC recommends 4 years)
- d. **Laboratory Science** – Two years of college-preparatory laboratory science, including or integrating topics that provide fundamental knowledge in two of three of these subjects: biology, chemistry or physics. (UC recommends 3 years)
- e. **Language Other Than English** – Two years of the same language other than English. (UC recommends 3 years)
- f. **Visual & Performing Arts** – One yearlong course of visual and performing arts chosen from the following disciplines: dance, drama/theater, music, interdisciplinary arts or visual art — or two one-semester courses from the same discipline is also acceptable.
- g. **College Preparatory Elective** – One year (two semesters), in addition to those required in "a-f" above, chosen from the following areas: visual and performing arts, history, social science, English, advanced mathematics, laboratory science and language other than English (a third year in the language used for the "e" requirement or two years of another language)

For further information on UC/CSU admissions, please see the University of California website (<http://admission.universityofcalifornia.edu>) and the California State University website (<https://www2.calstate.edu/attend/admissions>.)

COURSE SELECTION & CAREER COUNSELING

All high school students will be assigned to a school counselor upon enrollment and are required to complete a four-year plan that will outline how college requirements will be met or how enrollment in Career Technical Education (CTE) will take place. General Course selection and career counseling help is available by contacting the counseling department at your school.

DISTRICT & SITE DISCIPLINE RULES

TUHSD prepares students for responsible citizenship by fostering self-discipline and personal responsibility. High expectations for student behavior, effective classroom management, and parent involvement can minimize the need for discipline. Staff shall use preventative measures and positive conflict resolution techniques whenever possible. Discipline shall be used in a manner that corrects student behavior and produces a safe environment without intentionally creating an adverse effect on student learning or health.

Conduct is considered appropriate when students are diligent in study, careful with school property, courteous, and respectful toward their teachers, other staff, students, and volunteers. Board policies and administrative regulations shall cultivate positive student conduct and provide a clear basis for sound disciplinary practices. Each school shall develop and communicate disciplinary rules to meet the school's particular needs. For site specific rules, please see each site's school handbook.

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, hate-motivated behavior, cyberbullying, hazing or initiation activity, extortion, or any other verbal, written, or physical conduct that causes or threatens to cause violence, bodily harm, or substantial disruption.
3. Racist and bias language and actions
4. Conduct that disrupts the orderly classroom or school environment.
5. Willful defiance of staff's authority.
6. Damage to or theft of property belonging to students, staff, or the district.
7. Obscene acts or use of profane, vulgar, or abusive language.
8. Possession, use, or being under the influence of tobacco, alcohol, or other prohibited drugs.
9. Possession or use of a laser pointer, unless used for a valid instructional or other school-related purpose, including employment. Prior to bringing a laser pointer on school premises, students shall first obtain permission from the principal or designee. The principal or designee shall determine whether the requested use of the laser pointer is for a valid instructional or other school-related purpose.
10. Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time.
11. Plagiarism or dishonesty in school work or on tests
12. Inappropriate attire
13. Tardiness or unexcused absence from school
14. Failure to remain on school premises in accordance with school rules

At all times, the safety of students and staff and the maintenance of an orderly school environment shall be priorities in determining appropriate discipline. When misconduct occurs, staff shall attempt to identify the causes of the student's behavior and implement appropriate discipline. Persistently disruptive students may be assigned to alternative programs or removed from school in accordance with law, Board policy, and administrative regulation. For further information, please see our Administrative Regulation 5144 – Discipline and the section on Grounds for Suspension and Expulsion that follows.

ENGLISH LEARNER PROGRAMS

TUHSD offers the following language and language acquisition programs for student enrollment. Parents/Guardians may choose a language acquisition program that best suits their child (EC Section 310[a]).

Language Acquisition Programs Offered

We are required to offer, at a minimum, a **Structured English Immersion** program option. We also offer the following language acquisition program:

Structured English Immersion Program: A language acquisition program for EL students in which nearly all classroom instruction is provided in English, but with curriculum and a presentation designed for students who are learning English. At minimum, students are offered designated ELD and provided access to grade level academic subject matter content with integrated ELD.

To enroll your child in a language acquisition program please contact the school principal via email or in-person to make the request.

Parents or guardians may choose a language acquisition program that best suits their child. Schools in which the parents or guardians of 30 students or more per school or the parents or guardians of 20 students or more in any grade request a language acquisition program that is designed to provide language instruction shall be required to offer such a program to the extent possible.

Parents or guardians may provide input regarding language acquisition programs during the development of the Local Control and Accountability Plan. If interested in a different program from those listed above, please contact Senior Director of Curriculum and Instruction, Paula Berry at pberry@tamdistrict.org to ask about the process.

Although schools have an obligation to serve all EL students, parents or guardians of EL students have a right to decline or opt their children out of a school's EL program or out of particular EL services within an EL program. If parents or guardians opt their children out of a school's EL program or specific EL services, the children retain their status as EL students and will be assessed annually with the Summative ELPAC. The school remains obligated to take the affirmative steps required by Title VI of the Civil Rights Act of 1964 and the appropriate actions required by the Equal Education Opportunity Act of 1974 to provide EL students access to its educational programs.

EPI-PEN (Authorization to provide Epinephrine Auto-Injectors)

California Education Code 49414 authorizes school districts to provide epinephrine auto-injectors to trained personnel to use to provide emergency medical aid to persons suffering from an anaphylactic reaction. Anaphylaxis is a rapid, severe allergic response triggered by insect stings, foods, medications, latex materials, exercise, or in rare cases by unknown causes. This is a life-threatening allergic condition, requiring immediate treatment. Administering epinephrine to students during a medical emergency may help to insure the student's health and safety at school.

EXCUSED ABSENCES (Full Day OR Period)

The Superintendent or designee shall implement positive steps to reduce truancy, such as, but not limited to, communication with parents/guardians or the use of student study teams.

Students are expected to attend school daily. Consistent daily attendance is critical for a student's academic success. The State of California considers ten (10) days of absences for one school year, for any reason, excessive.

Once a student has nine (9) excused absences the parent will be notified that any further excused absences for illness will require a doctor's note. If a doctor's note is not provided for an excused illness absence after the 9th absence, the absence will be recorded as unexcused.

An excused absence is defined under Board Policy 5113. The teacher is to allow a student to make up work missed during absences to the degree it is possible for such work to be completed. Students may make up work missed during an excused absence. **Excused absences do not lead to a loss of credit under school**

credit loss policies.

Students may make up work missed during an excused absence. Excused absences do not lead to a loss of credit under school credit loss policies. Section 48205 of the Education Code states:

Notwithstanding Section 48200, a student's absence shall be excused for the following reasons:

1. Personal illness. (Education Code 48205)
2. Quarantine under the direction of a county or city health officer. (Education Code 48205)
(cf. 5112.2 - Exclusions from Attendance)
3. Medical, dental, optometrical, or chiropractic appointments. (Education Code 48205)
4. Attendance at funeral services for a member of the immediate family, which shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state (Education Code 48205) Immediate family shall be defined as mother, father, grandmother, grandfather, spouse, son/son-in-law, daughter/daughter-in-law, brother, sister, or any relative living in the student's immediate household. (Education Code 45194, 48205)
5. Jury duty in the manner provided by law. (Education Code 48205)
6. Exclusion for up to five school days, for failure to present evidence of immunization. (Education Code 48205)
(cf. 5141.31 - Immunizations)
7. Participation in religious exercises or to receive moral and religious instruction in accordance with district policy, subject to the following conditions: (Education Code 46014)
 - a. The student's parent/guardian shall provide written consent for the absence.
 - b. The student shall attend at least the minimum school day.
 - c. The student shall be excused from school for this purpose on no more than four days per school month.*(cf. 6141.2 - Recognition of Religious Beliefs and Customs)*
8. Upon advance written request by the parent/guardian and the approval of the principal or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)
 - a. Appearance in court
 - b. Attendance at a funeral service
 - c. Observation of a holiday or ceremony of their religion
 - d. Attendance at religious retreats for no more than four hours per semester
 - e. Attendance at an employment conference
 - f. Attendance at an educational conference offered by a nonprofit organization on the legislative or judicial process
9. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)
(cf. 6142.3 - Civic Education)

10. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment. (Education Code 48205)

(cf. 6173.2 - Education of Children of Military Families)

11. To attend their naturalization ceremony to become a United States citizen. (Education Code 48205)

For further information, please see Board Policy 5113 – Absences and Excuses, Administrative Regulation 5113 – Absences and Excuses and Board Policy 6154 – Homework/Makeup Work.

EXCUSE FROM HEALTH INSTRUCTION

Parents and guardians may request in writing that their student be excused from any part of a school’s instruction on health related topics based on religious or moral grounds that are in alignment with regulations outlined in the CA Health Framework.

EXCUSED ABSENCES FOR RELIGIOUS RETREATS

AB 1503 amended Section 48205 of the Education Code regarding excused absences, to increase the time frame for an excused absence for participation in a religious retreat from four hours to one full school day per semester. The rationale for this amendment is that while students are entitled to a break over Christmas, a Christian holiday, other non-Christian students from various religious and ethnic backgrounds should also be entitled to practice their faiths.

EXCUSED ABSENCES FOR DEATH OF AN IMMEDIATE FAMILY MEMBER

Senate Bill (SB) 350 also amended Education Code section 48205, to increase the time frame for an excused absence from three days to five days to allow for attendance at funeral services for, or to grieve the death of, an immediate family member. The bill further provides for an additional excused absence for a period of not more than three (3) days for students to seek grief support services, access services from a victim services organization or agency, or to participate in safety planning, related to the death of an immediate family member.

For the purposes of this type of excused absence, SB 350 expands the definition of “immediate family” to include a person, as determined by the student’s parent or guardian, to be in such close association with the student as to be considered the student’s immediate family.

FIREARM SAFETY AND SAFE STORAGE OF FIREARMS INFORMATION

(Education Code Section 48986)

The Tamalpais Union High School District (TUHSD) is committed to ensuring that each and every member of our school community is provided an environment for learning and social development that is safe and free from bullying, harassment and violence. TUHSD takes no formal position on gun ownership, but we do firmly believe that responsible gun ownership and secure gun storage are key components of keeping our students and staff safe.

Possession of a firearm on or within 1,000 feet of school grounds is prohibited, except under the limited circumstances specified in Penal Code 626.9. School grounds include, but are not limited to, school buildings, fields, storage areas, and parking lots. (Penal Code 626.9). [BP 3515.7 Firearms On School Grounds]

Statistically, gun violence in schools is rare, however, research indicates that the majority of youth homicides are by a firearm, nearly half of youth suicide deaths involve the use of a gun, and most homicides on school campuses involved a firearm (CDC, 2014). Access to firearms is also highly correlated to increased injury and death among young people and the presence of a gun in the home is associated manifold increase in youth suicide.

In order to protect our school community from violence, TUHSD works closely with School Resource Officers from Central Marin Police Authority, Mill Valley Police Department and the Marin County Sheriff’s Office. Each comprehensive high school and San Andreas, our continuation high school, has campus supervisors who remain visible and alert throughout the school day. Additionally, TUHSD school site administrators and district office administrators are trained to conduct threat assessments with local law enforcement and our mental health staff regularly conduct risk assessments with individual students who show signs of distress.

If you or someone you know owns a gun, we ask that you consider following these **KEY GUIDELINES FOR SAFE FIREARM STORAGE** from Project Child Safe:

- **Unloaded firearms should be stored in a locked cabinet, safe, gun vault or storage case.** The storage location should be inaccessible to children.
- **Gun locking devices render firearms inoperable** and can be used in addition to locked storage. If firearms are disassembled, parts should be securely stored in separate locations.
- **Ammunition should be stored in a locked location separate from firearms.**
- **Thoroughly double check firearms to confirm that they are unloaded** when you remove them from storage. Accidents could occur if a family member borrows a gun and returns it to storage while still loaded.

FREE & REDUCED PRICE MEALS

Free or reduced-price meals are available at school for students whose parents or legal guardians qualify, based on annual household income, and complete the required application form. Applications forms may be obtained at a school office or the district office, or by contacting the Director of Student Nutrition Services at (415) 945-1035. For more information, please see Administrative Regulation 3553 – Free and Reduced Price Meals. (Education Code 49510 *et seq.*)

GRADUATION REQUIREMENTS

Current high school graduation requirements can be viewed at [Board Policy 6146.1 – High School Graduation Requirements](#). Please contact your school counselor for more personalized information.

Students shall receive diplomas of graduation from high school only after completing the required course of study and meeting the standards of proficiency established by the District. To qualify for graduation and to participate in the ceremonies, a student must successfully meet the requirements outlined below:

Graduation Requirements

<u>Required Subject</u>	<u>Credits</u>	<u>Course Provisions</u>
English	40 credits	To include English 1-2, English 3-4
Social Studies	40 credits	To include Social Issues, Community and Consciousness (Ethnic Studies), World History 1-2, U.S. History 1-2, American Government, and Economics
Mathematics	30 credits	To include Algebra 1-2
Science	30 credits	Physics in the Universe, The Living Earth, Chemistry in the Earth Systems Transfer students are required to have one year physical science, one year life science and one year of chemistry

Physical Education	20 credits	Core 1, 2, 3, and 4
Fine Arts	10 credits	1 year of visual or performing art elective.
Elective Credits	50 credits	
Required Minimum	220 credits	

The Course Guide, available in the Counseling Office and also on-line as part of the District's web site, provides further information about Tamalpais Union High School District's graduation requirements and course descriptions.

GROUND'S FOR SUSPENSION & EXPULSION

A student may be subject to suspension or expulsion when it is determined that they:
A student shall not be suspended from school or recommended for expulsion unless the superintendent or the principal of the school in which the student is enrolled determines that the student has:

1. a. Caused, attempted to cause, or threatened to cause physical injury to another person.
 - b. Willfully used force or violence upon the person of another, except in self-defense.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object unless, in the case of possession of objects of this type, the student has obtained written permission to possess the item from a certificated school employee, which is concurred in by the principal or the designee of the principal.

Firearm means any device designed to be used as a weapon from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.

Examples of dangerous object include, but are not limited to: replica firearms, airsoft guns, B.B. guns, pellet guns, air rifles, pepper spray, razors, laser pointers, brass knuckles, fist packs, nunchaku, and any object likely to cause injury to person or property that has no reasonable use at school.

3. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind.
4. Unlawfully offered, arranged, or negotiated to sell any controlled substance, listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
5. Committed or attempted to commit robbery or extortion.
6. Caused or attempted to cause damage to school property or private property.
7. Stole or attempted to steal school property or private property.
8. Possessed or used tobacco, or products containing tobacco or nicotine products, including but not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. However, this section does not prohibit use or possession by a student of their own prescription products.
9. Committed an obscene act or engaged in habitual profanity or vulgarity.

10. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, defined in Health and Safety Code 11014.5.

11. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties. (See III.B. for examples of behavior that violate this subsection.) (Per SB 274, this may not be the only infraction for a suspension.)

12. Knowingly received stolen school property or private property.

13. Possessed an imitation firearm. As used in this subsection, 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, 266(c), 286, 288, 288(a), 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 purposes of either preventing that student from being a witness or retaliating against that student for being a witness, or both.

16. Committed sexual harassment as defined in Education Code 212.5. The sexual harassment must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. (Education Code 48900.2)

17. Caused, attempted to cause, threatened to cause, or participated in an act of hate violence, as defined in subdivision (e) of section 233. (Education Code 48900.3) (See III.C. for examples of hate-motivated behavior.)

18. Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or students, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting class work, creating substantial disorder, and invading the rights of either school personnel or students by creating an intimidating or hostile educational environment. Harassment, threats or intimidation include messages or information communicated through electronic means, including the use of the internet or cell phones. (Education Code 48900.4)

Hate motivated behavior is a form of harassment. See section entitled Hate Motivated Behavior for more information.

19. Made a terroristic threat against school official(s) or school property, or both. (Education Code 48900.7) Terroristic threats shall include any statement, whether written or oral, by a person who willfully threatens to commit a crime which will result in death, great bodily injury to another person, or property damage in excess of \$1,000, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it was made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for their own safety or for their immediate family's safety, or for the protection of school district property, or the personal property of the person threatened or their immediate family. Written threats include those communicated through electronic means.

20. Aids or abets, as defined in Penal Code 31, the infliction or attempted infliction of physical injury to another person. For this offense, a student may be suspended, but not expelled, except that a student who has been adjudged by a juvenile court to have committed, as an aider and abettor, a crime of physical violence in which the victim suffered great bodily injury or serious bodily injury shall be subject to

discipline pursuant to III.A.1. above and Education Code 48900, subdivision (a). (Education Code 48900(t))

21. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug SOMA. (Education Code 48900(p))

22. Engaged in, or attempted to engage in, hazing. "Hazing" means a method of initiation or preinitiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective student. "Hazing" does not include athletic events or school-sanctioned events.

23. Engaged in an act of bullying.

a. "Bullying" means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Education Code Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following: 1) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property; 2) Causing a reasonable pupil to experience a substantially detrimental effect on their physical or mental health; 3) Causing a reasonable pupil to experience substantial interference with their academic performance; 4) Causing a reasonable pupil to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by a school.

b. "Electronic act" means the transmission, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to any of the following: 1) a message, text, sound, or image; 2) a post on a social network Internet Web site including, but not limited to: i) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in III.A.23.a. above; ii) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in III.A.23.a. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated; iii) Creating a false profile for the purpose of having one or more of the effects listed in III.A.23.a. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile. Notwithstanding III.A.23.a., an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

c. "Reasonable pupil" means a pupil, including but not limited to, an exceptional needs pupil, who exercises average care, skills, and judgment in conduct for a person of their age, or for a person of their age with their exceptional needs.

Expulsion (AR5144 and EC §48915)

Recommendations for Expulsion:

1. Mandatory Recommendation

The principal or superintendent shall immediately suspend and shall recommend to the Board to expel a student that they determine has committed any of the following acts at school or at a school activity off school grounds:

- a. Possessing, selling or otherwise furnishing a firearm;
- b. Brandishing a knife at another person;
- c. Unlawfully selling a controlled substance;
- d. Committing or attempting to commit a sexual assault as defined in AR 5144 or committing a sexual battery as defined in AR 5144; and,

- e. Possession of an explosive. Explosive means "destructive device" as described in §921 of Title 18 of the United States Code.

Upon finding that the student committed any of the acts listed above, the Governing Board shall order the student expelled.

2. Mandatory Recommendation Unless Inappropriate

The principal or superintendent shall recommend a student's expulsion for any of the following acts committed at school or at a school activity off school grounds, unless the principal or superintendent finds that expulsion is inappropriate due to the particular circumstance:

- a. Causing serious physical injury to another person, except in self-defense.
- b. Possession of any knife or other dangerous object of no reasonable use to the student. (See definition of "knife" in III.k.1.b.)
- c. Unlawful possession of any controlled substance listed in Chapter 2 of Division 10 of the Health and Safety Code 11053, except for either of the following: 1) the first offense of the possession of not more than one avoirdupois ounce of marijuana, other than concentrated cannabis; or 2) the possession of over-the-counter for use by the pupil for medical purposes or medication prescribed for the pupil by a physician.
- d. Robbery or extortion.
- e. Assault or battery, as defined in Penal Code 240 and 242, upon any school employee.

3. Discretionary Recommendation

Except as provided in 1 and 2 above, the principal or superintendent may recommend a student's expulsion for the student's commission of any of the acts listed as grounds for suspension or expulsion.

For disabled students, refer to Conditions for Expulsion according to AR5144 and EC §48915.5. The procedures for expulsion of disabled students are set forth in AR 5144.IV.C.

- A pre-expulsion assessment is conducted as necessary and a manifestation determination is made.
- An individualized education program (IEP) team meeting is held and conducted.

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;
3. During the lunch period, whether on or off the campus;
4. During, or while going to or coming from, a school sponsored activity; or,
5. While on another school district's grounds.

The Superintendent or principal may use their 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.

A teacher may suspend any student from their class for the remainder of the day and the following day for any act listed in "Grounds for Suspension and Expulsion" above. (Education Code 48910)



For further information, please see Administrative Regulation 5144 – Student Discipline.

HATE-MOTIVATED BEHAVIOR

Hate-motivated behavior is defined as any act or attempted act to cause physical injury, emotional suffering, or property damage through intimidation, harassment, bigoted slurs or epithets, vandalism, force, or threat of force motivated in part or in whole by hostility toward the victim's real or perceived race, color, religion, ancestry, national origin, disability, gender, or sexual orientation.

Acts of hate-motivated behavior include, but are not limited to, criminal acts that are statutory violations and posting or circulating demeaning jokes, leaflets, or caricatures; defacing, removing, or destroying posted materials, announcements, or memorials, and the like; distributing or posting hate-group literature and/or posters; using bigoted insults, taunts, or slurs; and possession of hate-group literature, caricatures, and the like.

How to Report Hate-Motivated Behavior:

- Reporting form submission
 - English | Spanish
 -  
- Confidential tip line
 - Archie Williams: 415-458-3416
 - Redwood: 415.945.3693
 - San Andreas: 415-945-3775
 - Tamiscal: 415-945-3765
 - Tam High: 415-380-3507
- Speak directly with staff or admin

Response to Hate- Motivated Behavior

First Offense

- Suspension: 3-5 days depending on any previous disciplinary history
- Learning Module
- Restorative Processes

Second Offense

- Suspension: 5 days
- Learning Module
- Restorative Processes

Extreme Cases

- Recommendation for Expulsion

HIV/SEX EDUCATION

All pupils in grades 7 to 12 receive comprehensive sexual health education and HIV prevention education at least once in high school. (CA Healthy Youth Act AB 239). The state mandates that this education include: sex education, HIV prevention, affirmative consent, sexual harassment, human trafficking prevention, healthy relationships and more. Districts shall annually notify parents about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research. Per California Education Code 48980 and 51938 parents/guardians/caregivers are to be notified *(1) that written and audiovisual educational materials used in comprehensive sexual health education and HIV/AIDS prevention education are available for inspection, (2) whether this educational material will be taught by district personnel or by outside consultants, (3) that the parent/guardian may request a copy of TUUSD Parent and Student Handbook 2019-2020 Education Code Sections 51937 et seq., and (4) that the parent/guardian may request in writing that their child not receive comprehensive sexual health education or HIV/AIDS prevention education without penalty. **This notice fulfills this requirement.** If the District uses outside consultants or guest speakers, the parent/guardian shall be provided with notice at least 14 days before the instruction with (1) the date of the instruction; (2) the name of the organization or affiliation

of each speaker; and (3) information about the right to request a copy of Education Codes 51937, 51933 and 51934. If you want your child excluded from any portion of the health education program, please submit the request in writing to your child's teacher of health education at their school site. Additional information about your child's health education program can be obtained by contacting your child's teacher of health education and/or principal.

The law also authorizes the district to use anonymous, voluntary and confidential research and evaluation tools to measure the health behaviors and risks of students in grades 9 to 12, including tests, questionnaires, and surveys containing age appropriate questions about the student's attitudes concerning or practices relating to sex. The district must notify you in writing before any such test, questionnaire, or survey is administered and provide you with an opportunity to review the test and request in writing that your child not participate. Upon written request of a parent, students shall be excused from the part of any school instruction in health if it conflicts with the religious training and beliefs of a parent. (Education Code 51938).

HOME AND HOSPITAL INSTRUCTION (HHI)

The Home and Hospital Instruction Program (California Education Code Section 48206.3) serves students who incur a temporary disability, which makes attendance in the regular day classes or alternative education program impossible or inadvisable. A student with a temporary disability that makes school attendance impossible or inadvisable and projected to continue beyond 20 school days shall receive individual instruction in the student's home or in a hospital or other residential health facility, excluding state hospitals.

The district in which the home or residential health facility is located is responsible for instructing and educating pupils who must be hospitalized or remain at home due to a temporary but extended illness or disability. A student of another district who is temporarily disabled and confined to a hospital or health facility within this district shall be eligible to receive individual instruction in this district. Likewise, a student of this district who is temporarily disabled and confined to a hospital or health facility within the boundaries of another district shall be able to receive individual instruction from that district. (Education Code 48207)

In such circumstances, it is the responsibility of the parent/guardian to notify the district of the student's presence in a qualifying hospital (by completing the home school request protocol). (Education Code 48208)

This instruction applies to students incurring a physical, mental or emotional disability after which they can reasonably be expected to return to regular day classes or an alternative education program without special intervention. (Education Code 48206.3) It does not apply to students identified as individuals with exceptional needs pursuant to Education Code 56026.

The student's medical condition must be verified by signed authorization of the licensed physician treating the student's condition. The student must reside within the Tamalpais Union High School District's boundaries or be hospitalized at a facility within the District boundaries to qualify for home and hospital instruction.

Home or hospital instruction shall be provided only by teachers with valid California teaching credentials who consent to the assignment. (Education Code 44865)

The District shall offer at least one hour of instruction for every day of instruction offered by the district in the regular education program. No student shall be credited with more than five days of attendance per calendar week or credited with more than the total number of calendar days that regular classes are offered by the district in any fiscal year.

Home and Hospital Instruction will try to cover up to five (5) courses, prioritizing the student's core curriculum (graduation requirements) and cannot guarantee coverage for Advanced Placement, Lab Science, nor Elective courses. Due to the limited hours of instruction available and how certain course work cannot be replicated at the same quality in the home environment, (e.g. lab work, advanced level courses,

group work etc.), Home & Hospital should only be presented as an option to students who meet eligibility requirements AND after all other site based options are exhausted.

Insofar as possible, the teacher providing home or hospital instruction shall consult with the student's current classroom teacher(s) so as to provide a continuity of instruction that enables the student to stay abreast with the regular school program. The Superintendent or designee may require verification through any reasonable means that the student requires home instruction. In addition, this verification shall also state that the disabling condition will not expose the teacher to a contagious disease that can be transmitted through casual contact. Home or hospital instruction shall not be denied to students with Hepatitis B, herpes or HIV/AIDS, as long as the home or hospital practices current preventive protocol as determined by the U.S. Centers for Disease Control.

Upon receiving such notification, the Superintendent or designee shall (Education Code 48208):

1. Within five working days of the notification, determine whether the student is able to receive individualized instruction and, if so, when it shall begin. Instruction shall begin no later than five working days after the Superintendent or designee has determined that the student is able to receive individualized instruction.
2. Within five working days of the beginning of the individualized instruction, the Superintendent or designee shall provide written notification to the district in which the student was previously enrolled stating that the student shall not be counted by that district for purposes of computing average daily attendance, effective the date on which individualized instruction began. Alternatively, the Superintendent or designee may enter into an agreement with the district in which the student was previously enrolled to have that district provide the individualized instruction. (Education Code 48208)

IMMUNIZATIONS

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Board of Trustees desires to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

Students entering a district school or child care and development program, or transferring between school campuses, shall present an immunization record which shows at least the month and year of each immunization in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

Each transfer student shall present their immunization record certifying that they have received all required immunizations currently due before being admitted to school. The Superintendent or designee may arrange for qualified medical personnel to administer immunizations at school to any student whose parent/guardian has consented in writing. (Education Code 49403)

Exemption from immunization requirements is allowed when the student's parent/guardian provides a written statement by a licensed physician that the physical condition or medical circumstances of the student are such that immunization is unsafe or is permanently not indicated. (Health and Safety Code 120370, 120375; 17 CCR 6051)

However, if there is good cause to believe that the student has been exposed to one of the communicable diseases listed above, the student may be temporarily excluded from school until the local health officer is satisfied that the student is no longer at risk of developing the disease. (Health and Safety Code 120370)

Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or until the student presents a letter or affidavit of exemption from the student's parent/guardian and physician.

Before a student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that they have 10 school days in which to supply evidence of

proper immunization or an appropriate letter of exemption. This notice shall refer the parent/guardian to the child's usual source of medical care. (Education Code 48216; 17 CCR 6040)

If no usual source of medical care exists, the parent/guardian shall be referred to the county health department. (Education Code 48216)

The Superintendent or designee shall exclude from further attendance any student who fails to obtain the required immunization within 10 school days following receipt of the parent/guardian notice specified above, unless the student is exempt from immunization for medical reasons. The student shall remain excluded from school until they have received another dose of each required vaccine due at that time. The student shall also be reported to the attendance supervisor or principal. (17 CCR 6055)

The Superintendent or designee may conditionally admit a student with documentation from a physician that: (Health and Safety Code 120340; 17 CCR 6000, 6035)

1. They have received some but not all required immunizations and is not due for any vaccine dose at the time of admission
2. They have an exemption from immunization for medical reasons.

The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses when they become due as specified in 17 CCR 6035.

The Superintendent or designee shall review the immunization record of each student admitted periodically until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, the student shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6070)

INTRADISTRICT TRANSFER REQUESTS

As the Board of Trustees actively supports the neighborhood school concept, students in the Tamalpais Union High School District shall generally attend the school located in their attendance area. Attendance areas shall be defined by the Board of Trustees through the establishment of attendance boundaries.

There are 2 means by which students living within the boundaries of the Tamalpais Union High School District may seek to attend a school located outside of their attendance area:

1. Open Enrollment allows students to attend other neighborhood schools outside their attendance area on a space available basis.
2. Compelling Needs Transfer requests allow a student to attend a school outside their attendance area on the basis of a compelling need.

For further information contact: Superintendent's secretary, (415) 945-1020.

INTERDISTRICT TRANSFER REQUESTS

All interdistrict attendance agreement requests, either into or out of the Tamalpais Union High School District, shall be approved or denied by the Superintendent or designee, acting for the Board. Appeals may be made to the Board of Trustees and thereafter, to the Marin County Board of Education. For further information, contact: Superintendent's Secretary, (415) 945-1020.

MANDATORY REPORTING OF PERCEIVED AND ACTUAL THREATS.

SB 906 also addresses threats made by students. The bill adds section 49393 to the Education Code, requiring every certificated and classified employee and every board member of an LEA, who has regular contact with students in any of grades 6 to 12 "as part of a middle school or high school" to immediately report to law enforcement any threat or perceived threat they are alerted to or observe.

A "threat or perceived threat" is any writing or action of a student that creates a reasonable suspicion that

the student is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in connection with inflicting physical harm in a social media post, journal, class note, or other media associated with the student, or a warning by another individual.

The report to law enforcement must include copies of any documentation or other evidence associated with the threat or perceived threat. If multiple individuals are obligated to make a report, they may agree to have one person make a single report. SB 906 also grants civil immunity to LEAs for any damages allegedly caused by, arising out of, or relating to the threat report.

Duty to Support Law Enforcement Investigation and Threat Assessment

Following a report of a threat or perceived threat, the “local law enforcement agency” or school site police, with the support of the LEA, must immediately investigate and conduct an assessment of the threat or perceived threat. As part of the threat assessment, law enforcement must conduct a search at the school site if there is a “reasonable suspicion that it would produce evidence related to the threat or perceived threat.”

MINIMUM DAYS AND PUPIL-FREE STAFF DEVELOPMENT DAYS

The District is required to annually notify parents of its schedule(s) of minimum days and student-free staff development days at the beginning of the year or as early as possible, but no later than one month prior to the scheduled minimum or student-free day. The calendar for the current school year can be found on the District's website www.tamdistrict.org. (Education Code 48980(c).)

MOBILE COMMUNICATION DEVICES

The Governing Board recognizes that the use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, but could be disruptive of the instructional program in some circumstances. The Board permits limited use of mobile communication devices on campus in accordance with law and the following policy.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 5131.2 - Bullying)
- (cf. 5131.4 - Student Disturbances)
- (cf. 5131.9 - Academic Honesty)
- (cf. 5137 - Positive School Climate)
- (cf. 5141.52 - Suicide Prevention)
- (cf. 6163.4 - Student Use of Technology)

Mobile communication devices shall be turned off and all staff are required to collect students' cell phones at the start of each class period.

Cell Phone Storage: Students will be required to place their phones in a storage unit, such as a hanging phone caddy, during all instructional time, unless otherwise directed by staff. Students will not be allowed to take their phones when leaving the classroom for non-urgent reasons, such as going to the restroom or filling a water bottle.

Academic Use: Staff will retain the ability to have students use cell phones for academic purposes.

A student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger
2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator
3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being
4. When the possession or use is required by the student's individualized education plan

(cf. 6159 - Individualized Education Program)

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person. California is a two-party consent state. This means that both parties must give their consent to being recorded or listened in on.

Students should not use electronic devices to film altercations. Instead they should take reasonable steps to get adult assistance. Students who use electronic devices to film altercations may be disciplined for posting, disseminating, aiding & abetting.

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

(cf. 5145.12 - Search and Seizure)

(cf. 5145.2 - Freedom of Speech/Expression)

When a student uses a mobile communication device in an unauthorized manner, the student may be disciplined and a district employee may confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

A student may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or district property or substantially disrupts school activities.

Pursuant to Education Code 48900, districts have the authority to suspend or expel students who engage in cyberbullying off campus, provided that the act meets the criteria specified in the definition of "bullying" in Education Code 48900 (i.e., a severe or pervasive physical or verbal act or conduct that has or can be reasonably predicted to have the effect of placing a reasonable student in fear of harm to the student's person or property, causing a substantially detrimental effect on the student's physical or mental health, causing substantial interference with the student's academic performance, or causing substantial interference with the student's ability to participate in or benefit from school services, activities, or privileges).

The Superintendent or designee shall inform students that the district will not be responsible for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289 Comprehensive safety plan

35181 Governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension and expulsion, especially:

48901.5 Regulation of possession or use of electronic signaling devices

48901.7 Limitation or prohibition of student use of cell phones

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 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 20 1681-1688 Discrimination based on sex or blindness

COURT DECISIONS

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

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

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

Management Resources:

CSBA PUBLICATIONS

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

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://www.ewa.org/organization/center-safe-andresponsible-internet-use>

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

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

Policy TAMALPAIS UNION HIGH SCHOOL DISTRICT

approved: December 10, 2019 Larkspur, CA

NONDISCRIMINATION IN DISTRICT PROGRAMS & ACTIVITIES

AB 1078 amended Education Code section 234.1, so that non-discrimination statements and policies, which are mandatory Annual Notice provisions, must now include a statement that non-discrimination policies also apply to all acts of the governing board, the district superintendent, and the county superintendent of schools in enacting the local educational agency's policies and procedures.

Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 prohibit discrimination on the basis of race, color, national origin, or sex in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. Any questions or concerns concerning noncompliance can be directed to your school principal. (34 CFR §§100.3, 100.6, 106.9) The Board of Trustees designates the Assistant Superintendent, Human Resources, Wesley Cedros, wcedros@tamdistrict.org, (415) 945-1027, and Assistant Superintendent of Education Services, Kelly Lara, klara@tamdistrict.org, (415) 945-1012, Tamalpais Union High School District, P.O. Box 605, Larkspur, CA 94977, as the Coordinators for Nondiscrimination in Employment and for Title IX.

Student's Nondiscrimination - Board Policy and Administrative Regulation 5145.3

District programs and activities shall be free from discrimination with respect to actual or perceived race, color, ancestry, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, marital or parental status, pregnancy, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics. The Board of Trustees shall ensure equal opportunities for all students in admission and access to academic courses, guidance and counseling programs, athletic programs, testing procedures, vocational education and other activities. School staff and

volunteers must be especially careful to guard against unconscious sex discrimination and stereotyping in instruction, guidance and supervision.

Title IX - Discrimination on the basis of sex in any program or activity of this District is not to be permitted. All District employees are required to comply with all provisions of this policy and the Title IX amendments of 1972.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prohibit discrimination against qualified handicapped persons in federally financed education programs or activities. The District does not discriminate in admission or access to its programs or activities. Please contact the Senior Director of Student Services, the District 504 Program Coordinator, with any questions: Tamalpais Union High School District, P.O. Box 605, Larkspur, CA 94977, (415) 945-1011. (34 CFR §104.8; 28 CFR §35.106)

OPEN CAMPUS

The Board of Trustees permits the students enrolled at TUHSD high schools to leave the school grounds during the lunch period. The district, Board of Trustees members and district employees shall not be responsible or liable in any way for the conduct and safety of any student who leaves school property during the lunch period. The principal or designee may revoke the open campus privilege to any or all students at any time.

PESTICIDE PRODUCTS

In accordance with the requirements of the Healthy Schools Act of 2000 the District is required to notify parents of all pesticides the District expects to apply during the year. It is the District's current policy to use non-chemical methods for pest control. However, in the event that it becomes necessary for the District to use pesticides, a list of pesticide products expected to be applied will be available upon request. If you wish to receive written notification at least 72 hours prior to the application of an individual pesticide at your school, please contact the Director of Maintenance and Operations at the Tamalpais Union High School District Office at (415) 945-3718. For additional information regarding pesticides and pesticide use, please visit the web site for the State of California's Department of Pesticide Regulation at <http://www.cdpr.ca.gov>. (Education Code 48980.3, 17612)

PHYSICAL EXAMINATION

A parent or guardian having control or charge of any child enrolled in the public schools may file annually with the principal of the school in which the student is enrolled a statement in writing, signed by the parent or guardian, stating that they will not consent to a physical examination of their child. Thereupon, the child shall be exempt from any physical examination, but whenever there is a good reason to believe that the child is suffering from a recognized contagious or infectious disease, the child shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. (Education Code 44951)

CALIFORNIA PROFICIENCY EXAMINATION

California Proficiency Program (CPP) Exam - The exam is offered twice a year to students who have finished their sophomore year or are sixteen years of age and are seeking an alternative to the standard high school diploma. Students who pass the test are awarded a proficiency certificate by the California State Department of Education. Applications and more information may be obtained at the Counseling Office or at <https://www.cde.ca.gov/ta/tg/cp.asp>. Parent permission is required for students who pass the test in order for them to leave high school.

Once a student has taken the CPP, passed both language arts and mathematics subtests and exited high school, they may choose to take the remaining HiSET-Equivalency subtests in science and social studies to earn their California High School Equivalency Certificate, opening even more doors than the Certificate of Proficiency alone. Use the following link to learn more about the [High School Equivalency Certificate](#).

In order to take the CPP, Students must meet BOTH of the following criteria:

- Students must meet one of the following:
 - 16 years of age or older, or
 - Enrolled in grade 10 for one school year or longer, or
 - Will complete one school year of enrollment in grade 10 at the end of the semester during which the next regular examination will be conducted.
- Students must also be currently subject to California's compulsory education laws pursuant to *EC* Section 48200, which may be evidenced by one of the following:
 - Current enrollment in a California K-12 public high school; or
 - Current enrollment in a private school (Registered by filing a private school affidavit with the California Department of Education pursuant to *EC* Section 33190 and includes but is not limited to students at registered private schools operated by their parents to homeschool their children pursuant to *EC* Section 48222.); or
 - Current work permit issued by the Department of Industrial Relations Division to a student currently working in California; provided that the student is either receiving tutoring pursuant to *EC* Section 48224 or enrolled in an independent study program under *EC* Section 51745, to accommodate the student's work schedule.

RELEASE OF DIRECTORY INFORMATION / PRIVACY POLICY / OPT-OUT PROCESS

The Board of Trustees recognizes the value of academic research to improve educational programs and practices. Researchers shall respect the privacy rights of students, including their right to refrain from participation in research projects in accordance with law, Board policy and administrative regulation.

The Superintendent or designee may authorize research projects within the district by outside groups or persons when such research is aligned with district goals and objectives and is likely to benefit the district without disrupting the school program.

The Superintendent or designee shall ensure that parents/guardians receive prior notification of any surveys or evaluations that collect personal student information and that consent is obtained in accordance with law.

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

District staff shall not release personal information for marketing or sale, nor administer or distribute to students any survey instrument that is designed for the purpose of collecting personal information for marketing or sale.

Staff may provide the media with student directory information, as identified in AR 5125.1 - Release of Directory Information, unless the student's parent/guardian has submitted a written request that such information not be disclosed. The district shall not release other student records or personally identifiable student information that is private or confidential as required by law, Board policy, or administrative regulation.

District staff may provide a student's or parent/guardian's first and last name, home or other physical address, phone numbers and email address for the following purposes, unless the parent/guardian opts out of some or all categories at the time of annual online registration (20 USC 1232h):

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. Communications from Parent Teacher Associations and school booster groups, such as directories, electronic news, events, appeals, etc.
 6. The sale by students of products or services to raise funds for school-related or education-related activities
 7. Student recognition programs

A student's parent/guardian shall provide prior written consent before the student is required to participate in a survey inquiring about one or more of the following (Education Code 51513; 20 USC 1232h):

1. Political affiliations or beliefs of the student or their parent/guardian
2. Mental or psychological problems of the student or their 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 the student has 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 their 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

Notwithstanding the above requirements, the district may administer to students in grades 9-12 anonymous, voluntary, and confidential research and evaluation tools to measure student health risks and behaviors, including tests and surveys about student attitudes or practices related to sex as long as parents/guardians are provided written notice and given an opportunity to request, in writing, that their child not participate. (Education Code 51938)

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

The parent/guardian of any district student, upon request, shall have the right to inspect (Education Code 51938; 20 USC 1232h):

1. A survey or other instrument to be administered or distributed to their child
2. Any instructional material to be used as part of their child's educational curriculum

Within a reasonable period of time after receiving a parent/guardian's request, the principal or designee shall permit the parent/guardian to view the survey or other document they requested. A parent/guardian may view the document any time during normal business hours.

No student shall be subject to penalty for their parent/guardian's exercise of any of the rights stated above.

RELEASE OF DIRECTORY INFORMATION FOR HOMELESS STUDENTS

Written consent of the parent or that of the student, if accorded parental rights, must be obtained before directory information pertaining to a homeless student may be released. (20 USC 1232g)

RIGHT TO REFRAIN FROM HARMFUL OR DESTRUCTIVE USE OF ANIMALS

Any student with a moral objection to dissection or otherwise harming or destroying an animal, or any part thereof, must inform their teacher of the objection. Objections must be substantiated by a note from the student's parent or guardian. A student who chooses to refrain from participation in an educational project involving the harmful or destructive use of an animal may receive an alternate educational project, if the teacher believes that an adequate alternative project is possible; the alternative educational project shall not be more arduous than the original educational project. Such a determination of whether a pupil is excused from the project or if the student may pursue an alternative educational project shall not be based on an arbitrary or capricious reason. The teacher may work with the student to develop and agree upon an

alternative project so that the student may obtain the knowledge, information, or experience required by the course of study in question. The student shall not be discriminated against based on their decision to exercise their rights under this section. (Education Code 32255 *et seq.*)

SEXUAL HARASSMENT

What exactly is Sexual Harassment?

In accordance with Administrative Regulation 5145.7, 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, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

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.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects

11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

What can a student do if they feel sexually harassed?

Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.



Reporting Form

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures.

Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages any student who feels that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. Which acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy should be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Record-Keeping

In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

Policy adopted February 10, 2015 Larkspur, California
revised November 14, 2017
revised November 16, 2021

Definitions

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

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.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity

Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291
Examples of Sexual Harassment

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 5145.71 – Title IX Sexual Harassment Complaint as well as to oversee, investigate and/or resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Wesley Cedros
Assistant Superintendent, Human Resources
395 Doherty Drive, Larkspur, CA 94930
415-945-1027
wcedros@tamdistrict.org

Kelly Lara
Assistant Superintendent, Education Services
395 Doherty Drive, Larkspur, CA 94930
415-945-1012
klara@tamdistrict.org

Notifications

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school web sites (Education Code 231.5)
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)
5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other

available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures.

Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Regulation approved February 10, 2015 Larkspur, California
revised November 14, 2017
revised November 16, 2021

The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

All other sexual harassment complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. The determination of whether the allegations meet the definition of sexual harassment under Title IX shall be made by the district's Title IX Coordinator.

Because the complainant has a right to pursue a complaint under BP/AR 1312.3 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for BP/AR 1312.3 are concurrently met while implementing the Title IX procedure.

Reporting Allegations/Filing a Formal Complaint

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the district's Title IX Coordinator using the contact information listed in AR 5145.7 - Sexual Harassment or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint. (34 CFR 106.44)

A formal complaint, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the district. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator shall file a formal complaint in situations when a safety threat exists. In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the district's obligation to not be deliberately indifferent to known allegations of sexual harassment. In such cases, the Title IX Coordinator shall provide the alleged victim notices as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Such persons shall receive training in accordance with 34 CFR 106.45. (34 CFR 106.45)

Supportive Measures

Upon receipt of a report of Title IX sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The district shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the district's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

A student shall not be disciplined for alleged sexual harassment under Title IX until the investigation has been completed. However, on an emergency basis, the district may remove a student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student with notice and an opportunity to challenge the decision immediately following the removal. This authority to remove a student does not modify a student's rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

If a district employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties, and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the district may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The district shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.45)

The district may facilitate an informal resolution process provided that the district: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, the right to withdraw from the informal process and resume the formal complaint process, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Written Notice

If a formal complaint is filed, the Title IX Coordinator shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The district's complaint process, including any informal resolution process
2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.
3. If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.
4. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process
5. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence
6. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process

The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator.

Investigation Procedures

During the investigation process, the district's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the evidence obtained as part of the investigation that is directly related to the allegations raised in the

- complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness
 8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 CFR 106.45)

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

Written Decision

The Superintendent shall designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the district includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the district's code of conduct or policies to the facts

5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's educational program or activity will be provided by the district to the complainant
6. The district's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the district's decision or dismissal of a formal complaint or any allegation in the complaint, if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome. If an appeal is filed, the district shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator
3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome
4. Issue a written decision describing the result of the appeal and the rationale for the result
5. Provide the written decision simultaneously to both parties

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

The district's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Remedies

When a determination of responsibility for sexual harassment has been made against the respondent, the district shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

The district shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has

committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

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

When an employee is found to have committed sexual harassment or retaliation, the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual harassment, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment, including the district's basis for its conclusion that its response was not deliberately indifferent, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process. The district shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

Regulation approved November 16, 2021 Larkspur, California

Complaint Procedures

Informal Resolution

You are not required to do this, but you may directly inform the person engaged in such conduct that such conduct is offensive and must stop. You may ask for help in representation to speak with your alleged harasser.

Formal Complaint - This is confidential information

1. As soon as you feel you have been subjected to sexual harassment or harassment of any kind, you should file a WRITTEN COMPLAINT with your principal regarding the harassment. You may ask your counselor or the school nurse, any teacher or administrator, or any other school site employee to assist you in preparing this written complaint. A District FORMAL COMPLAINT REPORT will be provided.

2. You may obtain a copy of the complaint policy procedure by asking the principal's secretary or Superintendent's secretary.

3. The formal complaint will include the following:

- a. Complainant's name;
- b. Date of complaint;
- c. Date(s) of the alleged harassment;
- d. Name(s) of the alleged harasser(s);
- e. Where the alleged harassment occurred;
- f. A statement of the conduct allegedly constituting harassment;
- g. Informal attempts, if any, to resolve the situation. Attempts at informal resolution are not a prerequisite to filing a formal complaint.
- h. Remedy sought.

4. Review, Investigation, and Report

- a. Principal or designee shall review the complaint.
- b. Principal or designee shall commence a thorough and complete investigation of the complaint.
- c. Principal or designee shall make a written report summarizing the results of the investigation and disposition of the matter. A copy of this report shall be provided to the complainant and to the alleged harasser.
- d. Disposition of a complaint may include, but is not limited to, disciplinary action up to and including expulsion. Any employee who permits or engages in sexual harassment may be subject to disciplinary action.

5. If a complainant or the alleged harasser is dissatisfied with the investigation and/or its disposition, they may file a written appeal to the Superintendent of Schools.

6. Retaliation is prohibited. Complainants shall not be retaliated against or otherwise subjected to unlawful discrimination as a result of filing a complaint.

The procedures of this exhibit shall comply with:

BP 4119.11 - Sexual Harassment.

AR 4119.11 - Sexual Harassment.

TAMALPAIS UNION HIGH SCHOOL DISTRICT

Larkspur, California

SPECIAL EDUCATION

Special Education - The Board of Education recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Superintendent or designee shall establish a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the education and related services provided to such individuals. (Education Code 56301)

The district's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

If you have any reason to believe your child needs special education, please contact the Special Education department at (415) 945-1011. You can also request a copy of the Special Education Rights of Parents and Children Under the Individuals with Disabilities Education Act, Part B, and the California Education Code.

STUDENTS IN DANGER OF FAILING A COURSE

Parents will be notified when a teacher has determined that your student is in danger of failing a course.

STUDENT RECORDS

The Custodian of Records for the Tamalpais Union High School District is designated as:

Assistant Superintendent of Educational Services
(415) 945-1052
Tamalpais Union High School District
395 Doherty Drive
Larkspur, CA 94939

- I. The types of student records kept by the district and the information contained therein
 - a. Mandatory Permanent Student Records – These are kept indefinitely. (Copies are sent to the school district or private school. Original record or copy shall be maintained permanently by the district.) Information includes:
 - i. Legal name of student
 - ii. Date and place of birth and method of verifying birth date.
 - iii. Sex of student
 - iv. Name and address of parent/guardian of minor student
 - v. The above items on indicated on the initial registration form, with the exception of the verification of birthdate.
 - 1) Address of minor if different from the above
 - 2) Annual verification of parent/guardian's name and address and student's residence (Annual Data Update through eSchool)
 - vi. Entrance and departure date of each school year and for any summer session or other extra session. (Maintained in eSchool)
 - vii. Subjects taken during each year, half-year, summer session, or quarter and marks or credits given. (Maintained in eSchool)
 - viii. Verification or exemption from required immunizations (Blue Health Card-required to be maintained in student's cum file.)
 - ix. Date of high school graduation or equivalent (Transcript – In eSchool)
 - b. Mandatory Interim Student Records – These 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.
 - i. Expulsion orders and the causes thereof
 - ii. Log identifying persons or agencies who request or receive information from the

- student record.
 - iii. Health information, including verification or waiver of the health screening for school entry (Blue Card)
 - iv. Information on participation in special education programs, including tests, case studies, authorizations and evidence of eligibility for admission or discharge.
 - v. Language training records.
 - vi. Progress slips/notices
 - vii. Parental restrictions/stipulations regarding access to directory information
 - viii. Parent/guardian or adult student rejoinders to challenged records and to disciplinary action
 - ix. Parent/guardian or denial of student participation in specific programs.
 - x. Results of standardized tests administered within the past 3 years
 - xi. Written findings resulting from an evaluation concluded to determine whether it is in a student's best interest to remain in independent study.
 - c. Permitted Student Records – These may be destroyed 6 months after the student completes or withdraws from the educational program.
 - i. Objective counselor/teacher ratings
 - ii. Standardized test results older than 3 years
 - iii. Route disciplinary data
 - iv. Verified reports of relevant behavioral patterns
 - v. All disciplinary notices
 - vi. Supplementary attendance records
 - d. Additional Information: Upon receiving a request from an admitting school for a student's records, the district shall forward any expulsion order and the causes of the expulsion.
2. The title(s) of the official(s) responsible for maintaining each type of record are:
 - a. School officials and employees whose duties and responsibilities require that they have access to student records, whether routine or as a result of special circumstances.
 3. The location of the log identifying those who request information from the records shall be:
 - a. In front of the student's cum file.
 4. District criteria for defining school officials and employees and for determining legitimate educational interest
 - a. School officials and employees whose duties and responsibilities require that they have access to student records, whether routine or as a result of special circumstances.
 5. District policies for reviewing and expunging student records
 - a. Records shall be destroyed in a way that assures they will not be available to possible public inspection in the process. Files are culled by district staff based upon the above retention criteria.
 6. The right to inspect and review student records and the procedures for doing so
 - a. Persons Requiring Prior Written Consent
 - i. Persons, agencies or organization not afforded access rights by law. Requires written permission of the parent/guardian (having legal custody) or adult student or by judicial order.
 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
 - a. For more information, please see AR 5125.3 – Challenging Student Records.
 8. The cost, if any, charged for duplicating copies of records.
 - a. The district shall charge a reasonable fee not to exceed the cost of furnishing the copies. No charge shall be made for providing up to two transcripts or up to two verifications of various records. No charge shall be made to locate or retrieve any student record.

9. The categories of information defined as directory information pursuant to Education Code 49073
 - a. Name
 - b. Address
 - c. Telephone Number
 - d. Electronic Mail Address
 - e. Participation in officially recognized activities and sports
 - f. Weight and height of athletic team members
 - g. Dates of attendance
 - h. Degrees and awards received
 - i. Most recent previous school attended
 - j. 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.
 - k. Persons, agencies, or organizations may be granted access through written permission of the parent of the parent/guardian or adult student or by judicial order.
 - l. 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.

10. 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
 - a. Please contact the Educational Services department at 650-329-3709 to obtain this information or the principal of the school.

11. 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
 - a. Please see the Family Educational Rights and Privacy Act Regulations (FERPA) Guidelines.

12. A statement that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll within ten school days.
 - a. A copy of the student's Mandatory Permanent Record is forwarded to the requested agency or institution. The original or a copy shall be retained permanently by the district.
 - b. If the transfer is to another California public school, the student's entire Mandatory Interim Record is forwarded.
 - c. If the transfer is out-of-state or to a private school, the Mandatory Interim Record may be forwarded.

SUICIDE PREVENTION

For immediate assistance and support, please go to the Wellness Center website <https://sites.google.com/view/tuhsdremotelearning/crisis-support-247365> for a list of crisis hotline numbers in Marin, California and nationwide. Below are a few quick links:

- Suicide Prevention Hotline - Call or Text **988**
- Crisis Text Line - Text **MARIN** to **741741**
- Marin Suicide Prevention & Crisis Hotline - (415) 499-1100
- California Youth Crisis Line - (800) 843-5200

In addition, if you want more information about local community providers and programs for support, please go to: <https://sites.google.com/view/tuhsdremotelearning/virtual-tuhsd-counseling-wellness-center>

Suicide Prevention

BP 5141.52 Students

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 may consult with school health professionals, school counselors, school psychologists, school social workers, administrators, other staff, parents/guardians, students, local health agencies, mental health professionals, and community organizations.

(cf. 1020 - Youth Services)

(cf. 1220 - Citizen Advisory Committees)

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

Such measures and strategies 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 in the secondary grades

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

2. Instruction to students in problem-solving and coping skills to promote students' mental, emotional, and social health and well-being, as well as instruction in recognizing and appropriately responding to warning signs of suicidal intent in others

(cf. 6142.8 - Comprehensive Health Education)

3. Methods for 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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

4. The provision of information to parents/guardians regarding risk factors and warning signs of

suicide, the severity of the youth suicide problem, the district's suicide prevention curriculum, basic steps for helping suicidal youth, and/or school and community resources that can help youth in crisis
BP 5141.52(b)

5. Encouragement for 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. 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

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)

Legal Reference:

EDUCATION CODE

215 Student suicide prevention policies
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

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODE

5698 Emotionally disturbed youth; legislative intent
5850-5883 Mental Health Services Act

COURT DECISIONS

Corales v. Bennett (Ontario-Montclair School District), (2009) 567 F.3d 554

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

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

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

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

School Connectedness: Strategies for Increasing Protective Factors Among Youth, 2009

NATIONAL ASSOCIATION OF SCHOOL PSYCHOLOGISTS PUBLICATIONS

Preventing Suicide, Guidelines for Administrators and Crisis Teams, 2015

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES PUBLICATIONS

Preventing Suicide: A Toolkit for High Schools, 2012

National Strategy for Suicide Prevention: Goals and Objectives for Action, rev. 2012

WEB SITES

American Association of Suicidology: <http://www.suicidology.org>

American Foundation for Suicide Prevention: <https://afsp.org>

American Psychological Association: <http://www.apa.org>

American School Counselor Association: <https://www.schoolcounselor.org> California Department of Education, Mental Health: <http://www.cde.ca.gov/ls/cg/mh> California Department of Health Care Services, Suicide Prevention Program:

<http://www.dhcs.ca.gov/services/MH/Pages/SuicidePrevention.aspx>

Centers for Disease Control and Prevention, Mental Health: <http://www.cdc.gov/mentalhealth>

National Association of School Psychologists: <https://www.nasponline.org>
National Institute for Mental Health: <http://www.nimh.nih.gov>
Trevor Project: <http://thetrevorproject.org>
U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration: <http://www.samhsa.gov>

SYNTHETIC DRUGS

Effective January 1, 2024, AB 889 requires that local educational agencies notify parents and guardians about the dangers associated with using unprescribed synthetic drugs, such as fentanyl. According to the U.S. Drug Enforcement Administration (DEA) website, deadly doses of fentanyl have been found in fake/counterfeit versions of Adderall, Xanax, and Oxycodone, among other medications.

This notification, which must be given to parents and guardians annually, can be included with the Annual Notice or provided separately. This information must also be posted on local educational agencies' internet websites and on the internet websites for each individual school within a local educational agency, if those schools have their own websites.

For more information, the Centers for Disease Control and Prevention (CDC)'s Fentanyl Facts, in English and Spanish, can also be accessed here: [CDC Fentanyl Facts \(English\)](#) and [CDC Fentanyl Facts \(Spanish\)](#).

TEACHER AND PARAPROFESSIONAL QUALIFICATIONS

Your child is attending a school receiving Title I federal funds (San Andreas High, Tamalpais High, Archie Williams High, and Tamiscal) through the Elementary and Secondary Education Act (ESEA). At the beginning of each school year, schools and districts receiving Title I funds are required to notify parents whose student(s) attend a Title I school that they may request, and the school/district will provide the parents upon request and in a timely manner, information regarding the professional qualifications of the student's classroom teachers, including at a minimum, whether the student's teacher:

- Has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- Is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and
- Is teaching in the field of discipline of the certification of the teacher.

At the beginning of each school year, schools and districts receiving Title I funds are required to notify parents whose student(s) attend a Title I school that they may request, and the school/district will provide the parents upon request and in a timely manner, whether the child is provided services by paraprofessionals and, if so, their qualifications.

If you would like this information, please contact Leah Noble-Christoff, TUHSD Director of Human Resources at (415) 945-1028 or via email at lnoblechristoff@tamdistrict.org.

TEXTBOOKS OR LIBRARY BOOK USE AND SUFFICIENCY COMPLAINTS

AB 1078 also impacts local educational agencies' Uniform Complaint Procedures and Williams Complaint Procedures, which are mandatory Annual Notice attachments.

AB 1078 authorizes complaints regarding: (a) actions taken by a school district governing board, county

board of education, or governing body of a charter school alleging unlawful discrimination in prohibiting the use of a textbook or library book; or (b) insufficient textbooks or instructional materials, to be filed directly with the State Superintendent of Public Instruction. Previously, complaints related to insufficient textbooks or instructional materials had to be processed at the local level, through the local educational agency's Williams Complaint Procedures. Now, the State Superintendent may intervene without waiting for the local educational agency to investigate. (Education Code sections 243 (c) and 35186 (d).) See 2023 Client News Brief Number 36 for more information.

Local educational agencies will need to review and update their Uniform Complaint Procedures to include complaints based on the unlawful discrimination by the governing body in prohibiting the use of instructional materials and library books. Uniform Complaint Procedures and Williams Complaint Procedures should also be updated to specify that complaints related textbooks and instructional materials may be filed directly with the State Superintendent of Public Instruction.

TITLE IX COMPLIANCE

Title IX of the Civil Rights Act provides that “no person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal assistance.” [20 U.S.C. §1681(a)]

The Board of Trustees designates the following persons as Coordinator for Nondiscrimination in Employment and for Title IX:

Wesley Cedros
Assistant Superintendent, Human Resources
wcedros@tamdistrict.org
(415) 945-1027

Kelly Lara
Assistant Superintendent of Education Services
klara@tamdistrict.org
(415) 945-1012

Tamalpais Union High School District
P. O. Box 605
Larkspur, CA 94977

Full text of District procedures can be found in the District Office.

Discrimination - The Tamalpais Union High School District, in strict accordance with state and federal laws, does not discriminate against any person on the basis of gender, race, color, religion, ancestry, national origin, ethnic group, marital or parental status, physical or mental disability, sexual orientation or the perception of one or more of such characterizations.

Title IX - Discrimination on the basis of gender in any program or activity of this District is not to be permitted. All District employees are required to comply with all provisions of this policy and the Title IX Amendments of 1972.

TUHSD RESPONSE TO N WORD

There should be no confusion around the usage of the N-word if you are not Black.

- Is it okay among friends? - NO
- Is it ok to use it if no person of color hears you? - NO
- Is it ok if I change the ending from “-er” to “ah” or any other ending? - NO
- Is it ok to use it if your Black friend “seems” ok with it? - NO
- What if your black friend gave you permission? - NO
- Can I use it if I am Latino/a/x? - NO
- Can I use it if I’m singing a song with it in the lyrics? - NO
- Can I read it out loud in literature/historical documents? - NO
- Can I use it when sharing a story of what another person said? -NO

What will the adults do?

- We will ensure that all students and parents/caregivers are aware of this policy
- As a school, all adults will respond with consistency when they hear it and address it - eg, “For 400 years that word has been used to destroy a people. We don’t use that word out loud at Archie Williams/Redwood/San Andreas/Tam High/Tamiscal”. “I don’t care what ending you put on that word. It’s offensive and not allowed here.”
- We will consistently enforce to ALL students and staff that the N-word has no place in an academic setting nor at our school.
- We will treat it in literature or historical documents with consistency - we say “n-word,” we don’t read or say the word out loud.
- Our classrooms are places where students know well in advance how it will be treated in class when it shows up in literature, media, documents, music, etc.

What will happen to a student who uses the N-word on campus or at a school related event?

- Any student who uses the N-Word will be held accountable for the harm caused.
- The student will be subject to disciplinary action in alignment with California Education Code
- The student will be required to undergo additional antiracist learning

The student’s parents/caregivers will be notified and required to attend a meeting with the student and administration

TOBACCO-FREE SCHOOLS

The Board of Trustees recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy and comfortable environment for students, staff and community members.

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles.

This prohibition applies to all employees, students and visitors at any school-sponsored instructional program, activity or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. (Health and Safety Code 104495)

Recognizing that education plays a central role in establishing patterns of behavior related to health, the Board shall continue to provide programs that alert students to the health hazards of tobacco use.

It is the responsibility of all staff and community members to implement this policy in school buildings and school owned vehicles, on school grounds, and at school-sponsored events off campus. A student may be suspended or recommended for expulsion from the school in which the student is enrolled if the student has violated California Education Code, Section 48900, as follows: Possessed or used tobacco or products containing tobacco or nicotine. Consequences may range from a warning to suspension or expulsion.

UNEXCUSED ABSENCES (Full Day OR Period) / TRUANCY

The Superintendent or designee shall implement positive steps to reduce truancy, such as, but not limited to, communication with parents/guardians or the use of student study teams.

Students are expected to attend school daily. Consistent daily attendance is critical for a student's academic success. The State of California considers ten (10) days of absences for one school year, for any reason, excessive.

The district or individual schools may establish and use the services of a School Attendance Review Board (SARB) (Education Code 48320-48324). The district or school may participate in the county, district or school SARBs as allowed by law to meet the special needs of students with school attendance, school behavior problems or lack of academic success.

TUHSD has determined that the SARB process may begin with:

- * 5 or more unexcused all-day absences
- * 5 or more missing 30 minutes or more of school/period for an unexcused reason
- * 5 or more period absences

Students who are habitual truants or habitually insubordinate or disorderly during attendance at school may be referred to the county probation department through the SARB process. (Education Code 48263).

UNLAWFUL DISCRIMINATION NOTICE

The district will not tolerate discrimination, including discriminatory harassment, intimidation, bullying or any other behavior that infringes on the safety or well-being of students, staff, or any other persons within the district's programs and activities whether directed at an individual or group. This includes but is not limited to discriminatory harassment, intimidation, and/or bullying based on actual or perceived characteristics of race or ethnicity, color, nationality, national origin, ethnic group identification, age, religion, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics. (Education Code 234.1)

Reporting and Intervention

Any student who believes they have been subjected to unlawful discrimination, including discriminatory harassment, intimidation or bullying or any other individual who believes that a student has suffered unlawful discrimination is encouraged to notify school staff immediately. In addition, an anonymous reporting link is on the district website as a means of affording individuals a way to report any incidents of bullying confidentially. (<http://TUHSD.org/parents/BullyingPrevention/index.shtml>)

School staff who witness unlawful discrimination are required to immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1) Staff is also required to report the incident to the Principal or designee.

The Principal or designee must notify the parents/guardians of the individuals involved in the incident. They also may involve school counselors, mental health counselors, and/or law enforcement where appropriate.

Complaints and Investigation

The district is committed to conducting a prompt investigation of all complaints of unlawful discrimination. Any student, parent/guardian, third party or other individual or organization who believes that they or another student or group has been subjected to unlawful discrimination, or who has witnessed such conduct, may report the conduct orally to any school employee or administrator, and/or file a formal written complaint with District Compliance Officer pursuant to AR1312.3 - Uniform Complaint Procedure ("UCP").

Complaints under the UCP will be resolved within 60 days of receipt of the complaint.

The following position is the designated Compliance Officer to handle UCP complaints regarding unlawful discrimination and to answer inquiries regarding the district's nondiscrimination policies:

Wesley Cedros
Assistant Superintendent, Human Resources
wcedros@tamdistrict.org
(415) 945-1027
395 Doherty Drive
Larkspur, CA 94939

Discipline

Students who engage in discrimination, including discriminatory harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline in accordance with applicable law and as provided in Board Policy (BP) and Administrative Regulation (AR), 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.

Other possible responses include, but are not limited to, those listed in AR 1312.3 Section F– Remedial Action, such as counseling and academic support for the subject of the complaint, separating the subject of the complaint and the individual who engaged in the discrimination, and follow-up inquiries to ensure that the discriminatory conduct has stopped. Steps may also include training or other interventions for the larger school community.

Though an incident of alleged discriminatory harassment, intimidation, and/or bullying may occur outside a district program or activity, if the effects of the incident result in discriminatory harassment, intimidation, or bullying in a district program or activity that is sufficiently serious to interfere with or limit the targeted student's ability to participate in or benefit from the program or activity, the school must respond promptly and effectively to eliminate the harassment that is occurring in the district program or activity, prevent its recurrence, and address its effects. Such response may include discipline of the alleged harasser and interventions for the targeted student, as described above.

Prohibition Against Retaliation

Retaliation against a student, parent/guardian or other individual because they have filed a complaint or assisted or participated in an unlawful discrimination proceeding, or who has otherwise acted to assert the rights of students to be free from unlawful discrimination is also prohibited. Any student or employee found to have retaliated against another in violation of this policy will be subject to discipline as described above.

Students who knowingly file false discrimination complaints or give false statements in an investigation will be subject to consequences including discipline measures up to and including suspension and expulsion.

UNIFORM COMPLAINT PROCEDURES

Community Relations

BP 1312.3(a)

UNIFORM COMPLAINT PROCEDURES

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

Complaints Subject to UCP

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

1. Any complaint alleging district violation of applicable state or federal laws or regulations governing any program subject to the UCP which is offered by the district, including adult education programs; After School Education and Safety programs; agricultural career technical education; American Indian education centers and early childhood education program assessments; bilingual education; California Peer Assistance and Review programs for teachers; state career technical and technical education, career technical, and technical training programs; federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; Economic Impact Aid; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; special education programs; California State Preschool Programs; Tobacco-Use Prevention Education programs; and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000

(cf. 3553 - Free and Reduced Price Meals)

(cf. 3555 - Nutrition Program Compliance)

(cf. 5131.62 - Tobacco)

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6159 - Individualized Education Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Career Technical Education)

(cf. 6178.1 - Work-Based Learning)

(cf. 6178.2 - Regional Occupational Center/Program)

(cf. 6200 - Adult Education)

2. Any complaint, by a student, employee, or other person participating in a district program or activity, alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

3. Any complaint alleging district noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

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

4. Any complaint alleging district noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of

parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and Board-imposed graduation requirements (Education Code 46015)

5. Any complaint alleging bullying in district programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on their association with a person or group with one or more of these actual or perceived characteristics.

(cf. 5131.2 - Bullying)

6. Any complaint alleging district noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR 4610)

(cf. 3260 - Fees and Charges)

(cf. 3320 - Claims and Actions Against the District)

7. Any complaint alleging district noncompliance with applicable requirements of Education Code 52060-52077 related to the implementation of the local control and accountability plan, including the development of a local control funding formula budget overview for parents/guardians (Education Code 52075)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3100 - Budget)

8. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64000-64001, 65000-65001)

(cf. 0420 - School Plans/Site Councils)

9. Any complaint, by or on behalf of a student who is a foster youth as defined in Education Code 51225.2, alleging district noncompliance with any requirement applicable to the student regarding placement decisions; the responsibilities of the district's educational liaison to the student; the award of credit for coursework satisfactorily completed in another school, district, or country; school or records transfer; or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)

(cf. 6173.1 - Education for Foster Youth)

10. Any complaint, by or on behalf of a student who transfers into the district after the second year of high school and is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student currently enrolled in the district, a child of a military family as defined in Education Code 49701, or a migrant student as defined in Education Code 54441, or by or on behalf of an immigrant student participating in a newcomer program as defined in Education Code 51225.2 in the third or fourth year of high school, alleging district noncompliance with any requirement applicable to the student regarding the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1)

(cf. 6173 - Education for Homeless Children)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6173.3 - Education for Juvenile Court School Students)

11. Any complaint, by or on behalf of a student who is a homeless child or youth as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant child as defined in Education Code 54441, or a newly arrived immigrant student who is participating in a newcomer program as defined in Education Code 51225.2, alleging district noncompliance with requirements for the award of credit for coursework satisfactorily completed in another school, district, or country (Education Code 51225.2)

12. Any complaint alleging district noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)

(cf. 6152 - Class Assignment)

13. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

14. Any other complaint as specified in a district policy

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

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

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

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

The Superintendent or designee shall provide training to district staff to ensure awareness and knowledge of current law and requirements related to UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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

(cf. 3580 - District Records)

Non-UCP Complaints

The following complaints shall not be subject to the district's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division and the appropriate law enforcement agency.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

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

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

4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved by the district in accordance with the procedures specified in AR 4030 - Nondiscrimination in Employment, including the right to file the complaint with the California Department of Fair Employment and Housing.

5. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, teacher vacancies and mis-assignments, or health and safety violations in any license-exempt California State Preschool Program shall be investigated and resolved in accordance with the procedures in AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 8235.5, 35186)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18203 School libraries
32280-32289 School safety plan, uniform complaint procedures
33380-33384 California Indian Education Centers
35186 Williams uniform complaint procedures
44500-44508 California Peer Assistance and Review Program for Teachers
46015 Parental leave for students
48853-48853.5 Foster youth
48985 Notices in language other than English
49010-49014 Student fees
49060-49079 Student records, especially:
49069.5 Records of foster youth
49490-49590 Child nutrition programs
49701 Interstate Compact on Educational Opportunity for Military Children
51210 Courses of study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits;

graduation requirements
 51226-51226.1 Career technical education
 51228.1-51228.3 Course periods without educational content
 52060-52077 Local control and accountability plan, especially:
 52075 Complaint for lack of compliance with local control and accountability plan requirements
 52160-52178 Bilingual education programs
 52300-52462 Career technical education
 52500-52616.24 Adult schools
 54000-54029 Economic Impact Aid
 54400-54425 Compensatory education programs
 54440-54445 Migrant education
 54460-54529 Compensatory education programs
 56000-56865 Special education programs
 59000-59300 Special schools and centers
 64000-64001 Consolidated application process; school plan for student achievement
 65000-65001 School site councils
 GOVERNMENT CODE
 11135 Nondiscrimination in programs or activities funded by state
 12900-12996 Fair Employment and Housing Act
 HEALTH AND SAFETY CODE
 1596.792 California Child Day Care Act; general provisions and definitions
 1596.7925 California Child Day Care Act; health and safety regulations
 104420 Tobacco-Use Prevention Education
 PENAL CODE
 422.55 Hate crime; definition
 422.6 Interference with constitutional right or privilege
 CODE OF REGULATIONS, TITLE 2
 11023 Harassment and discrimination prevention and correction
 CODE OF REGULATIONS, TITLE 5
 3080 Applicability of uniform complaint procedures to complaints regarding students with disabilities
 4600-4670 Uniform complaint procedures
 4680-4687 Williams uniform complaint procedures
 4900-4965 Nondiscrimination in elementary and secondary education programs
 UNITED STATES CODE, TITLE 20
 1221 Application of laws
 1232g Family Educational Rights and Privacy Act
 1681-1688 Title IX of the Education Amendments of 1972
 6301-6576 Title I Improving the Academic Achievement of the Disadvantaged
 6801-7014 Title III language instruction for limited English proficient and immigrant students
 UNITED STATES CODE, TITLE 29
 794 Section 504 of Rehabilitation Act of 1973
 UNITED STATES CODE, TITLE 42
 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
 6101-6107 Age Discrimination Act of 1975
 12101-12213 Title II equal opportunity for individuals with disabilities
 CODE OF FEDERAL REGULATIONS, TITLE 28
 35.107 Nondiscrimination on basis of disability; complaints
 CODE OF FEDERAL REGULATIONS, TITLE 34
 99.1-99.67 Family Educational Rights and Privacy Act
 100.3 Prohibition of discrimination on basis of race, color or national origin
 104.7 Designation of responsible employee for Section 504
 106.8 Designation of responsible employee for Title IX
 106.9 Notification of nondiscrimination on basis of sex
 110.25 Notification of nondiscrimination on the basis of age
 Management Resources:
 CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
 Sample UCP Board Policies and Procedures

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

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

Dear Colleague Letter: Harassment and Bullying, October 2010

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

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

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

WEB SITES

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

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

Family Policy Compliance Office: <https://www2.ed.gov/policy/gen/guid/fpco>

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

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

Policy TAMALPAIS UNION HIGH SCHOOL DISTRICT

adopted: November 10, 1992 Larkspur, California

revised: September 12, 2002

revised: December 10, 2002

revised: January 13, 2004

revised: March 6, 2007

revised: February 10, 2015

revised: April 30, 2019

Uniform Complaint Procedures

Compliance Officers

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

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

Compliance Officers

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

- (cf. 5145.3 - Nondiscrimination/Harassment)*
- (cf. 5145.7 - Sexual Harassment)*

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The compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant and respondent, if applicable, if another compliance officer is assigned the complaint.

In no instance shall a compliance officer be assigned to a complaint if the compliance officer is mentioned in the complaint or has a conflict of interest that would prohibit him/her from fairly investigating or resolving the complaint. Any complaint filed against or implicating a compliance officer or that raises a concern about the compliance officer's ability to investigate the complaint fairly and without bias may be filed with the Superintendent or designee.

The Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs which they are assigned to investigate. Training provided to such designated employees shall include current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those involving alleged discrimination, applicable standards for reaching decisions on complaints, and appropriate corrective measures. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

- (cf. 4331 - Staff Development)*
- (cf. 9124 - Attorney)*

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

Notifications

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

In addition, the Superintendent or designee shall annually provide written notification of the district's UCP to students, employees, parents/guardians, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 52075; 5 CCR 4622)

(cf. 0420 - School Plans/Site Councils)

(cf. 1220 - Citizen Advisory Committees)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

The notice shall include:

1. A statement that the district is primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation, or bullying against any protected group and all programs and activities that are subject to UCP as identified in the section "Complaints Subject to UCP" in the accompanying Board policy

2. A statement that a complaint regarding student fees or the local control and accountability plan (LCAP) may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint

(cf. 0460 - Local Control and Accountability Plan)

(cf. 3260 - Fees and Charges)

3. A statement that a student enrolled in a public school shall not be required to pay a fee for participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities

4. A statement that a complaint regarding student fees must be filed no later than one year from the date the alleged violation occurred

5. A statement that the district will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2, and the complaint process

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

(cf. 6173.3 - Education for Juvenile Court School Students)

(cf. 6175 - Migrant Education Program)

6. Identification of the responsible staff member(s), position(s), or unit(s) designated to receive complaints
7. A statement that complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant
8. A statement that the complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision
9. A statement advising the complainant of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable
10. A statement that copies of the district's UCP are available free of charge

The annual notification, complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the district web site and may be provided through district-supported social media, if available.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, have access to the relevant information provided in the district's policy, regulation, forms, and notices concerning the UCP.

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

Filing of Complaint

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

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

All complaints shall be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. (Education Code 49013, 52075) A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However,

any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

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

5. When the complainant or alleged victim of unlawful discrimination or bullying requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

Mediation

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

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

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

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

Investigation of Complaint

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

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to

support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. To resolve a complaint alleging retaliation, unlawful discrimination, or bullying, the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

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

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

Timeline for Final Decision

Unless extended by written agreement with the complainant, a final decision shall be sent to the complainant within 60 calendar days of the district's receipt of the complaint. If the complainant is dissatisfied with the compliance officer's decision, the complainant may, within five business days, file the complaint in writing with the Board.

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

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

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

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant, also shall be sent the district's final written decision, and, in the same manner as the complainant, may file a complaint with the Board if dissatisfied with the decision.

Final Written Decision

For all complaints, the district's final written decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

- a. Statements made by any witnesses
- b. The relative credibility of the individuals involved
- c. How the complaining individual reacted to the incident
- d. Any documentary or other evidence relating to the alleged conduct
- e. Past instances of similar conduct by any alleged offenders
- f. Past false allegations made by the complainant

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition

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

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

- a. How the misconduct affected one or more students' education
- b. The type, frequency, and duration of the misconduct
- c. The relationship between the alleged victim(s) and offender(s)
- d. The number of persons engaged in the conduct and at whom the conduct was directed
- e. The size of the school, location of the incidents, and context in which they occurred
- f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, the notice may, as required by law, include:

- a. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the subject of the complaint
- b. Individual remedies offered or provided to the subject of the complaint
- c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal

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

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

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

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

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

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

(cf. 5137 - Positive School Climate)

For complaints involving retaliation, unlawful discrimination, or bullying, appropriate corrective actions that focus on the victim may include, but are not limited to, the following:

1. Counseling

(cf. 6164.2 - Guidance/Counseling Services)

2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus

5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

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

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Cocurricular Activities)

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

(cf. 5144 - Discipline)

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

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

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, such remedies, where applicable, shall include reasonable efforts to ensure full reimbursement to affected students and parents/guardians. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

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

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be sent to the CDE with a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

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

Regulation TAMALPAIS UNION HIGH SCHOOL DISTRICT

approved: November 10, 1992 Larkspur, California

revised: December 10, 2002

revised: March 6, 2007

revised: August 26, 2008

revised: September 12, 2012

revised: February 10, 2015

revised: April 30, 2019

E 1312.3 (a)

Title 5, Section 4650 Basis of Direct State Intervention

(a) The Superintendent shall directly intervene without waiting for local agency action if one or more of the following conditions exists:

- (i) The complaint includes an allegation, and the Department verifies, that a local educational agency failed to comply with the complaint procedures required by this Chapter;
- (ii) Discrimination is alleged by the complainant and the facts alleged indicate that the complainant will suffer an immediate loss of some benefit such as employment or education if the Department does not intervene. However, nothing in this section gives the Department jurisdiction over employment discrimination claims.
- (iii) The complaint relates to agencies other than local educational agencies funded through the Child Development and Child Nutrition Programs;

- (iv) The complainant requests anonymity and presents clear and convincing evidence and the Department verifies that they would be in danger of retaliation if a complaint were filed locally, or has been retaliated against because of past or present complaints;
- (v) The complainant alleges that the local educational agency failed or refused to implement the final decision resulting from its local investigation or local Mediation Agreement;
- (vi) The local agency refuses to respond to the Superintendent's request for information regarding a complaint;
- (vii) The complainant alleges and the Department verifies, or the Department has information that no action has been taken by the local educational agency within 60 calendar days of the date the complaint was filed locally.
- (viii) For complaints relating to special education the following shall also be conditions for direct state intervention:
 - (A) The complainant alleges that a public agency, other than a local educational agency, as specified in Government Code Section 7570 et seq., fails or refuses to comply with an applicable law or regulation relating to the provision of free appropriate public education to handicapped individuals;
 - (B) The complainant alleges that the local educational agency or public agency fails or refuses to comply with the due process procedures established pursuant to federal and state law and regulation; or has failed or refused to implement a due process hearing order;
 - (C) The complainant alleges facts that indicate that the student or group of students may be in immediate physical danger or that the health, safety or welfare of a student or group of students is threatened.
 - (D) The complainant alleges that a handicapped pupil is not receiving the special education or related services specified in their Individualized Educational Program (IEP).
 - (E) The complaint involves a violation of federal law governing special education, 20 U.S.C. Section 1400 et seq., or its implementing regulations.
- (b) The complaint shall identify upon which basis, as described in paragraph (a) of this section, that direct filing to the state is being made.

NOTE: Authority cited: Section 232 and 33031, Education Code; Section 11138, Government Code.

Reference: Sections 11135, 11136 and 11138, Government Code; 34 CFR 76.780-76.783 and 106.8.

CONFIDENTIAL



**TAMALPAIS UNION HIGH SCHOOL DISTRICT
INCIDENT / COMPLAINT REPORT FORM**

To: Principal or Immediate Supervisor _____

Date: _____

COMPLAINT LODGED BY: Student Employee Other

Name: _____ School Site / Work Location: _____

Street Address: _____ Telephone (School/Work): _____

City: _____ Telephone (Home): _____

Zip Code: _____

-
1. Type of Incident / Complaint: *(attach additional paper if necessary)*

 2. Date / Time / Place of Incident(s) / Complaint:

 3. Name(s) of Person(s) Involved:

 4. Name(s) of Witness(es):

 5. Describe prior attempt to resolve complaint with the person, if any: *(attach additional paper if necessary)*

 6. Desired resolution to incident / complaint: *(attach additional paper if necessary)*

Complainant's Signature: _____ Date: _____

Copy of Board Policy and Regulations provided.

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types of Complaints

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186; 5 CCR 4681, 4682)

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:

- a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
- b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:

- a. A semester begins and a teacher vacancy exists.
- b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)

c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day pupils attend classes for that semester. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:

a. A condition poses an emergency or urgent threat to the health or safety of pupils or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including but not limited to gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition; or any other condition deemed inappropriate. (Education Code 17592.72)

b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Cleaned or maintained school restroom means a school has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

(cf. 3514 - Environmental Safety)

(cf. 3517 - Facilities Inspection)

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond their authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within their authority. They shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that they would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

If a complainant is not satisfied with the resolution of a complaint, they have the right to describe the complaint to the Board of Trustees at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a in the section "Types of Complaints" above, a complainant

who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction (SPI) within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

(cf. 1340 - Access to District Records)

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186; 5 CCR 4686)

Forms and Notices

The Superintendent or designee shall ensure a Williams Complaint Form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186)

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to their complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as they wish. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying
1240 County superintendent of schools, duties
17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
33126 School accountability report card
35186 Williams uniform complaint procedure
35292.5 Restrooms, maintenance and cleanliness
48985 Notice to parents in language other than English
60119 Hearing on sufficiency of instructional materials
CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
Management Resources:

WEB SITES

CSBA: <http://www.csba.org>
California County Superintendents Educational Services Association: <http://www.ccesa.org>
California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc>
State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>
Regulation TAMALPAIS UNION HIGH SCHOOL DISTRICT
approved: January 11, 2005 Larkspur, California

revised: March 6, 2007
revised: August 21, 2007
revised: July 8, 2008
revised: January 23, 2018

Community Relations

E (1) 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

**NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:
COMPLAINT RIGHTS**

Parents/Guardians, Pupils, and Teachers:

Pursuant to Education Code 35186 you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including certification required to teach English learners, if present.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

4. A complaint form can be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following website: <http://www.cde.ca.gov/re/cp/uc>. However, a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education. Exhibit TAMALPAIS UNION HIGH SCHOOL DISTRICT

version: January 11, 2005 Larkspur, California
revised: April 4, 2006
revised: March 6, 2007
revised: July 8, 2008
revised: January 23, 2018

WILLIAMS UNIFORM COMPLAINT PROCEDURES

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? ____ Yes ____ No

Contact Information:

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

E-Mail address, if any: _____

Location of the problem that is the subject of this complaint: _____

School name/address: _____

Course title/grade level and teacher name: _____

Room number/name of room/location of facility: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply: A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 351896; 5 CCR 4681)

_____ A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.

_____ A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.

_____ Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

_____ A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

_____ A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school year for an entire year or, if the position is for a one-semester course, a position of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

Principal's Office
TUHSD School Site, OR
Superintendent's Office
District Office Building
395 Doherty Drive
Larkspur, CA 94939

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(signature) (date)

Exhibit TAMALPAIS UNION HIGH SCHOOL DISTRICT

version: January 11, 2005 Larkspur, California

revised: March 6, 2007

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