

# Parent & Student Handbook

*Revised 2024*



**Morgan Hill Unified School District  
Martin Murphy Middle School  
2024-2025**

**Address:** 141 Avenida España, San Jose, CA 95139

**Fax Number:** (408) 201-6270

**School Phone:** (408) 201-6260

**Website:** [www.martinmurphy.mhusd.org](http://www.martinmurphy.mhusd.org)

**Staff Email:** LastnameFirstInitial@mhusd.org

**Staff Email Example:** Principal, Rick Ito, ItoR@mhusd.org

*The school office hours are 8:30 a.m. to 3:30 p.m. Students should not arrive on campus prior to 8:30 a.m. and will not be allowed in the building until 8:55 am.*

Principal's Office ext. 31102

Asst. Principal's Office ext. 31104

Principal's Secretary ext. 31109

Attendance Office ext. 31101

Library ext. 31502

Registrar ext. 31108

Health Office ext. 31131

**School Colors:** Royal Blue and Gold **School Mascot:** Mustang **School Rules:** Be safe, Be responsible, Be respectful

**Mission Statement** Martin Murphy is dedicated, in partnership with parents and the community, to constructing a rigorous learning environment where ALL students are empowered to achieve, use creative and critical thinking skills, develop a global perspective, and to model the core values of respect, responsibility, and safety.

**School Vision** Our students will be prepared to succeed in a diverse, global society and to make meaningful contributions to our community. Students will become digitally literate, critical thinkers, collaborators, and problem solvers who can meet the challenges of the 21st Century. The students of Martin Murphy will demonstrate perseverance and grit so that they may achieve success in life and a variety of situations, including college and career.

**Parents' Rights & Responsibilities Handbook:** This Handbook is available on the Martin Murphy website and in the files section of ParentSquare. If you need a paper copy, please contact the Martin Murphy front office.

## General Information A – Z

**AWARD CEREMONIES:** Periodically, various recognition ceremonies will take place in order to publicly recognize, praise, and celebrate academic achievement, student leadership, etc. In addition, students will be able to receive a social skill award titled “Pat on the Back.” The award is based on consistent student demonstration of positive social skills and citizenship throughout the school. Teachers, staff and administrators elect students. All students in the 6th and 7th grade will be awarded for their second semester GPA during a fall academic awards assembly the following year.

**ACTIVITIES:** ASB works together with our Home & School Club to plan various activities throughout the year which include dances, field trips, assemblies, class competitions, lunch activities, clubs, sports, special dress-up contests and spirit days.

**ASB:** Students are members of the Associated Student Body. Decisions are made by the Student Council, composed of elected officers and representatives from each class. The Council acts as a voice for the student body. Students are free to express their ideas to their homeroom representatives who bring the ideas to be heard at the Student Council meetings. The elected student body officers for each grade level may include: President, Vice-President, Secretary, and Treasurer. All students participating in student government must meet the following eligibility requirements based on the last grading period:

1. A 2.0 or better GPA
2. No “F” grades
3. Satisfactory behavior/No more than one suspension
4. Teacher approval
5. Parent approval
6. No outstanding fines or fees

**ATHLETICS:** Murphy offers its students a variety of sports activities which include cross-country, volleyball, softball, basketball, soccer, wrestling and track and field. Murphy competes against other schools in Santa Clara County in after school leagues. Students participating in after school sports or other extra curricular activities which take place outside of the school day must meet the following eligibility requirements based on the grading period prior to the start of the sport or activity:

1. A 2.0 or better GPA
2. No “F” grade on progress report
3. Satisfactory behavior and attendance
4. Coach approval for sports
5. Parent approval/signed permission slip
6. No outstanding fines or fees
7. No overdue library books
8. No outstanding “beginning-of-the-year” forms
9. Must have medical insurance

**ATTENDANCE:** Parents play a major role and responsibility for assuring that their child or children arrive healthy and punctually to school each day and are prepared to learn. Students are required by California law to attend school every day on time. The school keeps a record of absences and tardies. State law also requires that absence verification be made by parents. When this does not happen, the school may not be able to receive the total resources allocated. To verify an absence, a parent must call the Murphy office at 201-6260 ext 31101 before 10:00 a.m. on the day of the absence, or a note from the parent should be taken to the office by the student when he/she returns to school, if within three days. Parents may also email the attendance office at: [MMAttendance@mhusd.org](mailto:MMAttendance@mhusd.org). **Parents/guardians have 3 school days after the date of an absence to excuse the absence.** If an absence is not excused within 3 days, it will remain in the record as an unexcused absence. **Under no circumstances are the absences cleared at the end of the grading period or before school events such as dances, etc.** Three non-verified absences will generate a letter of truancy sent to parents.

1. **Excused Absences** will be given for illness or medical appointments, extreme family emergencies, such as a death in the immediate family or quarantine by a health official. All medical appointment excuses must be accompanied by a doctor's note to verify that student was at an appointment.
2. **Unexcused or Verified Unexcused Absences** will be issued for reasons other than those listed above. **When a student reaches his/her third unexcused absence he/she will receive a truancy letter from the school. Verified unexcused absences can generate a truancy letter.**
3. **Non-Verified Absences – If a student returns to school without a phone call or valid note, he/she will be charged with a “CUT”. The third occurrence of a non-verified absence will generate a letter of truancy for the student.**
4. **Releasing Students from Class - Students who have doctor, dentist, or other off-campus appointments must have a parent call or write a note to the Attendance Office prior to 9:00 am on the day the student must be released early from school.**
5. **Late Students – A student arriving late to school will** report directly to the office for an admittance pass. Parent/guardian must immediately notify the office as to why the student is tardy. Unexcused tardies to school result in disciplinary action.
6. **Tardiness** – A student must be in his/her seat prior to each class bell or the student may receive disciplinary action. (See tardy policy).

Truancy The State of California Education Code deals with truancy in the following section:

48260 Any pupil subject to compulsory full time education or to compulsory continuation education, who is absent from school without valid excuse three days, or is tardy in excess of 30 minutes on each of more than three days in one school year, is a truant, and shall be reported to the office supervisor or to the superintendent of the school district.

48260.5 The parent or guardian is obligated to compel the attendance of the pupil at school. Parents or guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution. Parents or guardians have the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy.

**Referral to S.A.R.B. (School Attendance Review Board):** S.A.R.B. is composed of representatives from the school, law enforcement, counseling agencies, and probation department who meet regularly to combine their expertise and resources on behalf of each child who is referred. Law now provides for such a referral after other efforts have failed and before a juvenile court proceeding is considered.

**Make Up Work:** When students are absent, they are responsible to contact the teacher for missed work, contact a peer for missed assignments and class notes, or check class websites. If an absence will be three or more days, requests for homework assignments can be made through the office. A request called in before 10:00 a.m. can be picked up the following day after 3:00 p.m. **REMEMBER, ONLY WORK MISSED DUE TO AN EXCUSED ABSENCE MAY BE MADE UP FOR CREDIT.** Requested make up work for other reasons, such as suspensions from class, is at teacher discretion.

**Independent Study (See Board Policy 6158):** To foster each student's success in Independent Study, the Board establishes the following maximum lengths of time a student may participate in short-term Independent Study during any one instance as follows: For students in grades K- 9: 15 school days. Parents must contact the school for information regarding Independent Study in advance of the

absence. Students must be out a minimum of five days to qualify for Independent Study.

**Early Check-out:** It is suggested that medical appointments be made after school whenever possible. When it is not possible to schedule after school appointments, students must be signed out, by a parent, in the office any time they are picked up for an appointment or have permission to leave campus for an appointment. Notes from parents asking that a student be released early, for an appointment, etc., must be brought to the office before school or at brunch. Students are not allowed to leave campus without their legal guardian or an adult listed on their Emergency Card.

**BIKE RACKS BICYCLES, SCOOTERS and SKATEBOARDS MUST BE WALKED ON CAMPUS:** They should be locked in the bike racks provided. Murphy cannot be held responsible for theft of these items or their parts while on the school grounds. Owners are encouraged to register their bikes with the Morgan Hill or San Jose Police Department. In California, riders under the age of 18 MUST wear a bicycle-helmet (VC 21212) and must, if riding at night, have a bike equipped with a front light, red rear reflector, pedal reflectors and side reflectors or reflectorized tires. Hoverboards are not allowed on campus.

**BULLYING:** Bullying is an aggressive behavior that is intentional and that involves an imbalance of power. Most often, it is repeated over time. School bullying takes place in many forms, and it is done by both girls and boys. A single student who bullies can have a wide-ranging impact on students they bully, students who observe bullying, and the overall climate of the school and community. Bullying will not be tolerated at Murphy and students who bully may be suspended when other efforts, such as conflict resolution or other disciplinary consequences, do not stop the act. Martin Murphy has the following school rules for bullying:

1. We will not bully others.
2. We will try to help students who are bullied.
3. We will try to include students who are left out.
4. If we know that somebody is being bullied, we will tell an adult at school and an adult at home.

**Cyberbullying:** Cyberbullying is bullying through electronic media, email, texting, social networks, blogs, websites, or digital messages sent to a cell phone. The state of California addresses online bullying in the following section:

528.5 (a) Any person who knowingly and without consent credibly impersonates another actual person through or on an internet website or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person is guilty of a punishable public offense.

528.5 (d) A violation of subdivision (a) is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

**BUS TRANSPORTATION:** Bus transportation is available for a fee. Riding the bus is a privilege, which may be taken away for misbehavior. For information about riding the bus, call 408-201-6320.

**FIRST bus ticket** – student warning

**SECOND bus ticket** – student loses bus privileges for five (5) school days.

**THIRD bus ticket** – student will lose bus ticket for one calendar month

**FOURTH bus ticket** – student will lose bus privileges for the remainder of the school year. The purpose is to have a school bus system that is safe and pleasant to ride.

**CELEBRATING OF BIRTHDAYS PROHIBITED:** Students are not allowed to participate in birthday celebrations or “Birthday Bashing” on the school campus. Balloons, flowers, gifts, posters, invitations, and/or cakes are not allowed and students who bring these items to school will be asked to leave them in the front office for the entire school day. “Birthday Bashing” participants may be suspended from school.

**CELL PHONES/WATCHES:** Students may carry a cell phone/watch to school and at school sponsored activities. Students may not turn on or use cell phones while on campus, including before or after school. Cell phone usage by students while riding to and from school on the bus, or on the bus during school sponsored activities is at the discretion of the bus driver. It is the responsibility of the students to ensure the security of their cell phones. The school is not responsible for theft of cell phones at any time (BP 5525) nor is Murphy responsible to search for lost or stolen cell phones. **The above and below also refer to Apple and Android type watches linked to cell phones.** If a student violates the cell phone rule the following disciplinary action will occur:

**1st time cell phone is visible or turned on** – warning by administration, phone confiscated, and student may pick up phone after school.

**2nd offense** – phone confiscated, and parent must pick phone up from school.

**3rd offense**- student will receive a brunch or lunch detention, parent will pick up cell phone from school, and parent/student will be notified that if there is another violation, student will be given an after school detention up to a suspension for defiance.

**CHEATING:** Cheating is obtaining or giving information or material for the purpose of claiming credit of grades dishonestly. Cheating also includes giving or allowing others information for the purpose of claiming credit and/or grades. Cheating includes taking unfair advantage of parents, friends, or classmates by asking them to help obtain a grade dishonestly. Consequences for cheating may include an “F” grade or a ZERO on an assignment/quiz/test and other discipline. Parents will be notified.

**CHROMEBOOKS:** Students in grades 7-8 will be assigned a Chromebook, charging cord and laptop case to enhance their learning and the development of 21st century skills. Students in 6th grade will have access to a Chromebook in each of their classrooms. There are high expectations for how students treat these devices. Students will complete a week long school wide roll out. During this time, teachers will facilitate lessons about Chromebook and cyber safety as well as basic skills in Google and online learning platforms. Destroying or damaging school property of others is a punishable offense. Parents can purchase insurance through the school district website. Student and parents will need to complete a use agreement at the beginning of each school year. All students are responsible for turning in their device and accessories at the end of each school year.

**DEMERITS:** Murphy will be utilizing a demerit system for any major discipline. Students who earn demerits will be able to get rid of demerits by doing community service, submitting a grade improvement form or by teaching agreement. Throughout the year, students with a certain amount of demerits will miss out on fun activities planned throughout the year.

## ***STUDENT DRESS CODE***

***Dress Code Philosophy Morgan Hill Unified School District, student dress code supports equitable educational access and is written in a manner that does not reinforce stereotypes. To ensure effective and equitable enforcement of this dress code, school staff shall enforce the dress code consistently and in a manner that does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size.***

*Our values are:*

- *All students should be able to dress comfortably for school and engage in the educational environment without fear of or actual unnecessary discipline or body shaming.*
- *All students and staff should understand that they are responsible for managing their own personal "distractions" without regulating individual students' clothing/self-expression.*
- *Student dress code enforcement should not result in unnecessary barriers to school attendance.*
- *School staff should be trained and able to use student/body-positive language to explain the code and to address code violations.*
- *Reasons for conflict and inconsistent and/or inequitable discipline should be minimized whenever possible.*

***Our student dress code is designed to accomplish several goals:*** ● *Maintain a safe learning environment in classes where protective or supportive clothing is needed, such as chemistry/biology (eye or body protection), dance (bare feet, tights/leotards), or PE (athletic attire/shoes).*

- *Allow students to wear clothing of their choice that is comfortable.*
- *Allow students to wear clothing that expresses their self-identified gender.*
- *Allow students to wear religious attire without fear of discipline or discrimination.*
- *Prevent students from wearing clothing or accessories with offensive images or language, including profanity,*

*hate speech, and pornography.*

- *Prevent students from wearing clothing or accessories that denote, suggest, display or reference alcohol, drugs or related paraphernalia or other illegal conduct or activities.*
- *Prevent students from wearing clothing or accessories that will interfere with the operation of the school, disrupt the educational process, invade the rights of others, or create a reasonably foreseeable risk of such interference or invasion of rights.*
- *Prevent students from wearing clothing or accessories that reasonably can be construed as being or including content that is racist, lewd, vulgar or obscene, or that reasonably can be construed as promoting gang affiliation, containing fighting words, speech that incites others to imminent lawless action, defamatory speech, or threats to others.*
- *Ensure that all students are treated equitably regardless of race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income or body type/size.*

**Dress Code** *Morgan Hill Unified School District, expects that all students will dress in a way that is appropriate for the school day or for any school sponsored event. Student dress choices should respect the District's intent to sustain a community that is inclusive of a diverse range of identities. The primary responsibility for a student's attire resides with the student and their parent(s) or guardian(s). The school district is responsible for seeing that student attire does not interfere with the health or safety of any student, that student attire does not contribute to a hostile or intimidating atmosphere for any student, and that dress code enforcement does not reinforce or increase marginalization or oppression of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, or body type/size. Any restrictions to the way a student dresses must be necessary to support the overall educational goals of the school and must be explained within this dress code*

**Basic Principle:** *Certain body parts must be covered for all students at all times. Clothes must be worn in a way such that genitals, buttocks, breasts, and nipples are fully covered with opaque fabric. All items listed in the "must wear" and "may wear" categories below must meet this basic principle.*

**1. Students Cannot Wear:**

- *Violent language or images.*
- *Images or language depicting drugs or alcohol (or any illegal item or activity).*
- *Hate speech, profanity, pornography.*
- *Images or language that creates a hostile or intimidating environment based on any protected class or consistently marginalized groups.*
- *Any clothing that reveals visible undergarments (visible waistbands and visible straps are allowed)*
- *Swimsuits (except as required in class or athletic practice).* ● *Accessories that could be considered dangerous or could be used as a weapon.*
- *Any item that obscures the face or ears (except as a religious observance).* ● *Any attire that depicts or promotes gang affiliation*
- *Bandanas of any color*

**2. Students Must Wear\***, while following the basic principle of Section 1 above: ● *A Shirt (with fabric in the front, back, and on the sides under the arms), AND*

- *Pants/jeans or the equivalent (for example, a skirt, leggings, a dress or shorts), AND*
- *Shoes. \*Courses that include attire as part of the curriculum (for example, professionalism, public speaking, and job readiness) may include assignment-specific dress, but should not focus on covering bodies in a particular way or promoting culturally-specific attire. Activity-specific shoes requirements are permitted (for example, athletic shoes for PE).*

3. ***Students May Wear***, as long as these items do not violate Section 1 above:

- *Hats (outside of the classroom). Hats must allow the face to be visible to staff, and not interfere with the line of sight of any student or staff.*
- *Religious headwear*
- *Hooded sweatshirts. Wearing the hood overhead is allowed, outside of the classroom, but the face and ears must be visible to school staff.*
- *Fitted pants, including opaque leggings, yoga pants and “skinny jeans”*
- *Ripped jeans, as long as underwear and buttocks are not exposed.*

***The school reserves the right at any time to amend the above dress code without the prior warning to the students.***

**Consequences for clothing violations are:**

- Students in violation of Section 1 and/or 2 will be provided three (3) options to be dressed more to code during the school day:
- Students will be asked to put on their own alternative clothing, if already available at school, to be dressed more to code for the remainder of the day.
- Students will be provided with temporary school clothing to be dressed more to code for the remainder of the day.
- If necessary, students’ parents may be called during the school day to bring alternative clothing for the student to wear for the remainder of the day

**CLUBS:** Clubs at Murphy have been successful in providing activities and enrichment for interested students. If students want to start a club they must find a staff advisor. Martin Murphy currently has the following clubs:

- Yearbook - ASB - Dance - Drama - Math Counts - Homework Club

**COMMON CORE INSTRUCTION:** Educational standards describe what students should know and be able to do in each subject in each grade. In California, the State Board of Education decides on the standards for all students from kindergarten through high school. The Common Core State Standards (CCSS) were designed by teachers, parents and educational experts with the goal of preparing students for success in college and careers by promoting 21st century skills. At Martin Murphy, the implementation of the Common Core State Standards will encourage classroom instruction that is robust and relevant to the real world, reflecting the knowledge and skills that our young students need for success in college and careers. Project based learning along with rigorous content and application of higher order thinking skills will yield increased student achievement and essential skills for future success of each child. If you are interested in learning more about the Common Core State Standards, please visit the school’s website or contact administration or your child’s teacher.

**COUNSELING:** The counselors are available to help with academics, scheduling, and provide social/emotional support. For additional student needs, a school psychologist is present during the week. The school also has access to counseling interns through Discovery Counseling who can provide students with social skills, emotional therapy and support. If you think your child is in need of emotional or social support, please contact the Martin Murphy administration.

**DANCES:** Home & School Club along with ASB, sponsor several dances each year and they are held after school. These staff-chaperoned events are for Murphy students only. Students absent or suspended the day of the dance may not attend.

Administrators will verify student eligibility to attend dances prior. Inappropriate behavior during school events, such as “freak dancing” is not allowed. Students who behave inappropriately will be removed from the dance floor, sent home and will not be able to attend future dances. The Murphy dress code will be enforced. Students violating the dress code are subject to disciplinary action and removal from the dance.

**DELIVERED ITEMS/MESSAGES:** Due to the emphasis on quality, uninterrupted instructional time at Murphy, the school office will not interrupt class or make announcements for students to come to the office to obtain items (such as lunches, homework, money, cell phones, P.E. clothes, etc.) delivered to school by parents. A parent may leave forgotten items on the pick-up table located in the



front office. Your student may check for its arrival during brunch, lunch or at the end of school. Call slips (which disturb classes) will only be sent out in emergency situations. Phone messages will not be taken for students unless it pertains to after school transportation.

***DISCIPLINARY ACTIONS:***

***Please read the Progressive Discipline Matrix on page 28.***

***Loss of Privileges:*** Students may be denied participating in activities such as dances and sports events due to poor behavior, grades and discipline.

***Suspension*** (See Board Policy 5130): The student is informed that he/she is subject to a suspension (up to 5 days). The student's parent(s) or legal guardian is notified by telephone or in person that the student is subject to suspension from school. The student's parent/guardian must conference with school administrator before the student may return from suspension (recorded in student disciplinary record). Suspended students are not allowed to be on any MHUSD campus during their suspension or within 1000 feet of any school campus. This includes school activities.

***In-House Suspension*** (See Board Policy 5130): Students assigned to a supervised in house suspension shall be separated from other students at the school site for the period of the suspension. Each student is responsible for contacting his/her teacher or teachers to receive assignments to be completed while the student is assigned to the supervised in house suspension. If no classroom work is assigned, the staff supervising the in house suspension shall assign school work.

***Expulsion*** (See Board Policy 5150): The Police Department will be contacted and/or summoned to campus when necessary and there has been a penal code violation. A student may be suspended, expelled, or referred to the appropriate law enforcement agency for any suspendable or expellable incident that related to a school activity or to school attendance occurring within a school in the Morgan Hill Unified School District or any other school district. The incident may occur at any time including, but not limited to, any of the following:

- While on school grounds
- While going to or coming from school
- During the brunch or lunch period, whether on or off campus
- During, or while going to or coming from, a school sponsored activity
- Off school grounds, including weekends and vacations, but school related in some way

***Examples of Suspendable or Expellable Offenses:*** Consequences depend on the frequency or severity of the incident. Parent will be contacted on a regular basis. Police will be contacted in all serious cases. A school resource officer is available. Suspensions range from 1 – 5 days, depending on frequency or severity of the offense.

- Selling of any controlled substance (buying and/or negotiating)
- Possession of any weapon or dangerous object (lighter, 3D printed knife, matches, etc.)
- Robbery/Extortion
- Threatening any staff member
- Setting or attempting to set a fire
- Possession of a controlled substance, drug paraphernalia, or being under the influence of drugs or alcohol with no indication of selling or furnishing to others, or furnished a substance in lieu of a controlled substance
- Smoking or possessions of tobacco or tobacco products
- Fighting/Threatening another person/Intimidation
- Theft/Possession of stolen property
- False Fire Alarms
- Vandalism (causing damage to any property)

- Willful defiance of any school official
- Harassment/Bullying
- Sexual harassment (including comments relating to sexual orientation)
- Cutting school/off campus without permission
- Pantsing
- Disruptive or defiant behavior
- Birthday Bashing (including egging)
- Profanity / Obscene Act
- Racial, Sexual, ethnic or gender based comments
- -Online or social media threats of violence or sexual harassment

**California Code – Section 32210:** Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500)

**California Code – Section 48908:** All pupils shall comply with the regulations, pursue the required course of study, and submit to the authority of the teachers of the schools.

**California Code – Section 48900 (k):** Students that have 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 are subject to school suspension and/or expulsion.

**DISPLAYS OF AFFECTION:** Students are asked to conduct themselves in an appropriate manner. Holding hands, arm-in-arm, and kissing are not appropriate in school.

1st offense = warning

2nd offense = parent contact

3rd offense = lunch detention, up to suspension for defiance

**8TH GRADE END OF YEAR AWARD CEREMONY:** To support the success of our 8th grade students that demonstrated academic accomplishments and fulfilled the necessary criteria to advance to the next grade level, an Awards Ceremony is held at the end of the year to honor them in the following areas. Not all students will receive an award and the End of the Year Awards Ceremony is not a “promotion” or “graduation” ceremony. . Benchmark awards for students achieving a proficient or advanced score in English, Math, Social Studies and Science.

1. Presidential Award and GPA awards
2. Athletic Awards: Most Valuable Players
3. Other Awards: Department Awards, Home & School Club (Leadership & Citizenship awards)
4. Students who have been suspended two months before or who have received substantial disciplinary referrals will NOT be allowed to participate in this event.

**FIGHTING:** Fighting, pushing and/or “horseplay” of any type are considered poor behavior and are subject to disciplinary action. Any physical act that could be observed as a “fight” or that can promote or encourage creating a hostile environment will result in a suspension. Students encouraging others to fight, instigating a fight or videotaping a fight, will be suspended for agitating and provoking or creating a hostile environment. In appropriate circumstances, the police will be contacted to have involved students cited for penal violations. Students at Martin Murphy have access to numerous support systems and programs that can help them resolve conflicts peacefully, such as peer mediators, restorative justice talking circles, the school counselor or administration.

**FOOD AND GUM:** Eating is not allowed in the classrooms or in the library except during special activities. Gum, soda and seeds are not permitted on the school grounds. Selling candy or other items for personal profit is not allowed. Closed top water bottles are ok and can be filled in the school’s hydration station. Energy drinks are not allowed at school due to the health risks.

**GAMBLING:** Gambling is strictly prohibited. This includes any wagering, betting, odds making, or any other activity involving the use of money or collection cards or predicting the outcome of an event. Students violating this rule are subject to disciplinary action, including possible suspension or expulsion. Students may not bring collector cards, trading cards, playing cards or dice.

**HALL PASSES:** Any student out of class during a class period must have in his/her possession a hall pass with the signature of a staff member.

**HARASSMENT:** Physical or verbal harassment, physical abuse, profanity, slurs and any other actions or works, actual or perceived, are not permitted and could result in a school suspension. Harassment based on gender, race, national origin, ethnicity, religion, sexual orientation, age, physical or mental disability, or any other basis protected by federal, state, or local law, ordinance or regulation to the extent protected by law is prohibited. Students who feel they are victims of harassment of any type may file a formal written complaint in the office. "Pantsing" will result in an automatic suspension and possible expulsion.

### ***Murphy's Anti-Harassment Policy***

1. Everyone at Murphy has a right to feel respected and safe. Consequently, we want students to know that our policy is to prevent sexual harassment and harassment based on gender, race, national origin, ethnicity, religion, sexual orientation or disability.
2. A harasser may be a student or an adult. Harassment may include the following when related to gender, race, national origin, ethnicity, religion, sexual orientation or disability.
  - a. Name calling, teasing, derogatory comments, slurs or gestures
  - b. Remarks or rumors about an individual's sexual activities, sexual jokes, catcalls or whistles
  - c. Leering, winking, sexual gestures, pinching, patting, intentional rubbing against another individual's body
  - d. Graffiti, offensive or graphic posters or book covers
  - e. Derogatory notes or cartoons
  - f. Unwelcome touching of a person or clothing, grabbing, fondling
  - g. Violent acts or threats
3. If students believe that they or someone else has been the victim of harassment, they should report the alleged acts to a teacher, counselor, administrator or any other staff member. The report may be verbal or written. Students are not required to complete a written form, but if they want to use a form, one is available in the school office.
4. Murphy takes seriously all reports of sexual harassment and harassment based upon gender, race, national origin, ethnicity, religion, sexual orientation or disability and will take all appropriate action to investigate such claims, to eliminate the harassment and to discipline any persons found to have engaged in such conduct.
5. MHUSD will also take action if anyone tries to intimidate the students or take action to harm them because they made such a report.
6. This is a summary of this District's policy against sexual harassment and harassment based on gender, race, national origin, ethnicity, religion, sexual orientation or disability. A complete copy of the policy is available at the school office upon request.

**HEALTH OFFICE:** Murphy has a Health Clerk assigned only on a part time basis. The Health Clerk will assist the students in the areas of health counseling and giving first aid. ***Emergency cards are to be completed and returned to school at the beginning of the year prior to students receiving their class schedule.*** They should be updated as necessary throughout the year. Parents will be requested to pick their student up if he/she is ill. Students must have a pass from their teacher to report to the Health Office. If the student is injured or becomes ill, he/she must report this to the teacher and ask for a pass to the Health Office. If the health office clerk deems necessary, the parent will be contacted. All students who are injured or become ill at school must check out through the front office.

***Please do not send your student to school if he/she displays one or more of the following symptoms:***

- Earache
- Runny nose and/or persistent cough
- Nausea/vomiting
- Sore throat within 24 hrs of vomiting
- Dizziness
- Fever (100 degrees or above within 24 hrs)
- Lice
- Skin Rash
- Red crusty and/or draining eyes

***Administration of Medication – Including Over the Counter Medication:*** In order for any medication, whether prescription or nonprescription, short-term or long-term, to be given at school, **MEDICATION AUTHORIZATION FORM(S) must be completed and signed by the parents AND the physician.** The forms are available in the health office. Students are not to carry any medication, prescription or nonprescription, with them unless authorized by a physician.

**HOME AND SCHOOL CLUB:** The H&SC works closely with the school staff and student body. Many of our school activities are possible only because of the assistance and support of our H&SC. Parents are encouraged to attend and participate in the monthly H&SC meetings and activities. Please contact the front office if you are interested in joining Home & School Club or volunteering your time to help at school events.

**HOMEWORK:** At Martin Murphy, homework is an integral part of the educational process. It is an extension of the classroom, giving students reinforcement in using what has been taught in the classroom. It allows students to develop self-discipline and self-confidence. Homework encourages students to work independently, use time wisely and develop a sense of responsibility. Homework fosters good study habits that will be useful throughout the student's school career. Homework provides a communication between home and school. It gives parents an opportunity to see what their student is doing in school and an idea of their student's progress. Parents having a concern about homework are encouraged to contact the teacher who assigned the work.

***Homework Guidelines and Tips for Parents:***

1. PROVIDE A STUDY AREA - Good lighting, proper seating at a table or a desk, adequate materials, and sufficient space are essential. Distractions such as radio, TV and phone calls should be eliminated.
2. PROVIDE A SPECIFIC TIME PERIOD - Same time period daily. Establish rules against using the phone, watching TV and listening to music until homework is completed neatly and accurately.
3. SUPERVISE HOMEWORK - Parents are encouraged to check their student's daily homework assignments. Make sure your student has enough time, understands the directions and works carefully.
4. HELP THE HOMEWORK HABIT - If your student doesn't bring work home, or is not writing daily assignments in their daily planner, please contact the teacher. This will help you to determine whether he/she is completing it in school, forgetting it, or failing to bring it home. Always contact the teacher when in doubt.

**INNOVATIVE LEARNING CENTER (I Center):** This is a project based learning center that promotes student acquisition of 21st century skills through project based learning. The space is designed to replicate a college library setting. It is equipped with flexible seating and interactive technology for students to use. Large whiteboards on the walls are utilized by students when they collaborate with one another on assignments and projects.

**LIBRARY:** The Murphy library has a large selection of books and reference materials. The Accelerated Reader program is in place to reinforce reading comprehension. Students take their leveled tests there to move to another reading level. The library is open throughout the school day. Students who lose library books are expected to pay the replacement price for the books.

**LOCATION OF STUDENT DROP-OFF/PICK-UP:** When driving students to school, drop-offs and pick-ups should be done at either the Los Paseos City Park parking lot (located north of campus on Santa Teresa Blvd) or south of campus on Avenida Espana between the bus circle and Santa Teresa Blvd. Students are not to be dropped off or picked up in the business or staff parking lots. Parking is not permitted on Santa Teresa Blvd.

**LUNCH PROCEDURES:** Students eat lunch outside in a common area. When standing in line for lunch, students are expected to follow standard rules of courtesy and good behavior. Students who exhibit poor or disruptive behavior may lose the privilege of eating with other students. Students are to throw away all their trash after lunch. Students found littering will receive disciplinary consequences and parents will be contacted. Lunches should not be dropped off daily to students as this creates an increased organizational burden on the front office staff, so please make every effort to send lunches to school with students.

**PERSONAL PROPERTY:** Students are responsible for loss or damage to their clothing, equipment, books or instruments. *Items of REAL OR SENTIMENTAL VALUE SHOULD NOT BE BROUGHT TO SCHOOL.*

**PBIS:** Martin Murphy is embarking on our third year of Positive Behavior Intervention Supports. PBIS is a program that focuses on promoting positive and appropriate behaviors. Our staff is committed to educating students about appropriate behaviors and will be utilizing a positive reward system to acknowledge students who are following the rules and/or working towards improvement. Existing positive rewards that are in place include Pat on the Back Awards and Academic Cards.

**P.E. EXCUSES:** If for any reason a student cannot take part in full physical education activities, a note from a parent that states the reason, duration, date of doctor's release and degree of limitation of activity **MUST** be brought to the health office. The note will be verified and the teacher will be notified. PE teachers will not honor a note brought directly to them by the student. Students are still required to dress out. **WRITTEN CONFIRMATION FROM A PHYSICIAN IS REQUIRED FOR AN EXCUSE LONGER THAN THREE DAYS.** If students are unable to participate in PE, they may not participate in athletic practices or games on those days.

**PE LOCKERS:** Students in grades 6-8 are issued PE lockers to store their uniforms and for the safekeeping of items while they are in P.E. *Lockers are for P.E. use only and should not be used to store other items.* Administration reserves the right to search lockers at any time. Students should not share lockers or locker combinations with other students. Students must lock their belongings in a locker during their P.E. class, including their Chromebook. Any item not locked in a locker is subject to theft and damage. The school is not responsible for lost or stolen items, nor is the school responsible to search for lost or stolen items. Students are allowed in the locker room only during their P.E. class and when supervised.

**PE UNIFORMS:** Murphy shorts, T-shirts, and sweats can be purchased through the P.E. department. Grades 6-8 will be required to dress out in a PE uniform. Clean loaners are available if P.E. clothes are forgotten. Refusal to use loaners or dress for PE will result in disciplinary action.

**PARENT ENGAGEMENT:** Parent involvement is an important part of our school. Remember to volunteer you must obtain a volunteer badge from the District Office, please see an office staff member for specific details. Martin Murphy Middle School conducts the following parent involvement activities:

1. School Site Council (SSC) - The SSC is composed of parents and school personnel. The SSC is responsible for developing, implementing, and evaluating the School Site Plan programs. Members are elected by their peers at Back to School Night. Elections for new members are held annually at the beginning of the school year. A copy of the By Laws, meeting agendas and minutes are available on the school's website as well as the front office.
2. English Learner Advisory Committee (ELAC) - All schools enrolling 21 or more English Learners are required to form an ELAC. The ELAC is composed of parents and school personnel. The ELAC provides input and makes recommendations to the principal, staff, and SSC regarding services for English Learners. Members are elected by ELAC. A copy of the By Laws, meeting agendas and minutes are available on the school's website as well as the front office.
3. Home and School Club- Parents volunteering for H&SC help with school events and fundraisers.
4. Parent Education Nights- Hosted by school staff with childcare provided. Topics are designed by parent request and need.
5. Parent Orientation Night- Hosted by school and district staff with a menu of sessions for parents to choose from. Event to be held in the fall at the beginning of each school year.

**REPORT OF STUDENT PROGRESS/GRADES:** Progress reports will be issued every 4 1/2 weeks only to those students receiving a D or F, and who are in danger of failing. Report cards are issued at the conclusion of each 9-week quarter. The quarter grades are then averaged for a semester grade. Grades that students receive at the end of each semester are those that are reported on the permanent record. All grades can be viewed and monitored by parents and students through Aeries, our online student information system. Students who are leaving 8th grade and entering high school, must remember that their final grades in June will determine their eligibility for school activities, such as school sports, in the fall of their freshman year.

**RESTORATIVE JUSTICE:** Restorative Justice is a mindset that Martin Murphy staff utilize to build community in their classrooms and repair harm caused by student conflict. Restorative Justice practices focus on healing victim(s) who have experienced harm and supporting the offender(s) with next steps to repair the harm to the victim(s) and school community.

**SEARCHES :** Any student, student locker, backpack, purse, electronic device and its contents, and/or vehicle parked on campus is subject to search at any time (given reasonable suspicion of an effect on school environment/safety) by the School administration.

**SPINNERS:** Fidget toys such as spinners are not allowed to be used in the classroom unless a student has a diagnosed medical need that is included in an Individualized Education Plan (IEP) or 504 plan.

**STUDENT SUCCESS TEAM – (SST):** The Student Success Team process is available to all parents, staff, and students. The SST process provides a system of intervention, support, and follow-up in addressing students who are struggling in their academic and/or behavioral progress. The SST convenes periodically on campus at scheduled meeting times. During the SST process, the student is joined by his/her teachers, the parent, an administrator, and other school staff such as the School Psychologist, School Counselor, Resource Specialist, nurse, and/or other staff who all play a part in examining the student's strengths, identifying particular areas of concern, establishing a plan of action to support the student, and scheduling follow-up efforts to check on the student's progress over time.

**SPECIAL EDUCATION:** The Individuals with Disabilities Education Act (IDEA) is a federal law that mandates a “free and appropriate public education” to children with disabilities in the least restrictive environment. Morgan Hill Unified School District follows the education code for special education to be in compliance with the IDEA. Students become eligible for special education services through a formalized process of evaluation. Anyone who suspects that a student is disabled may request an evaluation in writing. Requests will receive a response from the school site within 15 days. A Student Study Team may be asked to determine whether an assessment is necessary. If recommended, assessments will take place within 60 days of a signed Assessment Plan. If an assessment is not recommended, the Student Study Team will explain their reasoning in writing. Once a student has been assessed, an Individualized Education Program (IEP) meeting is held to determine a student's eligibility for services and review assessment findings.

**SUGGESTED SCHOOL SUPPLIES:** It is suggested that all students have the following school supplies:

- Binder – A notebook binder with 5 dividers and rings to hold materials for all classes.
- Notebook Paper - A supply of three-hole, standard rule paper.
- Writing Materials - Have at least two #2 lead pencils and a blue or black pen
- Highlighter
- Back Pack
- Calculator
- Headphones

**TARDY POLICY:** Students will be in their classrooms before the tardy bell rings, seated and with necessary materials for their classes. Tardiness is not tolerated at Martin Murphy and will be dealt with immediately.

1 Tardy = Warning

2 Tardies = Brunch or lunch detention

3 Tardies = 1 after school detention

4 Tardies = 2 after school detentions, parent shadowing student in classes

5 Tardies and Up = Referral to SARB, loss of privileges, parent conference and possible suspension

**TEXTBOOKS AND LIBRARY BOOKS:** Students are responsible for their textbooks. Students are encouraged to cover any textbooks issued to them. Textbooks are available for all classes taught at Martin Murphy Middle School. In some classes, a textbook is issued to the student for the year. Textbooks are typically valued at between \$50 and \$75 each, so students are strongly encouraged to maintain care and responsibility of any texts they are issued. Textbooks that are not returned at the end of the year and/or books that show excessive wear and/or damage are charged to the pupil and parent. Any textbook damaged, defaced, or lost will be the sole responsibility of the student and parent. Financial obligations for lost textbooks (or other school property) must be cleared prior to registration, grade promotion, and release of cumulative records to the high school.

**VISITORS:** All visitors must have a legitimate and appropriate reason for visiting the school. They must enter the school through the front office, sign in and out and wear a visitor's badge. Parents/guardians wishing to meet with a teacher must make an appointment with the teacher in advance. Students are not allowed to have friends or relatives visit the campus during the school day. This includes the area around or adjacent to the school. Parents wishing to observe their student in class must have prior approval from a school administrator or counselor. ***High school students or other students in the MHUSD are not allowed to be on campus for any reason during school hours,*** unless they have prior approval through Martin Murphy's administration.

**MARTIN MURPHY MIDDLE SCHOOL Student Pledge for Google  
Chromebooks Use**

1. I will take extensive care of my school-issued Google Chromebooks. 2. I will practice great digital citizenship by avoiding cyberbullying, non- educational websites, sharing personal information, and plagiarism. 3. I will keep food, beverages, and gum away from my Google Chromebooks since they may cause damage to the device. 4. I will not disassemble any part of my school-issued Google Chromebook or attempt any repairs. 5. I will protect my school-issued Google Chromebook by only carrying it closed and with two hands. 6. I will treat my school-issued Google Chromebook as a work computer and only use it to complete school-related activities during class. 7. I will not place decorations (such as stickers, markers, etc.) on the school-issued Google Chromebooks. I will not deface the serial number sticker on any school-issued Google Chromebook. 8. I understand that my school-issued Google Chromebook is subject to inspection at any time without notice and remains the property of Martin Murphy Middle School. 9. I was issued a Google Chromebook in good working condition, and will return it in good working condition daily. 10. I will sign out if someone is logged in to their account when I retrieve a Google Chromebook at the beginning of class.

I pledge allegiance to the Chromebook That Martin Murphy issues me, And  
with the support of teachers and peers I will be responsible and always treat it  
As a privilege for me to use.

***I agree to the stipulations set forth in the Google Chromebook Policy, Procedures, and General Information and the Student Pledge for Google Chromebook use.***

\_\_\_\_\_ Student Name  
(Please Print) Date

\_\_\_\_\_ Teacher  
Name Class Period #



**Morgan Hill Unified School District**

15600 Concord Circle

Morgan Hill CA 95037

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**Responsible Use Agreement (Students)**

**In addition to the Morgan Hill Unified School District (MHUSD) Acceptable Use Agreement, this document outlines specific Responsible Use Agreement details to which students enrolled at Morgan Hill Unified School District will be required to adhere.**

***Google Apps for Education***

MHUSD students will be accessing the following applications from Google Apps:

- **Gmail-A webmail service that combines the best features of traditional email with Google's search technology; includes email, chat, and video conferencing.**
  - Email will be archived for disciplinary/subpoena purposes.
  - The presence of the student's legal guardian must be acknowledged for any student/teacher, student/student video conferences through Google Video hangouts.
  - Student username/email addresses will be generated by MHUSD Technology Dept. and will be alphanumeric comprising of student initials with random numbers (to help ensure privacy) an @ sign, the domain part (i.e. students.mhusd.org)
  - Student accounts will be identified by avatars created at www.weeworld-coil to maintain student anonymity. No pictures portraying the students will be allowed.
  
- **Google Drive -Web-based application to create and edit documents, spreadsheets, and presentations. Store documents online and access them from any computer.**
  - Students and teachers will collaborate through shared documents.
  - Documents will not include a student's personal info (e.g. phone number, address, etc...)
  - Students will be identified by their assigned alphanumeric username.
  - No pictures in which the student can be identified will be allowed.
  
- **Google Calendar-Web-based time-management application that is part of Google Apps.**
  - Students will be using Google to view dates for Field Trips, Assignment due dates, meetings, etc.
  - Students will use Google Calendar to track tasks, scheduled appointments, create reminders, etc. to assist them in managing their time.
  - Google Calendar allows students to see their teacher's availability.

- **Google Sites-Online system for creating a website that is as easy as editing a document.**
  - Students will be using Google Sites for an electronic portfolio.
  - Template will be created to maintain student anonymity, protecting student identity.
  - A generic title will be used for the portfolio, including only the student's first name.
  - Posted material must be appropriate for education purposes connected to curriculum.
  - No pictures in which the student can be identified will be allowed.

### ***Google's Commitment to Educational Domains***

- Google Apps for Education is ad-free - MHUSD's content is not processed by Google's advertising systems.
- Protection of the intellectual property on the servers is critically important to Google.
- Google Apps brings you the latest technologies and some of the best practices for user privacy.
- Apps content belongs to the individual users at your school. Not Google.
- We don't look at your content. Google employees must have explicit permission even for troubleshooting.
- We don't share your content. Google does not share personal information without your consent.
- We sometimes scan content for spam filtering, anti-virus protection, or malware detection.

I understand that by participating in Google Apps for Education, the only information about my child will be collected and stored electronically is their username and password. I have read the privacy policies associated with use of Google Apps for Education

(<http://www.google.com/a/help/int/en/edu/privacy.html>)

### ***Unacceptable Uses of MHLSD Technology***

MHUSD reserves the right to take immediate action regarding activities (1) that create security and/or safety issues for the school, students, employees, network or computer resources, or (2) that expend School resources on content the School in its sole discretion determines lacks legitimate educational content/purpose, or (3) other activities as determined by school as inappropriate.

The following are examples of unacceptable uses of MHUSD technology and may be grounds for student discipline up to and including suspension and expulsion.

- Transmitting on or through the network any material that is unlawful, threatening, abusive, libelous, or encourages conduct that would constitute a criminal offense, give rise to civil liability, or otherwise violate any local, state, or federal law, statute or regulation;
- Criminal activities that can be punished under the law;
- Selling or purchasing illegal items or substances;
- Obtaining and/or using anonymous email sites, spamming or "chain letters, spreading viruses;
- Accessing or transmitting pornography of any kind, obscene depictions, harmful materials, materials that encourage others to violate the law, confidential information or copyrighted materials;
- Causing harm to others or damage to their property, such as:
  - Using profane, abusive, or impolite language, threatening, harassing, or making damaging or false statements about others or accessing, transmitting, or downloading offensive, harassing, or disparaging materials;
  - Deleting, copying, modifying, or forging other users' names, emails, files, or data, disguising one's identity, impersonating other users, or sending anonymous email;
  - Damaging computer equipment, files, data or the network in any way, including intentionally accessing, transmitting or downloading computer viruses or other harmful files or programs, or disrupting any computer system performance;
  - Using any computing device to pursue "hacking" internal or external to the District, or attempting to

access information protected by privacy laws;

- Users may not attempt to circumvent user authentication or security of or jeopardize Services to any host, network, or account. Examples include:
  - Accessing data the user is not expressly authorized to access;
  - Probing the security of the District's network and the Networks of others, password Sniffing; IP spoofing;
  - Install network or server equipment not authorized by the District
  - Bypassing District proxy services;
  - Using another's account password(s) or identifier(s);
  - Interfering with other users' ability to access their account(s);
  - Disclosing anyone's password to others or allowing them to use another's account(s).
  - Using the network or Internet for Commercial purposes:
  - Using the Internet for personal financial gain;
  - Using the Internet for personal advertising, promotion, or financial gain;
  - Conducting for-profit business activities and/or engaging in non-government related fundraising or public relations activities such as solicitation for religious purposes, lobbying for personal political purposes.

***Penalties for Improper Use***

Misuse of District technology may lead to disciplinary including the possible loss of technology use, suspension, expulsion and/or legal action. Technology use is a privilege, not a right. Individual schools sites will apply disciplinary action based upon the seriousness of each violation.

***Disclaimer***

The District takes no guarantees about the quality of the services provided and is not responsible for any claims, losses, damages, costs, or other obligations arising from use of the network or accounts. Any additional charges a user accrues due to the use of the District's network are to be borne by the user. The District also denies any responsibility for the accuracy or quality of the information obtained through user access. Any statement, accessible on the computer network or the Internet, is understood to be the author's individual point of view and not that of the District, its affiliates, or employees.

**I have read, understand, and agree to abide by the provisions of the Responsible Use Agreement of Morgan Hill Unified School District.**

**Student Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Student Name:** \_\_\_\_\_

**Guardian Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Guardian Name:** \_\_\_\_\_

**Responsible Use Agreement MHUSD**

**MORGAN HILL UNIFIED SCHOOL DISTRICT**  
**EDUCATIONAL TECHNOLOGY**  
**15600 CONCORD CIRCLE**  
**MORGAN HILL, CA 95037**  
**PHONE: 408-201-6000 FAX: 408-201-6038**

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August, 2022

**Dear Parents/Guardians,**

Morgan Hill Unified School District will issue District owned Chromebook computing devices to students in the grades 7-12. This initiative was made possible with Measure G funds and aims to increase student engagement, learning, and college and career readiness.

The Chromebook is a lightweight laptop that runs on the Chrome OS operating system. These devices are designed to be used primarily while connected to the Internet, with most applications and data residing on the Web (in the cloud) rather than on the machine itself like other laptops. Chromebooks do have the capability of being used without connection to the Internet for purposes of writing and editing word processing documents. Your student will have access to the Internet in the classroom. Internet access for students while away from school can be supported by home based networks or the local community library.

In order to login in the Chromebook and access documents for classroom lessons, students will be given a MHUSD.org email address and password. The MHUSD email address will also enable students to take full advantage of the Google Apps for Education. These email accounts should only be used for educational purposes, and are subject to the same oversight as all MHUSD owned property.

Parents/guardians and students will need to complete a Chromebook Acceptable Use Agreement prior to receiving a Chromebook. Please review this document carefully with your student, and sign, date, and return the signature page. Please note that students are responsible for the care and condition of their Chromebook, just as they are for any instructional materials issued to them.

MHUSD will be sponsoring a local insurance program to help parents reduce their costs and risks of supporting these devices. More information, including details on web filtering and student owned devices will be posted on the MHUSD website by the beginning of the school year under Educational Technology at: [www.mhusd.org/technology](http://www.mhusd.org/technology)

Please remind your student to charge the Chromebook each night and bring it to class each day so that it will always be available for classroom use. Together we can help create meaningful learning opportunities for your student today and in the future.

## **NON-DISCRIMINATION IN DISTRICT PROGRAMS And ACTIVITIES**

### **BP 0410 & EDUCATION CODE, 200-262.4 Prohibition of discrimination**

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, harassment, intimidation and bullying of any student based on the student's actual race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Prohibited discrimination, harassment, intimidation or bullying includes physical, verbal, nonverbal or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Students who engage in discrimination, harassment, intimidation, bullying or retaliation in violation of law, Board policy or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying or retaliation shall be subject to disciplinary action, up to and including dismissal.

The Coordinator for Nondiscrimination will handle complaints regarding discrimination, harassment, intimidation or bullying, and will answer inquiries regarding the district's nondiscrimination policies: call Human Resources at (408) 201-6015.

### **Sexual Harassment**

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at school or at school-sponsored or school-related activities. 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 he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 -

Uniform Complaint Procedures.

Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures. The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment 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. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment

has not complained

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

#### Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, 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. Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

#### Record-Keeping

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. 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 and California Education Code [234.1](#), as well as to investigate and resolve sexual harassment complaints under AR 1312.3 -

#### Uniform Complaint Procedures.

The coordinator/compliance officer(s) may be contacted at: Coordinator of Student Services 15600 Concord Circle Morgan Hill, CA 95037 (408) 201-6040

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.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, 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

### Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint. In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted the Superintendent or designee.

When a report of sexual harassment is submitted, the principal or compliance officer 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. If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3. Confidentiality All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964) However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment 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. When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students. Response Pending Investigation When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation.

The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. Such measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

## Notifications

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

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code [48980](#); 5 CCR [4917](#)) (cf. [5145.6](#) - Parental Notifications)
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](#)) (cf. [1113](#) - District and School Web Sites)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code [231.5](#))
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code [231.5](#))
5. Be included in the student handbook
6. Be provided to employees and employee organizations

## Uniform Complaint Procedures

The Governing Board 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, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the Board shall adopt a uniform system of complaint processes specified in 5 CCR [4600-4670](#) and the accompanying administrative regulation.

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 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 (5 CCR [4610](#))
2. Any complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, in district programs and activities against any person based on his/her 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 his/her association with a person or group with one or more of these actual or perceived characteristics (5 CCR [4610](#))
3. 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 his/her association with a person or group with one or more of these actual or perceived characteristics.
4. Any complaint alleging district violation of the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5 CCR [4610](#))
5. Any complaint alleging that the district has not complied with legal requirements related to the implementation of the local control and accountability plan (Education Code [52075](#))
6. 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

#### 7. 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. In filing and investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation, unlawful discrimination, or bullying, the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint, if he/she is different from the complainant, as long as the integrity of the complaint process is maintained. When an allegation that is not subject to the UCP is included in a UCP complaint, the district shall refer the non-UCP allegation to the appropriate staff or agency and shall 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 related requirements, including the steps and timelines specified in this policy and the accompanying administrative regulation. The Superintendent or designee shall maintain records of all UCP complaints and the investigations of those complaints. All such records shall be destroyed in accordance with applicable state law and district policy.

#### 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, the County Protective Services Division, and the appropriate law enforcement agency.
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 employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. Any complaint alleging fraud shall be referred to the California Department of Education. In addition, the district's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve 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, or teacher vacancies and misassignments. (Education Code 35186)

Except as the Governing Board 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) identified below as the employee(s) responsible for coordinating the district's response to complaints and for complying with state and federal civil rights laws. The individual(s) also serve as the compliance officer(s) specified in AR 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle complaints regarding sex discrimination. The individual(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) Assistant Superintendent of Human Resources 15600 Concord Circle Morgan Hill, CA 95037 (408) 201-6000 The compliance officer who receives a complaint may assign another compliance officer to investigate the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is designated to investigate the complaint. In no instance shall a compliance officer be designated to investigate a complaint if he/she is mentioned in the

complaint or has a conflict of interest that would prohibit him/her from fairly investigating the complaint.

Any complaint filed against or implicating a compliance officer may be filed with the Superintendent or designee. The Superintendent or designee shall ensure that employees designated to investigate 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 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](#)) 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. [3260](#) - Fees and Charges) (cf. [4112.9/4212.9/4312.9](#) - Employee Notifications) (cf. [5145.6](#) - Parental Notifications) 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.

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies, such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination.
4. Include statements that:
  - a. The district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging retaliation, unlawful discrimination, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination. 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.

- d. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the district's educational program, including curricular and extracurricular activities.
- e. The Board is required to adopt and annually update a local control and accountability plan (LCAP), in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP. (cf. 0460 - Local Control and Accountability Plan)
- f. The complainant has a right to appeal the district's decision to the CDE by filing a written appeal within 15 calendar days of receiving the district's decision.
- g. The appeal to the CDE must include a copy of the complaint filed with the district and a copy of the district's decision.
- h. Copies of the district's UCP are available free of charge.

### District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631) The compliance officer 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. All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation, unlawful discrimination, or bullying confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

### 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 accordance with the following:

1. A written 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 requiring students to pay 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)
3. A complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when 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 him/her 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.

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) Mediation Within three business days after the compliance officer receives the complaint, he/she 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 asexual 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 his/her investigation of the complaint. The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. 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 his/her representative with the opportunity to present the information contained in complaint to the compliance officer and shall notify the complainant and/or his/her 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, 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. (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)

The compliance officer shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not. Report of Findings

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

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

### Final Written Decision

The district's decision shall be in writing and shall be sent to the complainant. (5 CCR 4631) 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 that may be involved in implementing the decision or affected by the complaint, as long as the privacy of the parties is protected. If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends 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. In other all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the 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
5. 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:

1. How the misconduct affected one or more students' education
2. The type, frequency, and duration of the misconduct
3. The relationship between the alleged victim(s) and offender(s)
4. The number of persons engaged in the conduct and at whom the conduct was directed
5. The size of the school, location of the incidents, and context in which they occurred
6. Other incidents at the school involving different individuals
7. 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:

1. The corrective actions imposed on the individual found to have engaged in the conduct that relate directly to the

subject of the complaint.

2. Individual remedies offered or provided to the subject of the complaint
3. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence
4. 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
5. The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

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. He/she 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](http://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.

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
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
9. Determination of whether any past actions of the victim that resulted in discipline were related to the treatment the victim received and described in the complaint

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

Disciplinary action, such as suspension or expulsion, as permitted by law 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. 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 accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

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

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

MORGAN HILL UNIFIED SCHOOL DISTRICT approved: June 23, 2015 Morgan Hill, California

### **Notice Regarding Lactation**

*The California Department of Education sets policies and procedures that district's must follow to ensure compliance with state and federal regulations. We are required to provide notice of the information below to all parents and students in grades kindergarten through twelve regarding pregnant, lactating and parenting students.*

*The LEA provides reasonable accommodations to a lactating pupil on a school campus to express breast milk, breast-feed an infant child, or address other needs related to breast-feeding. A school shall be required to provide the reasonable accommodations specified only if there is at least one lactating pupil on the school campus.*

*(a) Reasonable accommodations under this section include, but are not limited to, all of the following:*

- (1) Access to a private and secure room, other than a restroom, to express breast milk or breast-feed an infant child.*
- (2) Permission to bring onto a school campus a breast pump and any other equipment used to express breast milk.*
- (3) Access to a power source for a breast pump or any other equipment used to express breast milk.*
- (4) Access to a place to store expressed breast milk safely.*

*(b) The district provides a lactating pupil on a school campus with a reasonable amount of time to accommodate her need to express breast milk or breast-feed an infant child.*

(c) *The district ensures that a pupil does not incur an academic penalty as a result of her use, during the school day, of the reasonable accommodations specified in this section, and pupils are provided the opportunity to make up any work missed due to such use.*

***EC § 222(a), (b), (e)***

*Each school site has identified a private area, either an unused office space within the main office building or in a private office in the girls' locker room, that a student could use to express breast milk. Each of the spaces includes power outlets that can be used to power a breast pump. Expressed breast milk would be stored in the refrigerator of the school health office since access to that refrigerator is controlled by the health assistant and is not open to the general student or adult population. The student would be given a reasonable amount of time during the school to express milk, with the understanding that it might not necessarily coincide with scheduled breaks during the school day schedule. If the student needs to express milk or nurse a child during the school day, she shall not incur academic penalties and will continue to have full access to her coursework, tests, activities, etc.*